



FEDERATION OF ONTARIO
LAW ASSOCIATIONS
FÉDÉRATION DES ASSOCIATIONS
DU BARREAU DE L'ONTARIO

November 4, 2020

Dear Real Estate Representatives, Presidents and Library Staff,

Thank you for your ongoing efforts on behalf of the real estate bar. As indicated in the most recent FOLA real Estate Update, FOLA has recently met with reps from the OBA and the LSO through the Real Estate Liaison Group regarding a variety of topics.

We are seeking input on two current topics. It is our hope that there may be 2-3 FOLA reps who be interested in assisting on one of the two subjects below.

Updating mortgage discharge protocols

Lawyers are not able to satisfy the requirement to make cheques payable to an existing mortgage lender to discharge the existing mortgage on a purchase transaction given that most closing funds are currently being delivered electronically directly into the trust account of the vendor's lawyer. Additionally, there seems to be some confusion about requirements regarding paying out and discharging private mortgages.

Document Registration Agreement

There seems to be general agreement that the current DRA, and the associated 3-party DRA, are in need of review and updating to remove some inconsistencies and reflect current practices including the exchange of closing documents at or shortly after closing. Ray Leclair (Lawyers Working Group and LawPro) has been working with FOLA on drafting proposed revisions. Our goal is to see revised DRA's which could be recommended to the bar for regular use.

We are asking that each of you reply to this e-mail by forwarding a response on or before Nov. 9, 2020 to ehorner@hp-lawyers.com saying **"I would like to assist with the [DRA or Discharge Protocols]"** OR **"I am not able to assist at the present time"** OR **"I have the following specific issue or comment"**.

Your requested response will help with these reviews, and they will allow us to that we are reaching the right people in every association. So please take a moment to forward this e-mail as above.

Stay up to date with FOLA's real estate information at <https://fol.ca/real-estate-law>.

We hope you are all well and staying safe in these strange times.

Merredith MacLennan and Eldon Horner
FOLA Real Estate Co-Chairs

Please note: The information provided herein is of a general nature only and is not intended to provide legal advice.