

quick facts

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Transactions that Qualify¹

- A new or resale residential purchase, up to \$2 million.²
- Up to 4 dwelling units on the property.³
- Secondary homes, cottages or recreational properties.
- Fee simple or condominium properties.

Cost Savings and Peace of Mind

- A TitlePLUS Policy = title insurance PLUS legal services coverage.^{4,5}
- Eliminates the need for up-to-date surveys on most properties, offering significant savings.
- Reduces disbursement costs on many closings by eliminating certain searches.⁶

Survey Coverage

Survey coverage will be provided, without an up-to-date survey, in the following situations:

- the property is the whole of a lot on a registered plan of subdivision (see below for definition); or
- the property is in the Torrens system; or
- there is an existing Surveyor's Certificate or Building Location Certificate (and Zoning Memorandum, if any) which has been reviewed by the purchaser for accuracy or the vendor is providing a statutory declaration/affidavit that there have been no material changes.

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 a Development Plan under the *Planning Act*,

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.



¹ In Manitoba, contact Reider Insurance Services at 204-338-3888. TitlePLUS policies are available for current owners (through our OwnerEXPRESS® program), although they are not eligible for titleplus.lawyerdoneal.com. Please call for details. The TitlePLUS program does not insure commercial, mixed use or farms in Manitoba.

² For transactions over \$1 million, different search requirements apply. Please call us before submitting applications for transactions over \$1 million.

³ For vacant lots, some restrictions apply. Call us or visit titleplus.lawyerdoneal.com for details.

⁴ Underwritten by Lawyers' Professional Indemnity Company.

⁵ Excluding OwnerEXPRESS.

⁶ See over for Summary of Searches.

® Registered trademark of Lawyers' Professional Indemnity Company.

TYPE OF SEARCH	WHERE REQUIRED	COMMENTS
TITLE SEARCH		
Subject Property	Always	Uncertified, computerized printout of title is acceptable. If applicable, include deleted instruments in automated title search. If transfer within past 2 years, will need date and assessed value to insert in TitlePLUS application. If transfer or mortgage discharge within last 6 months, please call for instructions.
Servient Tenement re: easement (if any)	Always	If non-Torrens (i.e., old) system, confirm that the registered title of servient property discloses existence of easement throughout the 40 year period or since creation (whichever is shorter). If Torrens system, confirm easement in description for servient property.
Compliance with subdivision plan and governmental approvals	Sometimes	Where necessary to ascertain subdivision control or property division compliance.
JUDGMENTS/WRITS		
Vendor	Always	Note any judgments/writs found on title.
Purchaser + Guarantor of Mortgage (if any)	Sometimes	If granting mortgage, obtain Statutory Declaration confirming no judgments against purchaser or guarantor, as applicable.
Condominium Corporation	Sometimes	Where condominium – note any judgments/writs found on title.
OFF-TITLE SEARCHES		
Realty Tax and Local Improvements	Always	Where provided, verbal responses or printouts of the municipality's tax records for the property are acceptable; where municipality will not provide verbal responses or printouts, any of the following are acceptable: (a) receipted tax bill; (b) confirmation that the prior lender has been paying the taxes; or (c) an unqualified statutory declaration from the vendor that all prior years' taxes have been paid, charges for local improvements (if any) are paid up-to-date and the status for the current year is accurately set out in the Statement of Adjustments; PLUS an undertaking to readjust from the vendor. Where realty taxes for a new house or condo have not yet been separately assessed, you may obtain on closing the builder's undertaking to readjust. For resale of recently new construction, see titleplus.lawyerdoneal.com for instructions.
Hydro & Gas Arrears	Never	
<i>Personal Property Security Act</i>	Never	
Water and Sewage Arrears	Sometimes	Need not be done if: (a) included in common expenses for condo; (b) purchaser already in possession and previously paying; (c) in area where water supplier (public or private) has published policy of not pursuing purchaser for arrears; (d) new home and receiving undertaking to readjust/pay any amounts owing from vendor; or (e) these charges do not form a lien on the property that would bind a subsequent owner. The following inquiries are acceptable: (i) verbal responses from suppliers; (ii) the most recent bill if it shows that previous bills were paid; (iii) an unqualified Statutory Declaration by the vendor that all such charges have been paid to date, and that the status of payments is accurately set out in the Statement of Adjustments.
Arrears of Charges for Equipment Purchased/Rented from Utility Supplier	Sometimes	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.
Centralized Property File Search	Sometimes	Need not be done where: (a) new home; (b) condo; (c) whole of a lot on a registered plan (see over); (d) vendor giving warranty to survive closing that there are no work orders; (e) home inspection done and a copy given to lawyer, unless (i) you have reason to believe that year-round occupancy may not be permitted; or (ii) multi-unit property and instructed to give opinion on legality of multiple units. Where provided, verbal responses are acceptable.
Manitoba Conservation (Work Orders/Acknowledgment Receipt)	Sometimes	Where private septic system – obtain Acknowledgment Receipt for Private Sewage Disposal System from vendor or government authority. No specific search for work orders on septic system is required, but any information received must be entered in application.
Potability Certificate/Well Record	Sometimes	Where private water system and for public wells – client may obtain and deliver potability certificate. Where private water system – also obtain Well Record from Dept. of Conservation (Water Branch).
Unregistered Easements	Sometimes	Never required for whole of a lot on a registered plan (see over for definition) or condo; otherwise where risk factors apply.
Waterfront Inquiries	Sometimes	Where property fronts on lake or river (e.g., shoreline road allowance, waterbed issues, accretion, etc.).
Residential Tenancies Director/Commission	Sometimes	Where tenancy being assumed and <i>Residential Tenancies Act</i> applies.
Manitoba New Home Warranty Program, Occupancy Approval	Sometimes	Where new home and where mandatory.
SEARCHES ARISING FROM TITLE SEARCH		
Corporate Escheats/Limited Partnership	Never	
Subdivision/Development Compliance (as defined)	Never	A "Subdivision/Development Agreement" for TitlePLUS purposes is defined as follows: (a) agreement with a government, government-related body/agency (e.g., school board), or utility company; (b) imposes the primary obligation on the developer; and (c) requires the developer to post security. Call or visit titleplus.lawyerdoneal.com for additional details.
Condo Status Certificate	Sometimes	Where condo – obtain and review a current Status Certificate dated no earlier than 60 days prior to closing. If between 60 and 120 days have passed since the date of the Status Certificate, call for instructions.
Restrictive Covenants Compliance	Sometimes	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	No inquiry necessary where agreement between condominiums; otherwise, must obtain status letter.
CMHC/MHRC Mortgages	Sometimes	Where specified mortgage on title to be paid out contains right of first refusal-obtain: (a) waiver of right of first refusal; or (b) proof that notice of intended sale given.

* Different search requirements may apply to a manual review transaction (such as properties over \$1 million), or if you have previously acted on the property. If this is a mortgage-only transaction, please consult the Mortgage-Only Instruction sheet at titleplus.lawyerdoneal.com.