



Did you know that TitlePLUS<sup>®</sup> commercial policies have

## built-in legal services coverage?

Our commercial policy provides comprehensive protection for your clients purchasing or refinancing small business properties in **Ontario**, for up to \$2 million. It's the only commercial policy generally available in the market today that includes legal services coverage.

To save time, familiarize yourself with our search requirement charts in advance of your application. These charts list our usual due diligence requirements for certain types of properties and are available on [titleplus.ca](http://titleplus.ca).

The following property types fall under our commercial program:

- commercial condominiums;
- properties containing stores, restaurants and/or offices, with or without 1 to 4 residential dwelling units;
- multi-unit residential properties containing 5 or more dwelling units;
- industrial properties; and
- vacant land intended for commercial purposes.

For commercial property types other than those listed above, or for more information, please call the TitlePLUS Customer Service Centre at 416-598-5899 or 1-800-410-1013.

# Multi-unit properties:

## get the right coverage for your clients

Multi-unit properties are everywhere; some are more obvious than others. Examples include:

- a house with an apartment in the basement;
- a four-bedroom single-family dwelling with each of the four bedrooms rented out to students; or
- a home with rooms intended to be occupied by roomers, lodgers or boarders.

Note: A single condominium unit in a building with multiple condominium units does not constitute a multi-unit property.

A property containing up to **four** dwelling units falls under our residential program. You can apply for a policy for this type of multi-unit property on [titleplus.lawyerdonedeal.com](http://titleplus.lawyerdonedeal.com). If completing a purchase application, it is important to select “Multiple dwellings (not to exceed 4 dwellings).” A property with five or more dwelling units falls under our [commercial program](#) (available in Ontario only).

Before starting your application, ask your client if the property being purchased contains more than one unit and if any existing tenancies are being assumed.

If the purchaser or mortgage lender requires an opinion on the use of the property for multiple dwelling units, additional due diligence will apply.<sup>1</sup> This may include zoning compliance, compliance with fire or electrical



regulations, and/or a search for building, fire or electrical work orders. If the required searches will not be undertaken or if there are violations, the relevant exception(s) to coverage must either be inserted in the TitlePLUS application or be made the subject of an “insure over” request.

### Tenancy considerations

Properties with multiple units often involve tenants. Review the Agreement of Purchase and Sale for any obligations regarding the assumption and/or termination of tenancies. Tenancies affecting the property as of the closing date must be inserted as exceptions in the TitlePLUS application. In addition, where rent control is in force under provincial law, determine whether your clients require an opinion regarding the legality of rents with respect to any assumed tenancies.<sup>2</sup> Where rent control is in force and no rent opinion is provided, an exception must be inserted in the application.

Attention to these issues will help ensure that your client’s multi-unit property is protected under his or her TitlePLUS policy.

<sup>1</sup> Please see the applicable TitlePLUS Quick Facts to determine the required searches for your province.

<sup>2</sup> There is an additional charge for rent control opinions provided by the TitlePLUS department. For more information, call the TitlePLUS Customer Service Centre.

# One mortgage on multiple properties? We can help

Occasionally, you may receive instructions to register a mortgage to secure one principal sum on two or more properties.<sup>3</sup> We can provide coverage for this type of mortgage by adding an Aggregation Endorsement to the policies insuring the mortgage.

This endorsement is available for a mortgage on more than one residential property containing one to four dwelling units or for vacant land intended for residential purposes. In Ontario, the Aggregation Endorsement is also available for commercial properties and farms.

To apply, submit one TitlePLUS application for each property.<sup>4</sup> State the full principal amount of the mortgage in each application and trigger an “insure over” request. Refer to the Aggregation Endorsement in the request and, if available, state the related TitlePLUS application numbers or property addresses.

A TitlePLUS Underwriter will review the applications and attach the Aggregation Endorsement to each policy.<sup>5</sup> There is no additional charge for this endorsement.

<sup>3</sup> Mortgages securing a principal sum of up to \$2 million are eligible for TitlePLUS policies. For amounts over \$1 million, additional search requirements may apply.

<sup>4</sup> To obtain policies for commercial or farm properties in Ontario, or leasehold properties in Ontario or Nunavut, contact the TitlePLUS Customer Service Centre.

<sup>5</sup> Subject to our standard underwriting policies and procedures, and the circumstances of the individual transaction.

## Ontario

### Reminder: Real Estate Transaction Levy increase

The LAWPRO® Real Estate Transaction Levy has increased to \$65 for files opened on or after January 1, 2010. For details, see [LAWPRO's website](#).

### Condominium Reserve Fund top-up

In addressing the need to reduce the impact of the HST, the Ontario government has extended the requirement for condominium corporations (registered before May 5, 2001) to “top-up” reserve funds to May 2016.

### Beware of Section 71 Notices

Subsection 71(1) of the Ontario *Land Titles Act*<sup>6</sup> provides that “Any person entitled to or interested in any unregistered estates, rights, interests or equities in registered land may protect the same ... by entering on the register such notices, cautions, inhibitions or other restrictions as are authorized by this Act or by the Director of Titles.”

These notices may appear on the parcel register as either “Notice under s.71 of the *Land Titles Act*” or just “Notice.”<sup>7</sup> In either case, it is important to review the documents. Some of these notices may be Subdivision/Development Agreements for TitlePLUS purposes<sup>8</sup>, while others may include:

- Interests established by adverse possession;
- An easement by implied grant or estoppel;
- An agreement purporting to grant an easement;
- Notices of Purchaser’s or Vendor’s Liens;
- An agreement (other than a TitlePLUS Subdivision/Development Agreement) which provides for a charge to secure the payment of a debt or the performance of an obligation;
- Notice of Agreement Amending Charge;
- Notice of Right of First Refusal;
- Occupancy Agreement;
- Notice of General Assignment of Rents; or
- Notices of other types of unregistered interests.

Issues not being resolved on or before closing should be inserted as exceptions in the TitlePLUS application.

<sup>6</sup> R.S.O. 1990, c.L.5.

<sup>7</sup> Land Titles Bulletin 2008-04.

<sup>8</sup> See [titleplus.lawyerdonead.com](http://titleplus.lawyerdonead.com) for details.

# Built-in time-saving features on [titleplus.lawyerdonedeal.com](https://titleplus.lawyerdonedeal.com)<sup>9</sup>

by Shawna Ramsay, National Consultant, TitlePLUS



With the busy summer season upon us, we would like to remind you about some of the time-saving features built in to the TitlePLUS application software.

## Streamlining easements and restrictive covenants

Entering registered easements and/or restrictive covenants into a TitlePLUS application can be quick and simple.

When entering **registered easements**, you can take advantage of the “Registration Details – Attach Copy” option located in the “Registered Easements” section of the Action List. This option allows you to input the instrument numbers of registered easements into the Action List, while attaching copies to the TitlePLUS Acknowledgment and Direction for your clients.

The same approach is available for **restrictive covenants**. In the “Other Title Issues” section of the Action List, under “Restrictive Covenants,” choose “Registration Details – Acknowledgment and Direction.” This option also allows you

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## CONSULTANT'S CORNER cont'd

to insert the instrument numbers of any restrictive covenants and then attach copies to the TitlePLUS Acknowledgment and Direction.

### Importing from Teraview® or The Conveyancer® in Ontario

Did you know that if you are using the Teraview software to retrieve parcel registers for your real estate transactions, you can “Export” those parcel registers free of charge and then use that information to populate portions of your TitlePLUS applications? The next time you’re in Teraview to retrieve a parcel register, while you have it on your screen, glance over to the right-hand side and click on the “Export” button.

Once you are ready to complete your TitlePLUS application, log in to [titleplus.lawyerdonedeal.com](http://titleplus.lawyerdonedeal.com). After you have answered the intake questions and clicked on “Continue,” use the File dropdown menu at the top of the application bar and select “Import.” By using the “Browse” buttons in the Import screen, find the relevant saved file. You can then import data from your parcel register (e.g., legal description of the property, property address, property type, PIN, Land Registry Office and registry system).

You can also import information from The Conveyancer software program (e.g., purchase price, purchaser’s name, how title is being taken and mortgage information).

These features save you time and help avoid data entry errors. If you would like to take advantage of these capabilities, contact your TitlePLUS area consultant to arrange an in-office visit for refresher training for you and your staff.

° These functions are different in the RealiWeb® program. For more information, call the TitlePLUS Customer Service Centre.

° Teraview is a registered trademark of Teranet Inc.

° The Conveyancer is a registered trademark of Do Process Software Ltd.

° RealiWeb is a registered trademark of LawyerDoneDeal Corp. and is used under licence.



## Help us keep your staff up-to-date

By signing our Communication Sign-Up Form, your law firm staff will receive electronic updates on real estate-related topics, tips on using the TitlePLUS program and invitations to events, etc. [Click here](#), have your staff complete the form and mail or fax it back to us at 1-800-286-7639 or 416-599-8341.

### TitlePLUS staff update

The TitlePLUS Department is pleased to welcome Colette Ascenuik, Bilingual Analyst. We also congratulate Brian Gordon on his new position as TitlePLUS Sales Associate, and Slavica Karanovic on her position as Customer Service Representative.

## Marjorie Sharpe Retires

Marjorie Sharpe joined the TitlePLUS department as a Customer Service Application Analyst in the spring of 2000.

Over the last 10 years, she contributed to the success of the TitlePLUS program, most recently as a Sales Consultant for Southwestern and Northern Ontario. Jorie, as she was known by her clients, built strong relationships with many law firms in her territory.

Jorie would like to thank her subscribers and their staff for their support over the years, as many of them she calls friends.

The LAWPRO team would like to thank Jorie for her dedication to the TitlePLUS program and wishes her all the best in the future.

# Our mission is to promote you

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More than three years ago, we launched a public awareness campaign in support of the Canadian real estate bar. In 2009, we continued this campaign by publishing articles that appeared in 55 different publications across Canada.

Topics of the articles included:

- How to refinance to fund a renovation;
- How to protect your deal;
- Legal advice on power-of-sale purchases;
- Legal dimensions of running a business from home; and
- Buying from an estate: Issues to consider.

Most of the articles included a reference to the [Real Simple Real Estate Guide™](#), which contains resources for those buying or mortgaging homes and includes helpful information on the role of real estate lawyers. The *Guide* is available on [titleplus.ca](http://titleplus.ca).

We are pleased to provide you with a [copy of the 2009 report](#).

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Bonjour

## Services Bilingue



Veillez noter que le Centre de Service à la Clientèle TitrePLUS assure le service en anglais ainsi qu'en français. Si vous désirez parler avec un agent bilingue, veuillez appuyer sur le 2 et appuyez sur le 2 encore une fois pour le service en français.

# 2010 TitlePLUS Essay Prize winner



We are pleased to announce that Neil Wilson is the winner of this year's TitlePLUS Essay Prize for his essay entitled "Part Performance: An Invaluable Tool in the Practice of Real Estate Law."

Mr. Wilson, a student at Osgoode Hall Law School, examines the unique place the doctrine of part performance occupies in the practice of real estate law and the lack of certainty regarding its applicability.

Mr. Wilson received his prize at the OBA's Annual Real Estate Gala in Toronto on June 10, 2010. The cash prize of \$3,000 was presented by Kathleen A. Waters, President & CEO, LAWPRO.

Property located in a different jurisdiction?

## Get the facts



If a new client comes to you with a transaction involving a property in a jurisdiction other than where you practise, there is often a good reason (e.g., a new job, employer relocation, or the purchase of a recreational property). However, some **fraudsters target lawyers** who practise in different areas from where the subject properties are located, and sometimes also at a distance from the fraudster's supposed home address.

In these situations, it's a good idea to ask why the client has chosen to retain a lawyer in what is presumably an inconvenient location. You can also check the address on the client's ID against the address they've given you. If the answers leave you in doubt, it may be better to decline the deal.



## Update on Confirmed Lenders

Italian Canadian Savings & Credit Union Limited is now a TitlePLUS Confirmed Lender for residential, commercial and farm properties in Ontario.

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.



Proud sponsor of

# Crime Prevention Campaign

The TitlePLUS program is pleased to partner with the Ontario Association of Chiefs of Police (OACP) in its 2010 Crime Prevention Campaign. The goal is to educate the public on the consequences of, and preventive measures related to, various types of fraud.

As part of the campaign, OACP produced booklets containing crime prevention tips. The booklets are distributed through community outreach programs via uniformed police officers and other community partners. If you would like copies of the booklet, contact Chris Osti by e-mail at [chris.osti@lawpro.ca](mailto:chris.osti@lawpro.ca) or call 416-598-5899 or 1-800-410-1013.



## We want to hear from you

In our last issue, it was our pleasure to publish an article entitled "What is good service worth?" by L.G. William Chapman, who is a sole practitioner in Almonte, Ontario. To share your ideas on the practice of real estate, please submit your articles to Mahwash Khan by e-mail at [mahwash.khan@lawpro.ca](mailto:mahwash.khan@lawpro.ca).