



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

January 18, 2021

Dear Real Estate Representatives, Presidents and Library Staff,

In an effort to keep real estate lawyers updated with the ever-changing situation, we have further information to be shared with the real estate lawyers in your association.

Conveyancer®/Unity® Fee Increase

We have received a large number of calls and emails from real estate lawyers across the province in response to the announcement by Do Process that transaction fees for The Conveyancer® and Unity® are increasing to \$129 effective January 18, 2021.

We have sent a letter to Do Process, a copy of which is available [here](#). We have consulted with the LSO as well and the reality is that DoProcess is a private for-profit business which is entitled to price its products as it wishes. We urge all solicitors to express their concerns directly to the company.

Condominium Buyers Guide

Effective January 1, 2021, purchasers of new construction condominiums must be provided with Ontario's Residential Condominium Buyers' Guide, published by the Condominium Authority of Ontario (CAO). See [here](#) for further details.

New Regulator for Ontario New Home Builders

On February 1, 2021, the Home Construction Regulatory Authority (HCRA) will assume the registration/licensing responsibilities currently held by Tarion. According to its [website](#):

- The Home Construction Regulatory Authority will be responsible for regulating and licensing the people and companies who build and sell new homes in Ontario.
- The HCRA will enforce high professional standards for competence and conduct in the home building industry, giving new home buyers confidence in one of the biggest purchases of their lives. The HCRA will also improve consistency across the sector, curtailing unethical and illegal builders and fostering a fair marketplace.
- In addition to licensing, the HCRA will provide educational information for consumers on their home buying journey.
- The HCRA will manage the Ontario Builder Directory (OBD) – which is the official source of background information about each of Ontario's more than 5,000 licensed builders/vendors.

Ontario Standard Closing Documents

At the May 2017 FOLA Plenary, all 47 Ontario county and district law associations unanimously approved and endorsed the Standard Closing Documents prepared by the Working Group on Lawyers and Real Estate for use in residential resale transactions. These standard documents are available on the Working Group [website](#). Letters of Support for the Standard Closing Documents were also received from [LawPRO](#) and the [Director of Titles](#).

As set out in the Rationale Document, the benefits of using the standard closing documents include:

1. Less paper, no repetition, and more efficiencies, as the content of the documents can easily be confirmed as being either unamended or modified;
2. Less time needed to negotiate the content of closing documents;
3. Adherence to province-wide standards;
4. Clients' rights and obligations are protected based on the APS;
5. Either party can easily prepare the documents for the other side; and
6. No need to delete inapplicable paragraphs as they are worded conditionally.

Government Consultations

- Potential Permanent Changes to Enable Digital and Virtual Processes under the Ministry of Government and Consumer Services Business Law and Condominium Statutes – details available [here](#)
Comments due date: February 8, 2021
- Improvements to Ontario's New Home Warranty and Protection Program (ONHWPA Phase 2) – details available [here](#)
Comments due date: February 12, 2021
- Proposed Code of Ethics and Discipline Committee and Appeals Committee Regulations to be made under the New Home Construction Licensing Act, 2017 – details available [here](#)
Comments due date: February 13, 2021

If and when we receive further information of interest to the real estate bar, we will pass it along.

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

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.