

As of June 2008

Where coverage is provided, title insurance can eliminate the need for certain off-title searches. This results in significant savings to the client, which often outweighs the cost of the title insurance premium. In order to maximize the cost savings, please refer to this list when the transaction is initiated. Please note this information was compiled based on general practices in most jurisdictions. For further information please contact Stewart Title.

### Title Search Requirements

**Registry Properties:** A full search is required including compliance with any Planning Act or similar legislation. **(Note: Any Nova Scotia registry properties being migrated with a “Textual Qualification” to the new Land Title System, we request that you review and advise us accordingly prior to closing.)**

**Land Titles (New Brunswick):** Not required to search behind the Certificate of Registered Ownership (CRO). However for encumbrances that appear on the CRO we request that you review those encumbrances and advise us accordingly.

**Land Registration (Nova Scotia):** Not required to search behind the Statement of Registered and Recorded Interests (SRI). However, for recorded interests that appear on the SRI or textual qualifications on title for which the property is “subject to”, we request that you review those recordings and/or textual qualifications and advise us accordingly.

**Refinance Transactions (Registry Only) :** Only a sub-search from the last arm’s length deed is required. The sub-search may be conducted up to 10 business days prior to the registration of the mortgage without the need to conduct a further search.

### Not Required off Title Searches

The following searches are **not required** when acting on the purchase of a residential property of up to six units:

- (1) **Judgments/Executions** against anyone other than the current vendor(s) and the purchaser(s)/mortgagor(s), if a mortgage is being insured. Similar or same name judgments/executions may be underwritten on a case-by-case basis. For both purchase and refinance transactions, the execution search may be conducted up to 10 business days prior to closing without the need to conduct a further execution search on closing.
- (2) **Water, Hydro and Gas Certificates/Arrears.** Verbal confirmation is sufficient. If a verbal confirmation is not available these searches are waived. **NOTE: Coverage is provided to the extent the arrears form a lien.**
- (3) **Provincial/Municipal Realty Tax Certificate.** Verbal confirmation, a receipted tax bill or reference in a vendor’s Statutory Declaration is sufficient, however, if none of the foregoing can be obtained, we will waive these requirements.
- (4) **Corporate Profile/Corporate Status Reports.**
- (5) **Subdivision and Development Agreement Compliance.**
- (6) **Building and Zoning Compliance.**
- (7) **Unregistered Hydro Easements,** unless the facts known to you suggest the existence of an easement, for example by indication on a survey or by the existence of hydro transmission towers or boxes visible on the property
- (8) **Septic File Searches.** Our Septic Endorsement is designed to protect the insured regarding the status of the septic system to the extent that a lawyer could do so if the usual septic file search was performed and reviewed. What should be made clear is that neither the policy nor a solicitor’s opinion will guaranty that the system is working (it is not a warranty of fitness or quality). Similarly, the coverage does not include protection against defects that would be revealed by a current inspection of the system. It is also worth recognizing that the septic inquiry may provide information which may nonetheless be useful or important to the client. Examples of such issues would include the age of the system or the location of the system on the property. Thus, notwithstanding the comprehensiveness of the Septic Endorsement, it may still be prudent and courteous practice to advise clients of the additional option of ordering a septic inquiry.

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- (9) **Conservation Authority or Similar Legislation**, unless you are aware or strongly suspect that the property is subject to conservation authority jurisdiction.
- (10) **Refinance Transactions**: On residential refinancing situations, an Estoppel Certificate/Status Certificate is not required for Condominium transactions. The execution search and sub-search of title may be conducted up to 10 business days prior to the registration of the mortgage without the need to conduct a further execution search or sub-search. For tax status, verbal confirmation, a receipted tax bill or reference in a Statutory Declaration from the Borrower is sufficient, however, if none of the foregoing can be obtained, we will waive these requirements.

### Required Off Title Searches

The following searches **are required** as responses received may reflect issues not covered under the policies:

- (1) Estoppel Certificate/Status Certificate for Condominiums, *except* for residential refinance transactions.

### Additional Considerations Falling outside the Scope of Stewart Title Coverage

- (1) **Environmental Clearance** – Any concerns about soil or contamination or toxic pollutants on the property should be addressed by obtaining an environmental audit. Such certification is not usually included in a traditional solicitor's opinion.
- (2) **Residential Tenancies Act** – Landlord liability for illegal rent increases or other claims arising from residential tenancy legislation are not matters covered by title insurance. Where tenanted properties are concerned, you may want to seek the usual comforts in the form of landlord warranties, tenant acknowledgments and/or a search with the local rent authority.
- (3) **Fire Retrofit Issues** – In the cases of tenanted and multi-unit properties, while title insurance does cover the usual work orders and zoning related matters, it does not cover fire retrofit issues such as the sufficiency of smoke alarms or fire barriers, unless they form work orders or are zoning deficiencies which would have been revealed by a regular building and zoning search conducted prior to closing. This is consistent with the principle that title insurance is not a warranty regarding quality or fitness for purpose, but rather a protection regarding matters which can be disclosed by a local authority search.
- (4) **Water Potability** – Coverage is available for the lender only for either purchase or refinance transactions. Coverage is only available for situations where a water test has not been requested.
- (5) **PPSA Re: Chattels** – Title insurance covers land, not chattels. When significant chattels are included in a purchase or when a transaction involves the likes of a mobile home, consideration should be given to PPSA search and registration.
- (6) **Underground Fuel Oil Tanks** – In the event there is an underground fuel oil tank on the property, a solicitor should contact the Technical Safety and Standards Association to determine the tank's registration status for fuel delivery purposes and its compliance with removal, upgrading, and inspection requirements.

**IMPORTANT NOTE:** It is a requirement of Stewart Title that you obtain a Canadian/Provincial government issued PHOTO ID for all clients, that you review and confirm the validity to the best of your ability, and that you keep legible photocopy in your file. Due to the ease in which Citizenship Cards may be forged, if you are relying on such a card, we ask that you obtain a second piece of ID that has a name and signature. We will not insure a transaction for which PHOTO ID is not obtained. If you are unable to obtain PHOTO ID, please contact a Stewart Title underwriter PRIOR to closing.