

Quick Facts

for Residential Purchase Transactions¹

■ NOVA SCOTIA
SEPTEMBER 12, 2017

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



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

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[®]).

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 Nova Scotia.

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) *Personal Property Security Act*; (b) corporate escheats/limited partnerships; or (c) compliance with Subdivision/Development Agreements (as defined⁵).

TYPE OF SEARCH	COMMENTS
TITLE SEARCH	
Subject Property	Always required: 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)	Always required: Confirm easement in description for servient property.
Compliance with Subdivision Control	Sometimes required: Where necessary.
JUDGMENTS/WRITS	
Vendor	Always required: Note any judgments/writs found on title.
Condominium Corporation	Always required: Where condominium, note any judgments/writs found on title.
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.
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 Orders to Comply/Open Permits	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/writs, 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 Orders to Comply/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 Location Certificate not required.
Fire Work Orders	Separate search not required where: response to Building Orders to Comply/Open Permits search includes fire work orders. Required where: 2 to 6 dwelling units, including secondary suites and basement apartments.
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.
Potability Certificate	Sometimes required: Where private water system, client may obtain and deliver.
Unregistered Utility Easements, Conservation Area/Buffer Zone, Flood Plains, Highway Access	Sometimes required: 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	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 property."
Tenancy Issues	Sometimes required: Where tenancy being assumed, determine whether tenant has resided at property for more than five years, if so, need exception in policy re: restrictions on termination.
Shared Access	Sometimes required: Where shared access to water supply or driveway, confirm agreement exists, including provisions for maintenance.
Communal Prescriptive Rights	Sometimes required: Where prescriptive rights claimed by community over property, need exception in policy.
Oil Tank Issues	Sometimes required: Where oil tank on property over seven years old, confirm availability of fire/property insurance to lender's requirements.
SEARCHES ARISING FROM TITLE SEARCH	
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 or covenant: (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.