

# Quick Facts

## for Residential Purchase Transactions<sup>1</sup>

■ NEW BRUNSWICK  
SEPTEMBER 12, 2017

A TitlePLUS<sup>®</sup> purchase policy = title insurance plus legal services coverage<sup>2</sup>



Survey coverage will be provided for all properties up to \$1 million. For properties over \$1 million, a Surveyor's Real Property Report may be required.

TitlePLUS purchase policies<sup>3</sup> (up to \$5 million) are available for these types of properties:

- new houses and condominiums;
- resale houses and condominiums;
- secondary homes and cottages;
- residential rental (up to 6 units);
- rural; and
- vacant land<sup>4</sup> intended for residential purposes.

TitlePLUS policies are also available for the following:

- mortgage-only (refinance) transactions; and
- current owners (OwnerEXPRESS<sup>®</sup>).

<sup>1</sup> The TitlePLUS policy is underwritten by Lawyers' Professional Indemnity Company (LawPRO<sup>®</sup>). Contact LawPRO for brokers in Manitoba, Alberta and Québec.

<sup>2</sup> Excluding OwnerEXPRESS policies and Québec policies.

<sup>3</sup> Please refer to the policy for full details, including actual terms and conditions. See over for Summary of Searches. Different search requirements apply to transactions over \$1 million; please call us for details. The TitlePLUS program does not insure commercial, mixed use or farms in New Brunswick.

<sup>4</sup> Some restrictions may apply.

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**You must enter an exception to coverage in the TitlePLUS application where:** (a) a search is required but not done; or (b) search results disclose, or you know of, issues or concerns which will not be resolved on or before closing. Verbal or online search responses are acceptable.

**For properties up to \$1 million, the following searches are never required:** (a) *Personal Property Security Act*; (b) corporate escheats/limited partnerships; or (c) compliance with Subdivision/Development Agreements (as defined<sup>5</sup>).

TYPE OF SEARCH	COMMENTS
<b>TITLE SEARCH</b>	
Subject Property	<b>Always required:</b> Note date of last transfer to insert in TitlePLUS application. If last transfer within past 2 years, note whether transfer at arm's length and if so, insert date and consideration in TitlePLUS application. If mortgage discharge registered within last 6 months, indicate in TitlePLUS application.
Servient Tenement re: Easement (if any)	<b>Always required:</b> Confirm easement in description for servient property.
Compliance with Subdivision Control	<b>Sometimes required:</b> Where necessary.
<b>JUDGMENTS/WRITS</b>	
Vendor	<b>Always required:</b> Note any judgments/writs found on title.
Condominium Corporation	<b>Always required:</b> Where condominium, note any judgments/writs found on title.
<b>OFF-TITLE SEARCHES &amp; INQUIRIES</b>	
Property Tax and Local Improvements	<b>Always required:</b> Where provided, verbal or online responses are acceptable. If not available, we will accept the vendor's undertaking to pay all outstanding taxes to the date of closing or as shown on the Statement of Adjustments, and an undertaking to readjust.  Where property taxes for a new house or condominium have not yet been separately assessed, you may obtain on closing the builder's undertaking to readjust. For resale of recently constructed houses or condominiums, see Hotsheet in Help menu on <a href="http://titleplus.lawyerdonedeal.com">titleplus.lawyerdonedeal.com</a> for instructions.
Collector of Revenue	<b>Always required:</b> Vendor to provide affidavit that he/she/it is not a "collector" under the <i>Revenue Administration Act</i> .
Employees' Liens	<b>Sometimes required:</b> If Registry property being converted to Land Titles, confirm that the property is clear of any liens under the <i>Employment Standards Act</i> .
Mechanics' Liens	<b>Sometimes required:</b> If Registry property being converted to Land Titles, conduct a search for mechanics' liens for the past two years.
Utility Arrears	<b>Sometimes required:</b> Where these charges form a lien on the property that would bind a subsequent owner.  Where provided, verbal or online responses are acceptable. If not available, we will accept the vendor's undertaking to pay all charges to the date of closing.
Arrears of Charges for Equipment Purchased/Rented from Utility Supplier	<b>Sometimes required:</b> Need only be done where: (a) notice of the utility supplier's interest is registered on title; or (b) lawyer or client knows there is equipment which was purchased from utility supplier and is not fully paid for, or is rented.
Building Work Orders/Open Permits	<b>Not required where:</b> (a) new home; (b) condominium; (c) vacant land; or (d) one dwelling unit, except as stated below. <b>Required where:</b> (a) 2 to 6 dwelling units, including secondary suites and basement apartments (except new homes); or (b) being purchased under foreclosure, court sale, power of sale, judgments/writs, tax sale, from a mortgage insurer, trustee in bankruptcy or receiver or from the Crown after forfeiture.
Zoning – Confirm Use Permitted	<b>Separate search not required where:</b> response to Building Work Orders/Open Permits search includes permitted uses. <b>Required where:</b> (a) 2 to 6 dwelling units, including secondary suites and basement apartments; or (b) you have reason to believe that year-round occupancy may not be permitted. Surveyor's Real Property Report not required.
Fire Work Orders	<b>Separate search not required where:</b> response to Building Work Orders/Open Permits search includes fire work orders. <b>Required where:</b> 2 to 6 dwelling units, including secondary suites and basement apartments.
Licensing/Registration of 2 to 6 Dwelling Units	<b>Sometimes required:</b> Where 2 to 6 dwelling units, including secondary suites and basement apartments, and municipality requires permit, registration or licence.
Boarding, Lodging or Rooming House Licence	<b>Sometimes required:</b> Where property is a boarding, lodging or rooming house containing up to 6 rooms or units, and municipality requires a licence.
Potability Certificate	<b>Sometimes required:</b> Where private water system, client may obtain and deliver.
Unregistered Utility Easements, Conservation Area/Buffer Zone, Highway Access	<b>Sometimes required:</b> Never required for condominium; otherwise, required where risk factors apply. Risk factors may include: (a) hydro transmission lines, towers or other facilities; (b) bodies of water, coastline, wetlands, ravines or cliffs on or near the property; or (c) frontage on a provincial highway.
Waterfront Inquiries	<b>Sometimes required:</b> Where property fronts on ocean, lake or river (e.g., shoreline road allowance, waterbed issues, accretion, etc.).
New Home Warranty Program	<b>Sometimes required:</b> Where new home enrolled in program.
Occupancy	<b>Sometimes required:</b> Where permission to occupy is mandatory.
Violations of <i>Rental Tenancies Act</i> (Rentalsman)	<b>Sometimes required:</b> Where tenancy being assumed.
Heritage	<b>Sometimes required:</b> Where there are concerns that the property may be considered a "heritage property."
Environmental Hazards	<b>Sometimes required:</b> Where the vendor has disclosed any potential environmental hazard or the hazard is recorded in the property data maintained by Service New Brunswick.
Agricultural Land Protection	<b>Sometimes required:</b> Where the property is located in a rural area, confirm compliance with setbacks from registered agricultural land.
Farm Conversion	<b>Sometimes required:</b> If the property has been used as a registered farm within the past ten years, determine if there are any deferred taxes to be paid.
<b>SEARCHES ARISING FROM TITLE SEARCH</b>	
Condominium Estoppel Certificate	<b>Sometimes required:</b> Where condominium, obtain and review current Estoppel Certificate dated no earlier than 60 days prior to closing. If between 60 and 120 days have passed since the date of the Estoppel Certificate, call for instructions.
Restrictive Covenants Compliance	<b>Sometimes required:</b> Where have grounds to believe there is non-compliance based on discussion with purchaser and instead of listing alleged non-compliance on Schedule "A," want to attempt to establish that there is in fact compliance.
Reciprocal/Cost-Sharing Agreement	<b>Sometimes required:</b> No inquiry necessary where agreement between condominiums; otherwise, must obtain status letter.

<sup>5</sup> A "Subdivision/Development Agreement" for TitlePLUS purposes is defined as an agreement: (a) with a government, government-related body/agency (e.g., school board), or a utility company; (b) that imposes the primary obligation on the developer; and (c) that requires the developer to post security. Call us or see the Action List on [titleplus.lawyerdonedeal.com](http://titleplus.lawyerdonedeal.com) for additional details.