

Andrea Parliament

Barrister & Solicitor

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Information I need from a Home Buyer to open your file:

	Primary Contact	Spouse
First name		
Middle name		
Last Name		
Date of Birth (day/month/year)		
Occupation		
Home Phone Number		
Cell Phone Number		
Business Phone Number		
Email Address		
Have you ever owned a home anywhere in the world, at any time?	Yes No	Yes No
Have you owned a home in the last 5 years in Canada?	Yes No	Yes No
Current <i>Street Address</i>		
<i>City</i>		
<i>Postal Code</i>		
Marital Status	Legally Married Common-law Separated I am not a Spouse	

<p>Is the home going to be your family's residence or a business investment?</p>	<p>Family Residence Business Investment</p>
<p>How many residential units are there on the property?</p>	<p>One Two More than Two</p>
<p>Are there tenants currently living in the property?</p>	<p>Yes No</p>
<p>How you wish to hold title? This primarily affects what happens when a spouse dies.</p>	<p>Joint tenants (spouse automatically receives 100% ownership upon death) OR</p> <p>Tenants in common (spouse retains only 50% ownership upon death);</p>
<p>Real estate agent's name</p>	
<p><i>Phone Number</i></p>	
<p>Mortgage Broker or Lender</p>	
<p><i>Phone Number</i></p>	
<p>Would you like to proceed with <u>Title Insurance</u> or <u>Lawyer Opinion</u>?</p>	<p>Title Insurance - make a claim for losses for fraud, liens, unpaid utilities & encroachments – (reduces search fees and provides protection against fraud).</p> <p>Lawyer's Opinion (recommended if you bought specifically for the ability to make changes). I complete a thorough set of searches ensuring no outstanding utilities, work orders, zoning requirements (more expensive but allows you to terminate the deal should your plans not be allowed).</p> <p>Both</p>

This form contains personal information that should not be sent over the Internet (email) unless encrypted. Therefore your secure options are:

- Fax this form to my office at (289) 337-8253;
- Mail or drop it off at my office at Suite 1, 619 Maple Avenue, Burlington ON L7S 1M7;
- Call our office and we will send you an electronic copy with a unique password;
- Upload onto my secured website andraparliament.com (coming soon).

Standard Purchaser Package **\$1,295***

The Standard Package for a Residential Real Estate Purchase is a basic package that includes the following approximate costs:

\$500.00	- Approximate Legal Fees
\$245.00	- Average Search, Execution, Software, Photocopy & Courier Costs
\$300.00	- Average Title Insurance Premium
\$141.50	- Government Registration Fees (for one mortgage only).
<u>\$ 104.00</u>	- Approximate HST
\$1,295.00	

In addition, I will collect from you, and remit to the government of Ontario, the Land Transfer Tax - which ranges depending upon the purchase price. For example a \$300,000 house will pay \$2,975 or approximately 1.0%, while a \$700,000 house will pay \$10,475 or approximately 1.5%.

The Standard package includes the following services:

1. Opening Process
 - a. Representation for both a purchaser and one lender/mortgage;
 - b. Review of the Purchase and Sale in order to properly draft documents and complete the closing requirements on time;
 - c. Send notice and ensure resolution of any title problems;
 - d. Receipt of the lender's instructions and preparation of the mortgage documents;
 - e. Ensure all of lender's conditions are met in order to receive funds
 - f. Search, order and review of the Land Title Registration Instruments to ensure:
 - i. no Planning Act violations; and
 - ii. Title as purchasers intended;
 - g. Preparation of any requisitions required to grant good title;
 - h. Request and processing of Tax Arrear certificates;
 - i. Determine most appropriate title insurance and preparation of Title Insurance documents for both lender and purchaser;
 - j. Determine the residency of the Seller and the tax implications;

2. Document Signing (3 days before Closing)
 - a. Meet with client to ensure signage of documents;
 - b. Scan government ID to verify identification of clients;
 - c. Receive closing funds.

3. Closing Day
 - a. Ensure all documents signed by appropriate parties;
 - b. Same day Title Search verifications;
 - c. Receipt and Disbursement of funds;
 - d. Receipt and transfer of all keys, alarm codes and access passes;
 - e. Registration of title and mortgage documents.
 - f. Notify tax departments and condominium managers.

4. Post-Closing (within 30 days of closing)
 - a. Follow up on all undertakings including the discharge of mortgage by the vendor's lawyer;
 - b. Preparation and distribution of reports for both client and lender including the status of any outstanding undertakings.

*Offer available until June 1st, 2012.

Additional costs will be charged for unusual situations such as:

- properties with environmental or health/safety issues;
- second mortgages or mortgages requiring payouts;
- bridge financing;
- detailed family or tax law advice.

Please note that the Standard Package is *not* available for:

1. New Home Buyers who need the extra time to understand their Tarion Warranty or want their Agreement reviewed within the ten day cooling off period;
2. Clients purchasing rural properties that are not on municipal water or sewer infrastructure;
3. Clients who are purchasing their properties with plans to make significant renovations requiring zoning and/or by-law research to ensure their plans are legally valid;
4. Clients purchasing houses costing over \$750,000; or
5. Clients requiring assistance with drafting or completing their Agreement of Purchase and Sale.

Title and Legal Advice Protection Options

	Options →	Lawyers opinion \$\$\$	Title Insurance \$	Title Plus \$\$
Risks:	Financial Implications ↓	Recourse Available		
Undetected Title Matters that existed at time of purchase.	\$\$\$ Defective Title – could lose title to innocent 3Party	File a negligence claim with lawyer's mandatory malpractice insurer.	File a claim with Title insurer – no negligence required. ✓	File a claim with Title Plus – no negligence required.
Fraud, forgery or false impersonation after closing.	\$\$ Could pay significant legal fees defending title	No Coverage	File a claim for losses with Insurer ✓	File a claim with Title Plus ✓
Lawyer's negligence on non-title matters like tax and mortgage advice.	\$ Increased tax liability or financing costs.	File a negligence claim with lawyer's mandatory malpractice insurer.	No Coverage	File a claim with Title Plus – no negligence required. ✓

Title issues **typically covered** by Title Insurance Policy:

- ✓ someone else has legal interests in your title
- ✓ existing liens against the title (unpaid water/hydro/tax bills)
- ✓ violations of municipal zoning by-laws
- ✓ encroachments onto neighbouring property (other than fences and boundary walls)
- ✓ setback violations
- ✓ realty tax arrears
- ✓ outstanding municipal utility charges, provided such charges form a lien on title
- ✓ existing work orders
- ✓ lack of legal access to the property
- ✓ unmarketability of the property due to matters that would have been revealed by an up-to-date survey / RPR/ Building Location Certificate

Title issues **typically excluded** from Title Insurance:

- ✓ anything adverse that the purchaser already about the property;
- ✓ rights governments may have in buyer's land and native land claims;
- ✓ environmental hazards including well, septic tanks and asbestos issues;
- ✓ purchaser's unstated plans to change the use of the property;
- ✓ purchaser's right to undertake renovations or construction;
- ✓ problems the buyer agreed to in purchase agreement or failed to tell title insurer about;
- ✓ if the purchaser did not buy home for "fair value" (for example, home was a gift).

Residential Real Estate

Understanding Title Insurance

Basic Facts About Title Insurance:

1. Title Insurance is an insurance policy with a one-time fee (usually between \$100 – \$500) for insuring against common defects in title and fraud. There is no deductible should a claim be necessary, so it resembles a one-time fee for title assurance for the time that the purchaser owns the property.
2. Title insurance does not automatically cover all the risks relating to the transference of property. Title insurers still rely on lawyers to identify significant potential problems with a title and then decide whether or not to cover them, and at what premium.
3. While title insurance reduces lawyer fees and disbursements by eliminating the need to conduct some sub-searches, there are still some searches and many other responsibilities that require a lawyer's expertise (see Standard Package for a comprehensive list).
4. Title insurance is available for different kinds of property, including:
 - a. residential dwellings of up to six units;
 - b. vacant land;
 - c. cottages;
 - d. condominiums;
 - e. cooperatives; and
 - f. leased land.
5. In Ontario, there are five providers of title insurance, each providing slightly different coverage and prices for their products. In Ontario, lawyers must:
 - a. "be knowledgeable about title insurance and discuss with the client the advantages, conditions, and limitations of the various options and coverages generally available to the client through title insurance," and
 - b. "not receive any compensation, whether directly or indirectly, from a title insurer, agent or intermediary for recommending a specific title insurance product to his or her client."
6. Determining which option is best able to provide the protection you need is complicated because the various risks, different time frames covered by each option, how the products are bundled, your unique property characteristics and of course, at what cost.
7. Title insurance has recently become a profitable business model due to three trends:

- a. the increase in administrative fees required to conduct government searches and up-to-date-survey costs;
- b. technological improvements in the land registry systems significantly reducing the risk of title defects;
- c. an increase in mortgage fraud that occurs *after* a lawyer has provided their legal opinion, which leaves the purchaser without a remedy for issues occurring post closing and the need for coverage.

As part of every Residential Real Estate Package, your unique situation is considered and a recommendation is provided.