



Federation of Ontario  
Law Associations  
Fédération des associations  
de barreau de l'Ontario

October 2, 2025

Dear Real Estate Representatives, Presidents and Library Staff,

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

### **Title Insurance Companies To Comply with FINTRAC Regulatory Requirements**

Effective October 1, 2025, title insurance companies are subject to the requirements of FINTRAC under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*. This will mean that the insurance companies must verify ID of the insureds under the policy and to do so, the insurance companies will require the lawyer placing the policy to collect this information as agents of the insurance company. While lawyers are obligated to verify client ID under the Rules of Professional Conduct, lawyers collect this information and hold it subject to solicitor-client privilege. The information collected as agent of the insurer is not. As result, lawyers collecting this information for title insurance purposes must disclose this and obtain client consent to the release of the required information before getting a policy. Each insurer will have a form of agency agreement with the lawyer/firm to govern this relationship. As they are available, you should review them against your own professional obligations.

The Law Society of Ontario has published a notice about this, which is available [here](#).

Title insurers are required to report on various other aspects of real estate transactions, including purchase price, parties to the transaction and financing details. The agency agreement between solicitors and title insurers should not extend to the collection and disclosure of these details. The title insurers should obtain this information by public records, application questions and other means, but not through an agency relationship with solicitors. The title insurers have the reporting obligation to FINTRAC and the agency agreement with solicitors should not become the means of delegating that function. Please review any terms of agency agreements presented to you, or included in software for the purpose of applying for title insurance policies and, before you click or agree to the terms, ensure you are comfortable with the scope of the engagement, that you have client consent to obtain and disclose the required information, and that you otherwise comply with your professional obligations.

### **Bulletin on s71 Notices**

On September 15, 2025, a new bulletin was published with respect to s71 Notices and various updates to processes and implications of registrations under that section of the Land Titles Act. Bulletin 2025-08 can be found [here](#). It includes a comprehensive overview of what can be registered, what can't be registered and some implications of failing to provide full details of the unregistered interest.

## **Returns for Correction and Withdrawal of Electronic Documents**

Director of Titles has issued Bulletin 2005-03, which is available [here](#). This outlines the procedure that will be implemented by the Land Titles Office for corrections to submitted instruments or if an instrument needs to be withdrawn. Typically, a response is required within seven calendar days to correct and resubmit a document and, if it is not, it will be withdrawn after the seventh day. In order to be compliant with the Bulletin, it is imperative that licensees review their emails and email notifications and verify that [LRSB.Withdrawal.Notification@Ontario.ca](mailto:LRSB.Withdrawal.Notification@Ontario.ca) is an acceptable email, so it does not go into your spam filters.

More importantly, it is imperative that you confirm your email address into the Teraview system so that the Land Registry contact personnel can reach the lawyer for these notifications. As Teraview will no longer be contacting licensees by fax or by phone, you will need to ensure your email address is updated on the portal to ensure timely communication. The instructions and details can be found [here](#).

Until the Teranet system authorizes multiple emails to send notifications and to contact licensees of the Teraview system, it would be important to either monitor your emails while away from the office for more than a week or to set up other internal or IT options to route emails from the LRSB notification email address to office staff who could be available to let the LRO know of the absence and to extend the time for compliance.

## **Updated eReg Electronic Procedures Guide for Teraview**

The 2025 updated eReg Electronic Procedures Guide for Teraview has been released and is available [here](#). The last full update was in 2017 so this version is very welcome. It includes additional commentary that was previously only internal to the Land Registry Office. It has removed some outdated provisions, contains links to bulletins and has added reminders to reduce frequency of common errors. Please share this with your staff!!

## **Tarion Requires Notice of Purchase of New Freehold Houses**

Starting July 1, 2025, Tarion will require new freehold home purchasers to provide Tarion with notice of their purchase within 45 days of entering into the agreement. This would apply to all purchase agreements signed on or after July 1, 2025. Purchasers will do so using an online tool, which is what purchasers would have access to as part of their warranty coverage. The notice will include information about the purchaser, the property, the deposits paid and the vendor/builder. Compliance will dictate the deposit warranty coverage available for purchasers. The initial release can be found [here](#).

## **Wiring of Funds**

The movement of funds on a real estate or corporate transaction is increasingly complicated. Systems and attitudes are changing but there is not consistency of an approach. Cheques are being phased out, with financial institutions mistrusting them and holding back funds pending due diligence and clearance checks. Direct deposits are quick but not guaranteed funds and there is a general rise in incidences where funds have not cleared several days after deposit. Wires are the preferred means of moving guaranteed funds, but each financial institution has its own way of processing them, leading to unpredictable timing and coordination of the movement of funds.

This creates challenges for lawyers who are left, at the last minute, to deal with these uncertainties. Case law is starting to develop around responsibility for movement of funds, including recent cases regarding time being of the essence.

FOLA is looking into the issue and the various components that need to be resolved to bring predictability into the equation and any interim measures that can be brought forward pending a global consensus. This includes:

1. discussion with insurers on best practices and coverage;
2. understanding the key timelines with the Canadian Payments Association and the financial institutions members to develop comprehensive systems for movement of money;
3. language for agreements of purchase and sale to address movement of money challenges, escrowed closings and extension of closing dates where necessary;
4. educating real estate professionals about the challenges of tying a purchase and sale to the same date, with options to clients about bridge financing or other alternatives to stagger closing dates.

We continue to monitor this important issue and welcome thoughts and concerns.

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

*Mark Giavedoni*  
FOLA Real Estate Chair

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