

quick facts

Québec • April 2009
Assurance LAWPRO®¹

Transactions that Qualify^{2,3}

- A new or resale residential purchase, up to \$2 million.⁴
- Up to 4 dwelling units on the property.
- Secondary homes, cottages or recreational properties.
- Houses or divided co-ownership properties.
- Vacant land intended for residential purposes.⁵

Cost Savings and Peace of Mind

- Eliminates the need for an up-to-date certificate of location on most properties, offering significant savings.
- Reduces disbursement costs on many closings by eliminating certain searches.⁶

Certificate of Location Coverage

Certificate of location coverage will be provided, without an up-to-date certificate of location, in the following situations:

- the property is one or more whole lots on the cadastre of Québec; or
- there is an existing certificate of location which has been reviewed by the purchaser for accuracy or the vendor is providing an affidavit commenting on its accuracy.

¹ Assurance LAWPRO is a registered name used in Québec by Lawyers' Professional Indemnity Company.

² TitlePLUS policies are available for current owners (through our OwnerEXPRESS® program). Please call our Québec representative, Dale Parizeau Morris Mackenzie Inc. at 1-877-865-6865 for details. The TitlePLUS program does not insure timeshare, cooperative, commercial, mixed use, leasehold or farm properties in Québec.

³ Please refer to the policy for full details, including actual terms and conditions. The TitlePLUS policy is underwritten by Assurance LAWPRO. TitlePLUS policies issued with respect to properties in Québec and OwnerEXPRESS® policies do not include legal services coverage.

⁴ For transactions over \$1 million, different search requirements apply. Please call the TitlePLUS Customer Service Centre before submitting applications for transactions over \$1 million.

⁵ Some restrictions may apply. Please call the TitlePLUS Customer Service Centre for details.

⁶ See over for Summary of Searches.

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TYPE OF SEARCH	AS REQUIRED	COMMENTS
TITLE SEARCH		
Subject Property	Always	Include deleted documents, if any, in title search. If transfer within past two years, note date and consideration shown. If transfer or discharge of mortgage within last 6 months, please call the TitlePLUS Customer Service Centre for instructions. Ensure all expected servitudes are registered. Note all judgments on title.
Abutting Properties	Sometimes	Where: (a) property is in an agricultural zone; ⁷ (b) a notice of entry in the register of cultural property is registered on title; or (c) property is in a protected area. ⁸
OFF-TITLE SEARCHES		
Municipal Realty Taxes, Local Improvements, Water Taxes, Transfer Duties, School Taxes	Always	Where provided, verbal responses or printouts of the tax records for the property are acceptable. Where verbal responses or printouts will not be provided, any of the following are acceptable: (a) receipted tax bills; (b) confirmation that the prior lender has been paying the taxes; or (c) an unqualified affidavit from the vendor that all prior years' realty taxes, water taxes, transfer duties and school taxes have been paid, charges for local improvements (if any) are paid up-to-date and the status for the current year is accurately set out in the Statement of Adjustments PLUS an undertaking to readjust from the vendor. Where municipal realty and school taxes for a new home or divided co-ownership have not yet been separately assessed, you may obtain on closing the builder's undertaking to readjust. For resale of recently new construction, see http://www.titreplus.ca/lawyers/Underwriting.asp or call the TitlePLUS Customer Service Centre for instructions.
Mortgages on Personal Property	Never	
Zoning	Sometimes	Where either: (a) you have reason to believe that year-round occupancy may not be permitted; or (b) property is multi-unit property and you have been instructed to give opinion on legality of multiple units, unless there is a certificate of location stating that zoning permits year-round occupancy or multiple units.
Building Department Work Orders	Sometimes	Need not be done where: (a) new home; (b) divided co-ownership; (c) whole lot on the cadastre of Québec; (d) notary/lawyer confirms with purchaser that home inspection done and no problems found; or (e) vendor giving unqualified warranty to survive closing that there are no work orders. Where provided, verbal responses are acceptable.
Electrical Work Orders, Fire Department Work Orders/ Retrofit	Sometimes	Where multi-unit property and giving opinion on legality of multiple units. Need not be done where: (a) notary/lawyer confirms with purchaser that inspection done and no problems found; or (b) vendor giving unqualified warranty to survive closing that there are no work orders and retrofit requirements are complied with, if applicable. Where provided, verbal responses are acceptable.
Septic System	Sometimes	Where private system, confirm with purchaser that inspection done and no problems found.
Private Water System Work Orders	Sometimes	Where private water system. Need not be done where notary/lawyer confirms with purchaser that inspection done and no problems found.
Apparent Utility Servitudes, Natural Heritage Protected Areas, ⁹ Controlled Road Access	Sometimes	Never required for whole lot on the cadastre of Québec or divided co-ownership; otherwise, required where risk factors apply.
Waterfront Inquiries	Sometimes	Where property fronts on lake or river (e.g., triple chain, house or structure within 1,000 feet of water, waterbed issues, accretion, etc.).
Non-Resident Purchaser ¹⁰	Sometimes	Where any of the purchaser(s) is/are non-resident(s) of Québec and property is in an agricultural zone.
SEARCHES ARISING FROM TITLE SEARCH		
Enterprise Register (CIDREQ)	Never	
Statement re: Divided Co-ownership	Sometimes	Where divided co-ownership, obtain and review a current statement dated no earlier than 60 days before closing. If between 60 and 120 days have passed since the date of the statement, call the TitlePLUS Customer Service Centre for instructions.
Compliance with Restrictions Contained in Servitudes	Sometimes	Where have grounds to believe there is non-compliance based on discussion with purchaser and instead of listing alleged non-compliance as exception to coverage, want to attempt to establish that there is in fact compliance.
Cultural Properties	Sometimes	Where a notice of entry in the register of cultural property is registered on title or property is in a protected area. ⁸

* Different search requirements may apply to a manual review transaction (such as properties over \$1 million), or if you have acted previously on the property. If this is a mortgage-only transaction, please consult the Mortgage-Only Instruction Sheet.

⁷ Under *An Act respecting the preservation of agricultural land and agricultural activities*, R.S.Q. c. P-41.1.

⁸ Under the *Cultural Property Act*, R.S.Q. c. B-4.

⁹ Under the *Natural Heritage Conservation Act*, R.S.Q. c. C-61.01.

¹⁰ Under *An Act respecting the acquisition of farm land by non-residents*, R.S.Q. c. A-4.1.