

Title PLUS[®]

Hotsheet

Change to TitlePLUS^{®1} Policy Issuance Checklist Resulting from New Law Society of Upper Canada Client Identification and Verification Requirements

LSUC By-Law 7.1 – Operational Obligations and Responsibilities

Amendments to Law Society of Upper Canada (“LSUC”) By-Law 7.1 [Operational Obligations and Responsibilities], which establish client identification and verification requirements for Ontario’s lawyers and licensed paralegals, will come into effect on December 31, 2008.

Change to TitlePLUS Policy Issuance Checklist

As of December 31, 2008, the TitlePLUS Policy Issuance Checklist will require confirmation that the LSUC’s client identification and verification requirements have been complied with, where applicable. Photo ID for all purchasers, borrowers and existing home owners will continue to be required for all TitlePLUS policy applications. Also note that where a client’s (such as a lender’s) identification and verification requirements exceed TitlePLUS underwriting and LSUC requirements, the client’s instructions should be followed.

If you were acting for a client on a matter before the By-Law came into force and the matter is continuing, you do not have to identify this client as long as the matter is the same, but if you take on a new matter for this client, you must comply with the identification requirements.

Resources

The LSUC has developed the resources below to assist lawyers to better understand the new requirements and make changes to their practices and procedures to ensure compliance. These resources can be found at <http://www.lsuc.on.ca/latest-news/a/hottopics/new-client-identification-and-verification-requirements/>.

- Introduction and background information;
- Steps to assist in compliance with requirements;
- Frequently asked questions and answers;
- Sample file forms for verification of identity;
- Sample attestation form for verification of identity for use when the client is in Canada and the lawyer is not meeting face to face with the client; and
- Sample form verification of identity agreement where the lawyer is not meeting face to face with the client and the lawyer retains an agent to verify identity.

¹ The TitlePLUS policy is underwritten by Lawyers’ Professional Indemnity Company.

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