**Inland Revenue** Te Tari Taake

# April 2021 Application for exemption from residential land withholding tax (RLWT)

Note

You can apply for an exemption from RLWT if:

- you're someone who carries on a business of developing land, dividing land into lots, or erecting buildings, or
- it's your main home in New Zealand being sold/disposed of.

If the seller is a partnership (except for a limited partnership, see note on page 3) or unincorporated club or society, each member that is an offshore RLWT person must complete an IR1103 if they wish to apply for an exemption from RLWT, and show their own IRD number, not that of the partnership, unincorporated club, or society.

IR1103

### Details of the person or entity applying for the exemption

	······ ···· ···· ···· ····· ······ / ··							
1	Full name	Mr	Mrs	Miss	Ms	Non-ine	dividual (Tick 1)	
2	IRD number							
3	Street address							
	(Do not show a box or bag							
	number)	Street address						
4	Postal address, only if it's	Town or city			Postcode/zip	code	Country	
4	different from the street address							
	Do not show your tax preparer's address here	Street address, P	O Box, Private c	or Locked Bag nu	ımber			
		Town or city			Postcode/zip	code	Country	
5	Contact phone numbers	()		(	)	couc		
5	contact phone numbers	Daytime		Evenir	) Ig		Mobile	
6	Email address							
	I give consent to communicat Inland Revenue will take all rea guarantee that emails will not prior to being sent unless othe this information secure, and en	asonable steps be intercepte erwise agreed.	s to mitigate d while in tra I acknowled	any risk of er ansit. All doc ge that, once	mails being sen uments will be the email has	t to the wron converted to been received	g recipient, but o PDF and passwo	cannot ord protected
7.	Tick the reason for applying for an         Carrying on a business of deve         or erecting buildings - comple	loping land, d			Main hor pages 3 a		e question 7B. See	e notes on
7A	Applying as someone who car	ries on a bu	usiness of c	leveloping	land, dividi	ng land into	o lots, or erect	ing buildings
	l am: Developing lan	d	D	ividing land i	nto lots	Ere	cting buildings	
Description of the property being of, for example, Certificate of Title See note on page 3 for Question 7		umber.						
	separate piece of paper and attach t	ou have more than 1 property you want this exemption to apply to provide a list of the properties with their descriptions, on a parate piece of paper and attach to this form.						
	As the applicant:							
	I have met all tax <b>or</b> obligations under the Inland Revenue Acts for the 2 years before applying. If applying as a limited	<ul><li>that might a for the types</li><li>The security</li><li>10% of the</li></ul>	rise from the of securities <b>v will need to</b> ne estimated	e sale/disposa s that may be <b>s be for an a</b> i	al of the proper acceptable to mount that is	rties listed. Se Inland Reven <b>the greater o</b>		for Question 7A
	partnership or you are a member of a	NZ \$50,0  Attach:		ts for the am	ount of the se	curity being p	rovided	

group of companies

see note on page 3

for Question 7A.

- supporting documents for the amount of the security being provided,
- a solicitor's certificate as to the execution of the security document, or a non-revocation of power of attorney for the security document (if applicable), and
- a schedule of projected property-related income and costs for the properties this exemption relates to.

#### 7B Applying as the property is my main home

### Refer to notes for question 7B on pages 3 and 4

Description of the property being sold/disposed of, for example, Certificate of Title.

I confirm the property was used as my main home (tick 1):

Date binding sale and purchase agreement was entered into for original purchase/acquisition of the property.

If the property was acquired on or after 27 March 2021, but an irrevocable offer was made on or before 23 March 2021, please provide supporting documentation. See note on page 3 for Question 7B - Date binding sale and purchase agreement entered into.

Day

Day

Day

Departure

Day

Date of your original purchase/acquisition of the property.

Date of the sale/disposal of the property.

Dates you lived in the property as your main home, for example, the date you moved in until the date you moved out. Do not include periods where you were not living in the property as your main home, for example, a period between moving out and when the property was sold. If you have more dates show these on a separate piece of paper and attach it to this form.

Have you been out of New Zealand since purchasing the property?

#### No

Yes - show the dates you've been out of New Zealand for periods longer than 3 months. If you have more than 3 trips, show the other departure and arrival dates on a separate piece of paper and attach it to this form.

Attach a copy of 2 different forms of evidence that show both your name and the address of the property from the period it was your main home.



#### These may include:

Month

- a bill from the company who supplies your power, gas, water, phone or internet services
- an insurance policy document for contents, car or life. This does not include a letter from friends or family.

### 8 Declaration Name Designation or title (if applicable)

mple director partner tructed evecutive office holder manager duly authorized percen For e

I declare that the information
given on this form is true and
correct.

For example, director, partiler, trustee, executive once noider,	manager, duly authorised pers	011	
Signature	Date		
	Day	Month	Y

If completing this form online an electronic signature is acceptable

### Privacy

Meeting your tax obligations means giving us accurate information so we can assess your liabilities or your entitlements under the Acts we administer. For full details of our privacy policy go to ird.govt.nz/privacy

### Send this form with all supporting documentation to:

If applying as someone carrying on a business of developing land, dividing land into lots, or erecting buildings:



## Email: NR.contractors@ird.govt.nz

Inland Revenue Post: PO Box 2198 Wellington 6140 New Zealand

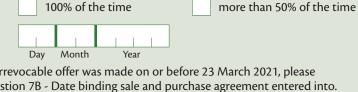
If applying as the property is your main home:

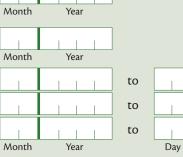


#### Email: RLWTforms@ird.govt.nz

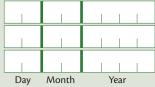
Inland Revenue Post: PO Box 39010 Wellington Mail Centre Lower Hutt 5045 New Zealand

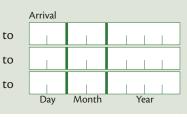
Note: If you want us to send you emails about this application you'll need to make sure you've ticked the consent under question 6.





Yeai





ear

#### Limited partnership

If the seller is a limited partnership, apply under its IRD number. A separate application is not needed from each partner.

#### Question 7A - Compliance with tax obligations

You, or an associate must have had and met all tax obligations under the Inland Revenue Acts for the 2 years before applying, for example filed tax returns required, met any employer, GST or provisional tax obligations.

If applying as a limited partnership or a company that is a member of a group of companies you can apply for an exemption if it has been in existence for less than 2 years. For this to be accepted an associate such as a partner of the limited partnership or another member in the same group of companies needs to have met all their tax obligations under the Inland Revenue Acts for the 2 years before you apply. If this is the case you can tick this option.

#### **Question 7A - Types of securities**

This could include a bank bond, mortgage against real property, or a surety or bond from a finance or insurance entity/provider. You may also have another type of security you'd like to provide. Send us details of your proposed security, and all necessary forms and documents from the entity/provider who is providing the security. We'll consider this and discuss with you if we do not think it's acceptable.

#### Question 7A and 7B - Description of property

If the land being disposed of has a Certificate of Title number show this. If there is no Certificate of Title number, show 1 of the descriptions in the following table.

Description of property	Include with your application a copy of:
leasehold title	the lease
allocated number/letter	the plan or similar, for example, subdivision plan, (for example, master, sale or survey plan) showing the property and the part being disposed of with the allocated number/letter
other description, for example, a survey plan (not the address)	similar documentation to the above that shows the property and the part being disposed of with the description

#### Question 7B - Main home

To be your main home you need to meet the main home exclusion criteria under the bright-line property rules. You must have used more than 50% of the area of the property as your main home. This includes things like the yard, gardens, and garage.

You must also have used the property for:

- more than 50% of the time as your main home if acquired between 29 March 2018 and 26 March 2021 (inclusive) and sold within 5 years
- 100% of the time as your main home if acquired on or after 27 March 2021 and sold within 10 years. This may include a continuous period or periods of up to 12 months in total in the bright-line period where the property was not used as your main home (for example, a period between moving out and when the property is finally sold).

Go to **ird.govt.nz/property** to find out:

- when you cannot use the main home exclusion and when it may still apply
- how to work out which is your main home when you have more than 1.

#### Question 7B - Date binding sale and purchase agreement entered into

For tax purposes, a property is generally acquired on the date a binding sale and purchase agreement is entered into (even if some standard conditions like getting finance or a building report still need to be met). This determines which bright-line test applies. Full information on when a property is acquired is found in QB 17/02 on **taxtechnical.ird.govt.nz** 

A property acquired on or after 27 March 2021 will be treated as having been acquired before 27 March 2021, if the purchase was the result of an offer the purchaser made on or before 23 March 2021 that could not be withdrawn before 27 March 2021. This means that the 5-year bright-line test applies. To support this, please provide a copy of the sale and purchase agreement and any supporting contractual documents (including any tender document).

# Question 7B - Date of your original purchase/acquisition of the property

This determines the start date of the bright-line period.

Type of purchase/acquisition	Date to use		
Purchase/acquisition of property	Date of registration with Land Information New Zealand (LINZ)		
Purchase/acquisition where no registration occurs prior to the sale/ disposal date	Latest date that you acquired an interest in the property		
Acquiring property by way of subdivision of property where registration of the undivided property has occurred prior to the sale/disposal date	The original date of registration for the undivided property		
Acquiring property by way of subdivision of property where <b>no</b> registration of the undivided property occurs prior to the sale/ disposal date	The latest date you acquired an interest in the undivided land		
Land acquired as the result of the completion of a land development or subdivision where acquisition was contingent upon completion	The date you acquired an interest in the property		
Freehold estate converted from a lease with a perpetual right of renewal	The date the leasehold estate was granted		

### Question 7B - Date of sale/disposal of property

This determines the end date of the bright-line period.

Type of sale/disposal	Date to use		
Sale, transfer, or disposal of property under an agreement	Date you entered into an agreement for sale, transfer, or disposal		
Gifting of property	Date the gift was made		
Compulsory acquisition by the Crown, a local authority, or a public authority	Date of compulsory acquisition		
Mortgagee sale	Date the property is disposed of by or for the mortgagee as a result of the mortgagor's default		
Disposals not covered above	Date you disposed of the property		