

*Come celebrate with us!*



We are pleased to invite you to our 10<sup>th</sup> Anniversary Conference. This very special event will take place at the Fallsview Casino Resort in Niagara Falls, Ontario. The conference begins on Sunday, May 6, 2007 with a semi-formal dinner, including a Big Band and dancing, then continues on Monday, May 7, 2007.

The conference will reveal the past, present and future of real estate conveyancing and the TitlePLUS vision for the next ten years.

Lawyers and their staff are invited to attend the conference, and spouses are welcome to attend the gala dinner and the conference breakfast.

For more information, including details on our special offer for accommodation at the Niagara Falls Hilton, please [click here](#).

Please [RSVP](#) by April 5, 2007. Be sure to reserve early, as space is limited.

We look forward to celebrating our 10<sup>th</sup> Anniversary with you!



# TitlePLUS Claims – A Happy Ending

By DJ Campbell, Staff Adjuster TitlePLUS Claims



As a Staff Adjuster in the LAWPRO Claims Department, I handle a wide variety of TitlePLUS claims. Have you ever wondered about the types of claims that cross our desks? The following is one example of a TitlePLUS claim where coverage was extended to the homeowners.

Mr. & Mrs. Smith (the names have been changed) saw a property that they wanted to buy and made an offer conditional on a home inspection. During the home inspection, Mr. & Mrs. Smith detected a musty smell which the home inspector advised was likely due to a failure to clean the eavestroughs. The Smiths waived the inspection condition and the Agreement became firm and binding. On closing, Mr. & Mrs. Smith purchased a TitlePLUS policy. The transaction closed without incident and Mr. & Mrs. Smith moved into their newly purchased home.

As they were settling into their home, the Smiths noticed that the musty smell continued to linger throughout the house even after the eavestroughs were cleaned. Upon further investigation, they discovered that the entire floor of a back room addition had rotted out and there was approximately 2.5 feet of water under the floor. The vendors had placed carpet over the floor to conceal the problem.

Upon discovery of this serious problem, the Smiths submitted a [TitlePLUS Proof of Loss form](#) to LAWPRO. We assigned an adjuster to attend at the property and assist us with our investigation. The adjuster determined that the back room addition was constructed by a previous owner without a building permit and was not in accordance with the relevant provisions of the Ontario Building Code. This, of course, is a covered risk under the TitlePLUS policy.

Since the home's furnace was located in the back room addition, it was necessary for us to relocate Mr. & Mrs. Smith to a rental property while we continued our investigation. After completing our review, we replaced the addition.

This is just one example of a happy ending for a TitlePLUS claim, where satisfied purchasers could use their new home to the fullest.



## NEW HOME PROGRAM



# Upcoming Ontario Closings in the TitlePLUS New Home Program<sup>1</sup>

The closings for the following condominium development in the TitlePLUS New Home Program will occur in March 2007:

- Amacon Development (Huronario) Corp., marketed as Amacon Eden Park, registered as PSCP No. 802, located in Mississauga
- Flintview Holdings Inc., marketed as Flintview @ Arrowhead, registered as Plan 1068 t/w GCECP No. 72, located in Grey County
- Mattamy (Cooksville) Limited, marketed as Cooksville High Park Phase 3, registered as PSCP 798, located in Mississauga
- York (Harris) Properties Inc., marketed as Vineyards Phase 1, registered as YRSCP 1083, located in Richmond Hill

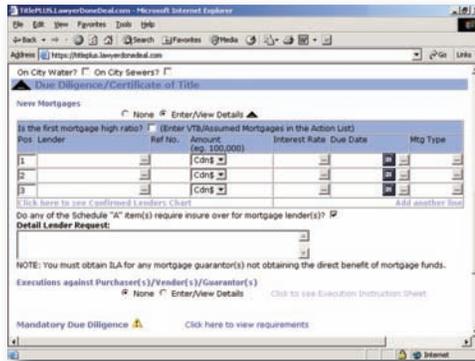
----- print this handy list and post it in a convenient location for future reference -----

The closings for the following subdivisions in the TitlePLUS New Home Program will occur throughout 2007:

- Cachet Estate Homes (Georgetown) Inc., marketed as Cachet Hills (Plan 20M-978), located in Georgetown
- Cachet Estate Homes (Riverstone) Inc., marketed as Cachet Riverstone (Plan 43M-1714), located in Brampton
- Fernbrook Homes (Bathurst) Limited, marketed as Coronation (Plan 65M-3917), located in Vaughan
- Fernbrook Homes (Brooklin) Limited, marketed as Brooklin (Plans 40M-2234 and 40M-2311), located in Brooklin
- Fernbrook Homes (Coral Sunrise) Limited, marketed as Coral Sunrise (Plan 51M-636), located in Brampton
- Fernbrook Homes (Fontainbleu) Limited, marketed as Fontainbleu (Plan 65M-3727), located in Richmond Hill
- Fernbrook Homes (Keele) Limited, marketed as Castle Springs (Plan 65M-3878), located in Vaughan
- Fernbrook Homes (Majormac) Limited, marketed as Eagle Hills (Plan 65M-3932), located in Vaughan
- Mattamy (Brownridge) Limited, marketed as Hawthorne South PH14B (Plan 20M-973), located in Milton
- Mattamy (Creditvalley) Limited, marketed as Fletchers' PH7 (Plan 43M-1717), located in Brampton
- Mattamy (Goreway) Limited, marketed as Castlemore South PH2 (Plan 43M-1711), located in Brampton
- Mattamy (Richardson) Limited, marketed as Alton Village PH2 (Plan 20M-977), located in Burlington
- Mattamy (Stouffville) Limited, marketed as Mattamy On Main (Plan 65M-3890), located in Whitchurch-Stouffville
- Mattamy (Wykland) Limited, marketed as Cornell PH2 (Plan 65M-3884), located in Markham
- Vandyk-Brownstones of Olde Brampton Limited, marketed as Brownstones of Olde Brampton (Plan 43M-1690 t/w PCEC No. 790), located in Brampton
- Vandyk-Feddler's Glen Estates, marketed as Fiddler's Glen PH2 (Plan 7M-28), located in Shelburne
- 2021872 Ontario Inc., marketed as Joshua Creek (Plan 20M-981), located in Oakville

<sup>1</sup> Purchase prices greater than \$1 million CDN are not eligible for the TitlePLUS New Home Program. Contact the TitlePLUS Customer Service Centre at 416-598-5899 as early as possible to discuss your options, as additional searches will apply.

# Insure Over Requests



## for Mortgage Lenders in Purchase Applications

Are you applying for a purchase policy?

Are you acting for both the purchaser and the mortgage lender?

Does the mortgage lender want coverage for an issue that would otherwise be an exception to coverage on Schedule "A" of the TitlePLUS Policy?

You can request an "insure over" for the mortgage lender only.

For example, the purchaser may instruct you that he or she is prepared to accept a policy containing an exception to coverage for an encroachment by or onto the property, but the mortgage lender will not advance funds unless this exception is insured over.

On [titleplus.lawyerdonead.com](http://titleplus.lawyerdonead.com), you will enter particulars of the mortgage in the "Due Diligence/Certificate of Title" section of the purchase application. Immediately below the mortgage particulars is the question: "Do any of the Schedule "A" item(s) require insure over for mortgage lender(s)?"<sup>2</sup>

To request one or more insure over(s) for the mortgage lender only (i.e., the purchaser will not receive coverage for the issue(s)), click the box next to this question. In the free text box that appears, briefly describe the nature of your insure over request for the mortgage lender. Then, enter the corresponding exception to coverage for the purchaser in the TitlePLUS Action List, with the action "Remain Outstanding." Do not choose "Insure Over" in the Action List; your entry regarding the mortgage lender already indicates to us that you require an insure over for the mortgage lender only.

When you submit the application for pre-approval, a TitlePLUS staff member will manually review it and advise you about whether or not coverage is available for the mortgage lender.

Help us help you in the quickest and most efficient way by entering your mortgage lender insure over requests in the New Mortgages section.

<sup>2</sup> In RealtiPLUSWeb, you can request an insure over for the mortgage lender in the TitlePLUS section of the Mortgages screen.



## Update on Confirmed Lenders

The following are new TitlePLUS Confirmed Lenders:

- **Macquarie Financial Ltd.**  
(Ontario – Residential, Commercial, Farm; National – Residential)
- **Your Credit Union Limited**  
(Ontario – Residential, Commercial, Farm)

**Concentra Financial Services Association** (formerly Co-operative Trust Company of Canada) will now accept TitlePLUS title insurance for purchase and/or mortgage-only transactions on residential, commercial and farm properties in Ontario and on residential properties nationally.

**N-Brook Mortgage Holdings Inc.** has changed its name to **NBMH Inc.**

Please refer to the TitlePLUS Confirmed Lenders Page on [titleplus.ca](http://titleplus.ca) for a complete listing of Confirmed Lenders along with their approved transaction types.

## Reminder

We require you to search deleted instruments and report any transfer(s) or mortgage(s) discharged within six months before the closing.

# Water & Sewage

# Arrears

The TitlePLUS policy provides coverage for liens or charges on land arising as a result of public utility arrears, including water and sewage. Where the property is on municipal or other publicly supplied water and sewage services and these arrears form a lien on the land that would bind a subsequent owner, you must inquire as to whether there are arrears owing for water and/or sewage services supplied to the property unless one of the exceptions listed below applies. Water and sewage charges are normally billed together.

Applicable legislation may allow water and/or sewage arrears to be added to the tax bill, and form a special lien on the property in priority to other claims. For example, in Ontario, under Section 398(2) of the *Ontario Municipal Act, 2001*,<sup>3</sup> municipally supplied water and/or sewage arrears may be added to the tax bill, and form a special lien on the property in priority to mortgages and other registered interests, including that of a subsequent owner.

**We do not require an inquiry into water and sewage charges for any property where:**

- a) it is a resale condominium/strata<sup>4</sup> property and the charges are included in the common expenses;
- b) the Purchaser is in possession of the property before closing and has been paying these charges;
- c) the property is in an area where the water supplier (public or private) has a published policy of not pursuing purchasers for arrears;
- d) it is a new home or condominium/strata<sup>4</sup> property and you will be receiving an undertaking from the vendor to readjust/pay any amounts owing; or
- e) these charges do not form a lien on the property that would bind a subsequent owner.

**If the inquiry is required, the following are acceptable:**

- a) verbal responses from suppliers;
- b) the most recent bill if it shows that previous bills were paid; or
- c) an unqualified Statutory Declaration by the Vendor that all such charges have been paid to date, and that the status of payments is accurately set out in the Statement of Adjustments.

Where there are arrears and the Vendor proposes adjusting for them on closing, you must ensure that this arrangement is acceptable to the mortgage lender as well as the Purchaser.

You should also watch for any indication (from a search response or the Agreement of Purchase and Sale) that there is rental equipment on the Property or on-going payments for the purchase of equipment. In such circumstances, you must take whatever action is appropriate to ensure that your client obtains the interest expected under the agreement. If your client will not own the equipment “free and clear” as of closing, disclosure must be made in the TitlePLUS application.

If there is any belief that the water service may not be available year round, the clients should be advised in writing and asked to confirm their acceptance of limited water service, as well as disclosure being made in the TitlePLUS application.

If you have any questions about this issue, please [contact us](#).

<sup>3</sup> S.O. 2001, Chapter 25.

<sup>4</sup> The TitlePLUS program does not insure strata lots in Alberta.





# Hot off the Presses:

## The New TitlePLUS Brochure for Home Buyers

Do you give the [TitlePLUS Home Buyer brochure](#) to existing clients or prospective real estate clients? We have re-written our home buyer brochure to make it more consumer-friendly. The new brochure outlines the TitlePLUS Program in terms that home buyers will understand. It also draws attention to you, so it is a good piece for you to mail to your clients and make available in your client reception area.

Check out the brand new brochure and [contact us](#) to order a supply, at no cost!