

## Canada

### Province of Prince Edward Island

**IN THE MATTER** of the *Family Law Act*, Stats. PEI, 1995, Chap.12.

– and –

**IN THE MATTER** of the *Registry Act*, being Revised Statutes of Prince Edward Island, 1988, Chapter R-11, as amended

– and –

**IN THE MATTER** of the *Excise Tax Act*, (Canada)

### Affidavit

I, \_\_\_\_\_, of \_\_\_\_\_, in \_\_\_\_\_  
County, Province of Prince Edward Island,

#### Make oath and say as follows:

1. I was at least eighteen (18) years of age at the time I signed this affidavit and have personal knowledge of the matters hereinafter stated.
2. **THAT** for the purposes of this affidavit:

"Spouse" has the same meaning as set forth in the *Family Law Act*, Stats. PEI 1995, Chapter 12, Section 1(g) which provides as follows:

"spouse" means an individual who, in respect of another person,

- a) is married to the other person, or;
- b) has entered into a marriage with the other person that is voidable or void.

"Family Home" has the same meaning as set forth in the *Family Law Act*, Stats. PEI, 1995, Chapter 12, Section 4(a) which provides as follows:

"Family Home" means a family home under Section 19 and includes property that is a family home under that section at the valuation date. Section 19 provides as follows:

- a) Every property in which a married person has an interest and that is or, if the spouses are living separate and apart, was at the time of separation ordinarily occupied by the person and his or her spouse as their family residence is their family home
  - b) The ownership of a share or shares, or of an interest in a share or shares, of a corporation entitling the owner to occupy a housing unit owned by the corporation shall be deemed to be an interest in the unit for the purposes of subsection (1)
  - c) If the property that includes a family home is normally used for a purpose other than residential, the family home is only the part of the property that may reasonably be regarded as necessary to the use and enjoyment of the residence.
3. **THAT I** have no Spouse with a right to possession or other interest in the property described in Schedule "A" hereto ( the "Property") by reason of an Order of the Court or a domestic contract pursuant to the *Family Law Act*.

4. Check the applicable box(es)

- I have read the definition of "Spouse" given. I am not a Spouse.
- I have read the definition of "Family Home" above. The Property is not designated as a Family Home under Section 21 of the *Family Law Act*, and amendments thereto and an instrument designating another property as the Family Home of me and my Spouse is registered under Section 21 and has not been cancelled.
- I have read the definition of "Family Home" above. I am a spouse who is living apart from my spouse and that the property was not occupied by me or my spouse at the time of my separation as our Family Home.
- I have read the definition of "Family Home" above. I am a spouse who is not living apart from my spouse and that the property was never occupied by me and my spouse as our Family Home.
- Spouse has released all interests under part II of the *Family Law Act* pursuant to the provisions of a separation agreement.
- The Property is not now the subject of a Court Order, interim or otherwise, under the provisions of the *Family Law Act*.

5. That I am a resident of Canada within the meaning of the *Income Tax Act* (Canada).

6. At the time I signed this Affidavit I was a Canadian Citizen.

7. As Vendor, I hereby certify that the sale of the property described in the foregoing Deed is an exempt supply of property as provided in Sections 2 to 5, 8 and 9 of Part I of Schedule V of the *Excise Tax Act* (Canada).

**SWORN** before me at

\_\_\_\_\_, in \_\_\_\_\_ County, Province of Prince  
Edward Island, this \_\_\_\_\_ day of \_\_\_\_\_, A.D.,

\_\_\_\_\_  
A Commissioner for taking Affidavits  
in the Supreme Court.

} \_\_\_\_\_