



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

December 15, 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 became 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.

### **Updates to Requests Submitted to OnLand**

Effective December 1, 2025, there are new enhancements to OnLand with respect to correction of parcel registers, pre-approval for certain instruments and pre-approval for plans. The newsletter can be found [here](#) for further information.

### **Requests For Correction in Teraview**

In previous FOLA updates, we mentioned that “Teraview will no longer be contacting licensees by fax or by phone” for corrections. It is not Teraview that would contact licensees, but Land Registry staff directly. Sorry for any confusion this inadvertent statement may have caused. We

understand that the Land Titles Office is working with Teranet to enable additional emails to be associated with a licence and we are hopeful this enhancement will be made in 2026.

### **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!!

### **Bill 60: (Fighting Delays, Building Faster Act, 2025), Royal Assent on November 27, 2025**

Bill 60 was given Royal Assent on November 27, 2025 and made a number of changes to the *Residential Tenancies Act, 2006* (RTA), *Construction Act*, *Planning Act* and various others. While many of the Bill's provisions came into force on November 27, 2025 the changes to the RTA are still to be proclaimed. Practitioners should have a working knowledge of these amendments as it pertains to housing, agreements of purchase and sale where an eviction is proposed due to a purchaser's intention to reside in the dwelling and other related implications. The final version of the Bill can be found [here](#).

### **Beneficial Ownership Registry**

In the 2025 Ontario Budget and Fall Economic Statement, the government announced plans to implement a Beneficial Ownership Registry for privately held corporations by 2027 to combat financial crime like money laundering, requiring companies to file ownership details online for easier access by law enforcement and regulators. At this time, the proposal appears limited to corporate filings, shareholdings and control. The details of certain measures in the budget can be found [here](#). We will continue to monitor progress and if it will encroach into real property ownership.

### **HST Rebates for First Time Homebuyers of Newly Constructed Dwellings**

The federal government has proposed legislation in its fall budget to exempt GST from newly constructed dwellings for first time homebuyers. Ontario has agreed to do the same for PST on similar terms. The proposal will exempt HST on such purchases for qualifying homebuyers valued at \$1,000,000 or less. The rebate will reduce based on a calculation for those dwellings valued between \$1 million and \$1.5 million. The credit/rebate program is not yet in effect, although the stated implementation is expected to be retroactive to May 27, 2025. We will provide another update at that time.

### **Tarion Notice of Purchase of New Freehold Houses & Cooling Off Period**

As of July 1, 2025, Tarion requires new freehold home purchasers to provide Tarion with notice of their purchase within 45 days of entering into the agreement. This applies 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.

In addition, as of January 1, 2026, purchasers of newly constructed freehold dwellings will have a similar 10 day rescission period, equivalent to purchasers of newly constructed condominium units.

### **Careful With Undertakings**

Some financial institutions are being particularly difficult regarding payout statements and discharging security following payout. Aside from various qualifications included in their payout letters or statements, some financial institutions are refusing to discharge security after lawyers have paid out based on the statement, claiming that unknown (at the time) facilities were not included in the payout statement, additional interest payments have accumulated since the payment was made, or, because the institution did not freeze revolving facilities on closing, the borrower continued to use the funds. In some cases, the payout statement indicates that the statement is an estimated projection, includes a set of assumptions and that adjustments are likely. Please read these statements and if it impacts the undertaking you are giving to the purchaser's lawyer, contact the financial institution to clarify.

One pillar of how real estate transactions operate is on the basis of financial institutions (banks and credit unions in particular) accepting payout funds and discharging their security within a reasonable time following the transaction. If these institutions are refusing to do so, after a lawyer was engaged to facilitate the payout and discharge of the indebtedness, then it will fundamentally alter the way real estate closings are going to happen in the future.

We will continue to monitor this situation and look to advocate on this issue in the New Year.

### **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.