

Quick Facts

for Residential Purchase Transactions¹

■ NEWFOUNDLAND & LABRADOR
SEPTEMBER 12, 2017

A TitlePLUS[®]
purchase policy = title insurance
plus
legal services coverage²

TitlePLUS purchase policies³ (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 land⁴ intended for residential purposes.

TitlePLUS policies are also available for the following:

- mortgage-only (refinance) transactions; and
- current owners (OwnerEXPRESS[®]).

Survey Coverage

Survey coverage will be provided, without an up-to-date Surveyor's Real Property Report, in the following situations:

- the property is the whole of a lot on a registered plan of subdivision (see below for definition); or
- there is a Surveyor's Real Property Report which has been reviewed by the purchaser for accuracy or the vendor is giving a statutory declaration commenting on accuracy.

Whole of a Lot

For TitlePLUS purposes, a "whole of a lot on a registered plan of subdivision" includes a property which is:

- a whole lot on an approved plan of subdivision;
- part of a CMHC or Newfoundland and Labrador Housing Corporation development; or
- part of a municipally approved development with more than 10 homes in one of: St. John's, CBS, Clarendville, Cornerbrook, Deer Lake, Gander, Goose Bay, Grand Falls/Windsor, Labrador City, Logy Bay/Middlecove/Outer Cove, Mount Pearl, Paradise, Port-aux-Basques, Portugal Cove/St. Phillips, or Torbay.

plus

- 2 or more whole lots as described above; or
- a property that was a whole lot as described above prior to an expropriation, road widening or road closing, resulting in the removal or addition of part of a lot.

titleplus.ca

titleplus.lawyerdoneal.com

1-800-410-1013

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

² Excluding OwnerEXPRESS policies and Québec policies.

³ 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 Newfoundland & Labrador.

⁴ 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) corporate escheats/limited partnerships; or (b) compliance with Subdivision/Development Agreements (as defined⁵).

TYPE OF SEARCH	COMMENTS
TITLE SEARCH	
Subject Property	Always required: Confirm that registered title can be traced back to a good root. 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)	Always required: Confirm that the registered title of servient property discloses existence of easement throughout a 40 year period or since creation (whichever is shorter).
JUDGMENTS/EXECUTIONS	
Vendor	Always required.
Purchaser and/or Guarantor of Mortgage (if any)	Sometimes required: If granting mortgage. Search against guarantor not required if expressly waived by lender.
OFF-TITLE SEARCHES & INQUIRIES	
Property Tax and Local Improvements	Always required: 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 titleplus.lawyerdonedeal.com for instructions.
Mechanics' Liens	Always required.
RST/HAPSET and School Tax	Always required: As an alternative to a search with the Dept. of Finance, obtain evidence from vendor that there are no arrears owing.
<i>Personal Property Security Act</i>	Sometimes required: Where the purchase includes a mobile home that is permanently affixed to the land, confirm no security interest.
Utility Arrears	Sometimes required: 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	Sometimes required: 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 (in St. John's, Compliance Letter)	Not required where: (a) new home; (b) condominium; (c) vacant land; or (d) one dwelling unit, except as stated below. Required where: (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/executions, tax sale, from a mortgage insurer, trustee in bankruptcy or receiver or from the Crown after forfeiture.
Zoning – Confirm Use Permitted	Separate search not required where: response to Building Work Orders/Open Permits search includes permitted uses. Required where: (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	Separate search not required where: response to Building Work Orders/Open Permits search includes fire work orders. Required where: 2 to 6 dwelling units, including secondary suites and basement apartments.
Water Quality/Potability Certificate	Sometimes required: Where private water system, client may obtain and deliver.
Licensing/Registration of 2 to 6 Dwelling Units	Sometimes required: 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	Sometimes required: Where property is a boarding, lodging or rooming house containing up to 6 rooms or units, and municipality requires a licence.
Unregistered Utility Easements, Conservation Area	Sometimes required: Never required for condominium; otherwise, required where risk factors apply. Risk factors may include: (a) hydro transmission lines, towers or other facilities; or (b) bodies of water, coastline, wetlands, ravines or cliffs on or near the property.
Waterfront Inquiries	Sometimes required: Where property fronts on ocean, lake or river (e.g., shoreline road allowance, waterbed issues, accretion, etc.).
New Home Warranty Program	Sometimes required: Where new home enrolled in program.
Occupancy	Sometimes required: Where permission to occupy is mandatory.
Heritage	Sometimes required: Where there are concerns that the property may be considered a "heritage building."
Pippy Park Legislation	Sometimes required: Where legislation applicable to property, disclose in TitlePLUS application and confirm property is in compliance.
SEARCHES ARISING FROM TITLE SEARCH	
<i>Bank Act</i> , Bankruptcy, Workers' Compensation and Labour Standards	Sometimes required: Where corporate vendor or vendor carries on a commercial venture. As alternative, vendor may provide evidence of clearances or affidavit that he/she is not carrying on a commercial venture.
Condominium Estoppel Certificate	Sometimes required: 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	Sometimes required: 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	Sometimes required: No inquiry necessary where agreement between condominiums; otherwise, must obtain status letter.

⁵ 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 for additional details.