



## Hotsheet

### **Gap Coverage in Ontario: Protection When You Cannot Register Documents on the Closing Date**

On busy days in many Land Registry Offices across Ontario, it may be difficult to register closing documents on the scheduled closing date. The TitlePLUS<sup>®1</sup> program offers help to lawyers facing this situation, for properties in both Land Titles and Registry.

The TitlePLUS program will provide coverage where all parties to a transaction are ready to close, but the purchaser's lawyer is unable to register the Transfer and other closing documents on the closing date because of the volume of transactions in the applicable Land Registry Office that day.

The TitlePLUS program will protect the insured purchaser and lender clients in this situation, at no additional premium, in accordance with the following requirements:

1. The purchaser's lawyer must conduct a subsearch of title, and obtain the normal executions certificates, and these searches should be clear. If, as a result of volume in the Land Registry Office, it may not be possible to do these searches on the scheduled closing date, they must be made on the business day before the scheduled closing date. If you are unable to subsearch at all or the subsearch or executions certificate discloses a new registration or execution, contact the TitlePLUS Customer Service Centre for instructions.
2. The purchaser's lawyer and the vendor's lawyer must have reviewed and exchanged on-title and off-title documents, including registrable documents, and each must be satisfied with the documents he or she has received.
3. As soon as the purchaser's lawyer becomes aware that he or she will not, or may not, be able to register on the closing date, he or she should call the TitlePLUS Customer Service Centre at 1-800-410-1013 or 416-598-5899. A TitlePLUS representative will ask the lawyer to confirm that the requirements in nos. 1 and 2 above have been completed, and will then verbally advise the lawyer that he or she can release the closing funds.
4. The TitlePLUS representative will fax confirmation of the above to the purchaser's lawyer. However, the purchaser's lawyer does not need to wait to receive this fax before releasing the closing funds.

5. The purchaser's lawyer should register the closing documents as early as possible on the next business day. If this is not possible, contact the TitlePLUS Customer Service Centre to request an extension. (Extensions of time, for not more than two additional business days, may be granted in exceptional circumstances.) No further subsearch or execution certificates are required, except as necessary to register a Transfer in Land Titles.
6. The purchaser's lawyer is not required to notify the TitlePLUS Customer Service Centre that registration has been completed.

A TitlePLUS policy for which this coverage is granted will protect the insured purchaser and lender regarding any intervening registrations or writs of execution, from the time of releasing funds to the time of registration of the closing documents. For TitlePLUS purposes, the "closing date" is the day funds were released, not the registration date.

<sup>1</sup> The TitlePLUS policy is underwritten by Lawyers' Professional Indemnity Company (LAWPRO®). Please refer to the policy for full details, including actual terms and conditions.

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