



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

November 15, 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.

### **FOLA Changes**

For the past 8 years Merredith MacLennan has the Chair or Co-Chair of the FOLA Real Estate Committee. Her tireless commitment to advancing the profile of solicitors and real estate issues has been a benefit to all who work in real estate in Ontario. She has lobbied and educated regulators and government, helping to avoid negative changes and creating positive developments for the bar. She has been the face of FOLA at countless meetings and CPD events working to spread the word of rule changes and new processes, particularly with her detailed updates during the COVID pandemic.

It is with great regret that the FOLA Board accepted the resignation of Merredith from her role effective as of the November Plenary 2021. We know Merredith will continue to be an influencer and a great resource, just not in an official capacity with FOLA.

Change is always difficult but by being proactive one can often lessen the impacts. While everyone involved will miss Merredith greatly, her role will be filled by former President of the Hamilton Law Association and Real Estate Specialist, Mark Giavedoni. Mark is a passionate solicitor. He is a partner at Gowlings with a broad practice in real estate. For more information or to contact Mark click here [Mark Giavedoni | Gowling WLG](#).

We welcome Mark and look forward to working with him.

### **Annual increase in Teraview® registration fees**

Reminder – registration fees increase every year on November 1, 2021. The cost of registering a Land Titles instrument via Teraview is now \$78.79 and the cost of single page PIN is \$33.82. Further details are available [here](#).

### **Teranet hard tokens**

Effective November 1, 2021, a fee of \$50 + HST will be applicable for new Teraview hard tokens. Soft tokens will continue to be free. Further details are available [here](#).

### **A Lot from the Dot**

We met with the Director of Titles last month and he shared some speaking notes with us on 21 Things for 2021. Please note that this is a summary list – you may hear further details about each during a CPD program.

## **Nominations for the 2022 Law Society Awards**

Last year, our very own Eldon Horner received a Law Society Medal in recognition of his outstanding contribution to the legal community.

Is there someone in your association who deserves recognition? Nominations are encouraged for members from all communities, practice areas, firm sizes, and regions across the province. Submit your nomination by **December 17, 2021**. Details and nomination forms are available [here](#).

## **FREE Practice Related CPD**

LawPRO has a number of on demand CPD recordings available on its practicePRO [website](#), including:

- Tips for real estate lawyers in the Covid residential purchase, refinance and home renovation markets
- A Discussion: Continuing to Manage – Mental Health, Resilience and Resources
- Working Together, Remotely – Managing and Leading Through COVID and Beyond

There is also a link to the upcoming program on **December 2, 2021** on Avoiding the wire fraud nightmare – what you need to know to protect yourself and your clients.

## **Ongoing Consultations**

The following consultations relating to real estate issues are currently on-going:

- The Law Society's [Competence Task Force](#), chaired by **Sidney Troister** has issued a [Call for Comment](#). The Competence Task Force was established to examine regulatory approaches aimed at ensuring and enhancing the post-licensure competence of lawyers and paralegals. The objective of the Task Force is to recommend an effective, proportionate, and balanced regulatory framework addressing career-long competence in a manner that protects the public interest and is responsive to the public's legal needs. Comments are due by **November 30, 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.



## **A LOT FROM THE DOT**

### ***Subnom: 21 Things for 2021***

1. Volumes are up, delays are up, manage client expectations! Learn how to convey on the parent PIN because splits aren't being certified any time soon (think 90 days!)
2. Self-to-self cost sharing agreements, party wall agreements, reciprocal agreements, infrastructure sharing agreements, etc. will not be certified!
3. Ontario Business Registry: New digital OBCA and Corporations Act "Ontario Business Registry" starting on October 19, 2021 – do all corporate filings digitally!
4. Annual November Price Increases: Come November 1, prices will go up by half of CPI. Registrations will be \$78.79 and a simple, one-page PIN will be \$33.82.
5. Simplification of Many Teraview® Statements: We notice that a lot of typos and returns arose from data fields that did not need to be there, so we're amending them all.
6. Power of Attorney, Part One: We've gone from asking the attorney about bona fides to asking for the solicitor's "best knowledge and belief" of bona fides!
7. Power of Attorney, Part Deux: Personal information (S.I.N.s, passport details, driver's license details, bank accounts, etc.) cannot be in any power of attorney. Zero tolerance.
8. Power of Attorney, Part Trois: You can no longer use a dissolved corporation's power of attorney, even if it is "coupled with an interest". You will need a court order!
9. Vendor's Liens and Purchaser's Liens: Both will be prohibited. The Vendor's Lien will be discontinued as a document type and the Purchaser's Lien prohibited as a 71 Notice.
10. Accidental Discharges of Mortgages: You used to be able to get an accidentally registered discharge of mortgage withdrawn before certification. No more. Be careful!
11. Vesting Orders: New law statement confirming that all relevant parties were a party to the cause of action or evidence showing that all parties are bound by the order.
12. Vesting Orders, Part Deux: Reminder that vesting orders still attract a writ search and, if the vested-out owner is subject to writs, the new title will be subject to writs.

13. Requests for T/W and S/T: Any request to modify the T/W and S/T notations have to come by way of Application (not PIN Correction) with complete evidence of entitlement to do so.
14. Bad Writ Clearing Statements: Some bad apples have been carelessly (or corruptly) clearing writs with either inapplicable statements (e.g. 607 and 608) or simply by lying!
15. Easements Created in Condo Declarations: The Section 20 easements cannot bind third party lands no matter what and must have some connection to the condominium property!
16. E-Notification is Coming: Soon, no more dreaded phone call from the LRO, but even with email notification, your response times need to be prompt or you will be withdrawn!
17. Working 9 to 5: Teraview registration hours are currently 8:30 to 5:00 but almost nothing gets registered early, so the hours will be changed to 9:00 to 5:00 shortly.
18. DocuSign®: You can use DocuSign® for some attachments, but any document that is an LRO form requires a “moist signature” (scanned “wet signatures” submitted in .pdf).
19. Description of NOSI Collateral: Gone are the days of vague, GSA-esque collateral descriptions. NOSIs now require detailed collateral descriptions with no “future acquired goods”!
20. Condo By-law Reforms: Clean-up those “bloated” condo PINs. You can now actually delete expired condominium by-laws from the PIN so that only the current ones remain.
21. Large Investment Co-Tenancies to be Eliminated from Land Titles: It has become logistically impossible to administer the large co-tenancies and they will no longer be permitted.