

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 Surveyor's Real Property Report, for all properties:

- being migrated to Land Titles in the current transaction; or
- already in Land Titles.

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; or
- a whole lot on a multi-unit or development plan under the *Community 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 TitlePLUS policies are also 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 farm properties in New Brunswick.

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.

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TYPE OF SEARCH	WHERE REQUIRED	COMMENTS
TITLE SEARCH		
Subject Property	Always	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	Confirm easement in description for servient property.
Abutting Properties	Sometimes	Where necessary to ascertain subdivision control or property division compliance.
JUDGMENTS/WRITS ON TITLE		
Vendor	Always	
Condominium Corporation	Always	If condominium.
Prior Owners	Sometimes	If Registry property being converted to Land Titles, search back five years for judgments which may attach. If Vendor is a corporation, and the corporation was created as an amalgamation of other corporations, then all corporate names should be searched for judgments back for five years.
Purchaser &/or Guarantor of Mortgage (if any)	Sometimes	If granting mortgage (other than vendor take-back). Search against guarantor not required if expressly waived by lender.
OFF-TITLE SEARCHES & INQUIRIES		
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.
Collector of Revenue	Always	Vendor to provide certificate that he/she/it is not a "collector of revenue."
<i>Personal Property Security Act</i>	Never	
Hydro and Gas Arrears	Never	
Employees' Liens	Sometimes	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	Sometimes	If Registry property being converted to Land Titles, conduct a search for mechanics' liens for the past two years.
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: (a) verbal responses from suppliers; (b) the most recent bill if it shows that previous bills were paid; or (c) 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.
Zoning	Sometimes	Where: (a) you have reason to believe that year-round occupancy may not be permitted; or (b) where multi-unit property and instructed to give opinion on legality of multiple units.
Building Department Work Orders	Sometimes	Need not be done where: (a) new home; (b) condo; (c) whole of a lot on a registered plan (see over for definition); (d) vendor giving unqualified warranty to survive closing that there are no work orders; (e) home inspection done and a copy given to lawyer; or (f) there is no authority with jurisdiction to issue work orders. Where provided, verbal responses are acceptable.
Final Septic Approval	Sometimes	Where private system, obtain copy of approval from vendor or applicable government authority. No specific search for work orders on septic system is required, but any information received must be inserted in application.
Potability Certificate	Sometimes	Where private water system, client may obtain and deliver.
Unregistered Utility Easements, Conservation Area/Buffer Zone, Controlled Road/Public Highway Access	Sometimes	Never required for whole of a lot on a registered plan (see over for definition) or condo; otherwise, required where risk factors apply.
Waterfront Inquiries	Sometimes	Where property fronts on ocean, lake or river (e.g., shoreline road allowance, waterbed issues, accretion, etc.).
Occupancy Approval	Sometimes	Where new home.
ANHWP	Sometimes	Where new home registered under ANHWP, confirm Certificate of Possession obtained.
Violations of <i>Rental Tenancies Act</i> (Office of the Rentalsman)	Sometimes	Where tenancy being assumed.
Heritage	Sometimes	Where there are concerns that the property may be considered a "heritage property."
Environmental Hazards	Sometimes	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	Sometimes	Where the property is located in a rural area, confirm compliance with setbacks from registered agricultural land.
Farm Conversion	Sometimes	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.
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 Estoppel Certificate	Sometimes	Where condo, obtain and review a 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	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.

* 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.