



## **Fees for Title-Insured Purchase of Single-Family Residential Property for less than \$500,000 with One Mortgage to Register**

Our \$895.00 package for the purchase of one single-family residential property for a price of less than \$500,000 with one mortgage to register includes:

Meeting with you or speaking to you by telephone to obtain the information we need to open our file and to give us essential background information on the property you are buying;

Reviewing your Agreement of Purchase and Sale and answering your questions about it (Note: Additional fees will apply if we assist you in the drafting or negotiating of the Agreement, or if we review a developer's agreement for the purchase of a new home);

Noting any conditions that must be fulfilled before the Agreement is binding, doing our part to get conditions fulfilled (eg. obtaining, reviewing and advising you about a Status Certificate on a condominium purchase – see FAQ's below) and following up with you or your agent to confirm that these conditions have been fulfilled;

Discussing title insurance with you and obtaining your instructions regarding the use of title insurance on your transaction (Note: Fees will increase for non-title-insured transactions);

Once conditions have been fulfilled, ordering any off-title searches that are required and searching the title to the property;

Reviewing the title search to confirm that the registered title conforms to the information provided in the Agreement, to confirm that it does not disclose any problems with your title or matters ancillary to it, and to note, for discussion with you, information relating to registered covenants, easements, or other matters that could affect your use and enjoyment of the property;

Discussing with you any problems or inconsistencies revealed by our review of the title search

and advising on options for resolving these in a timely way so that they do not become an impediment to closing;

Discussing with you information relating to covenants, easements, or other matters that could affect your use and enjoyment of the property;

Reviewing the results of any off-title searches and, as required, discussing these with you and taking steps to resolve any problems arising from them;

Notifying others involved in this transaction, such as the Seller's lawyer, of our involvement

## **HST (13%), LAND TRANSFER TAX, TITLE INSURANCE PREMIUMS AND DISBURSEMENTS ARE IN ADDITION TO OUR FEES**



**LAND TRANSFER TAX IS DEPENDENT ON PURCHASE PRICE ([CLICK FOR CALCULATOR](#))**

**TITLE INSURANCE PREMIUMS ARE APPROXIMATELY \$375.00, AND DISBURSEMENTS ARE DEPENDENT ON A NUMBER OF FACTORS. BUDGET \$600-800 FOR DISBURSEMENTS.**

*SERVICES DISPONIBLES EN FRANÇAIS*

**SEE THE NEXT PAGE FOR FREQUENTLY ASKED QUESTIONS ON REAL ESTATE PURCHASES**

## **Frequently Asked Questions (FAQ's) About Real Estate Purchases**

### **When we sign our documents will we meet with a lawyer or a para-legal or secretary?**

You will meet with a lawyer.

### **How many times will we have to come into your office?**

One of our lawyers must meet with you at least once before closing to review the file and have documents signed.

### **Who has to sign the documents?**

All people who are going to be on title to the property must sign, without exception. As well, there may be signatures required, in rare cases, from people who will not be on title. For example, if someone who is not on title is guaranteeing a mortgage, they would have to sign the guarantee.

### **If someone who needs to sign cannot be here for closing, what can we do?**

Depending on circumstances, we may be able to get this person to sign in advance of closing at our offices. Alternatively, he or she may give someone else a Power of Attorney enabling an Attorney to sign on his or her behalf, or we may send documents to another lawyer who will see this person to sign. It is critical that we know as early as possible if a signatory will not be available to sign at closing.

### **Can I provide instructions by telephone or e-mail?**

Yes, we can take the initial instructions and information by telephone or by e-mail. We can also communicate with you by telephone or e-mail during the course of the transaction. However, subject to the comments in the preceding question, you must attend at our offices to sign the final documents.

### **Do you arrange for utility accounts to be set up?**

Generally speaking, we do not. You should take care of this yourself as early as reasonably possible. In unusual cases, we can do this for you for an additional charge.

### **Will I be charged anything if the deal does not close?**

You will usually be charged some fees unless the deal falls apart early in the process with little involvement on our part and minimal time invested in it by ourselves. How much will depend on a number of factors, including the reasons for the failure to close and the time put into your file by lawyers and staff before the deal fell apart.

### **What sorts of things would result in additional fees being charged to us over and above the \$895.00?**

Generally speaking, extra fees will be charged if there are elements in your transaction which make it other than a straightforward sale with one mortgage to register. This would include:

- Preparing, negotiating and/or providing advice on the Agreement of Purchase and Sale in transactions that do not involve a real estate agent
- Reviewing and/or advising on a developer's agreement for the purchase of a brand-new home
- Reviewing and advising you about a Status Certificate and related documents on a re-sale condominium purchase (see separate article on this topic at [BUYING A CONDOMINIUM](#))
- Completing closing of a brand-new condominium which usually involves a two-step closing (see separate article on this topic at [BUYING A NEW CONDOMINIUM](#))
- Adding a guarantor to your mortgage or adding an additional title-holder as a condition of your mortgage approval, both of which involve substantial additional documentation and advice
- Dealing with substantial or unusual title problems which must be resolved for closing
- Registering a second mortgage to secure a line of credit with the bank
- Signing documents under a Power of Attorney
- Dealing with a community association or residents association regarding the transfer of the property. If an association is involved, we may have to obtain proof of payment fees,

obtain consent to the completion of the transaction, or complete documentation for the assumption of obligations by yourselves, for example:

- The Sellers being unable or unwilling to close in accordance with the terms and dates in the original Agreement, etc. necessitating negotiations and discussions with yourselves and the Seller's lawyer
- Acting for you on the purchase of a cottage, waterfront property or some rural properties where additional searches and enhanced due diligence are required.

### **Should I bring you any documentation apart from the Agreement of Purchase and Sale?**

It is very helpful to us if you can provide a copy of any documents that you have been given in relation to the property such as a copy of the MLS listing, a copy of any survey provided by the Seller, water test results and septic use permits on rural properties, etc. We can glean information from these documents which will frequently save both time and disbursements.

### **Do you need to see a copy of our building inspection report?**

No, we do not. It is up to you, your real estate agent and your inspector to go over the report and satisfy any concerns that arise from it. We do not review or comment on the report.

### **What is title insurance and why will fees generally be more if we proceed without it?**

Title insurance is a policy of insurance on the title to your property which provides you with coverage for the risks specified in it. It covers some things that a lawyer cannot, such as giving you protection against title fraud and insuring you for any problems which a new survey would reveal. Because of these additional coverages and because it is very cost-effective, it has become standard on residential purchases in Ontario. The alternative to proceeding with title insurance is to rely solely on a title opinion from your lawyer. If we are to provide such an opinion, we will have to perform additional searches and undertake extra work on your file. We will also face increased risk on the transaction. For these reasons, legal fees will be more where title insurance is not used. Disbursements for extra searches will usually exceed the cost of the title insurance premium had you opted for a title-insured transaction.

### **Do I have to arrange title insurance?**

No, your lawyer will discuss the title insurance options with you, obtain your instructions, and, based on your instructions, obtain the required title insurance policy for closing.

### **Why do you need photo identification?**

We need photo identification in order to fulfill obligations placed on us by our Rules of Professional Conduct which are designed to minimize the risk of title fraud. Ideally, you will provide two pieces of photo ID, such as your driver's license and your passport. However, if you have only a single piece of photo ID we can generally accept it along with a major credit card. We cannot use your Health Card as a piece of photo identification.

*This article is provided for information purposes only. It is not intended as, nor should it be taken as, legal advice. Contact us if you require legal advice on this or any other topic.*