



2018-2020  
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March 26, 2020

To whom it may concern,

The Federation of Ontario Law Associations (FOLA), is an organization that represents the associations and members of the 46 local law associations across Ontario. Together with our associate member, The Toronto Lawyers Association, we represent approximately 12,000 lawyers, most of whom are in private practice in firms across the province. These lawyers are on the front lines of the justice system, and a significant proportion are full-time or part-time solicitors.

As the current Co-Chairs of Real Estate for FOLA we have been dedicating countless hours to attempting to assist solicitors in the province with carrying out their critical mandate of assisting the public in these uncertain times. We strongly believe that Ontario has one of, if not the best, systems of land registry worldwide. That system is supported by an independent bar who inform, advise, and protect the public and businesses when dealing with what may be their largest lifetime investment.

It has recently come to our attention that MCAP (and perhaps other lenders) have determined that the public will not be allowed access to the services of a lawyer when completing re-finances. MCAP's recent notice confirms that "Effective immediately **all MCAP Refinances must be closed through either FCT or FNF**. We are no longer allowing refinances to be closed with individual solicitors." This appears to be a unilateral decision of MCAP which we urge them to reconsider.

A decision such as the above takes away the ability of many, including seniors and those who may be unsophisticated, to have a complex transaction properly explained to them prior to signing. When people are stressed, emotional and scared proper advice is of utmost importance.

We understand that there are many challenges to meet with the various restrictions resulting from Covid-19, however no institution should make a unilateral decision to wield its unequal bargaining power, and require individuals to forego the protection offered by legal representation.

We urge those involved, the Law Society of Ontario, and the Provincial Government to ensure that the public remains protected, and that clients continue to have an ability to obtain proper advice and assistance with any and all real estate transactions including refinancing of mortgages.

Yours truly,

Eldon Horner  
FOLA Real Estate Co-Chair

Merredith MacLennan  
FOLA Real Estate Co-Chair