



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

December 19, 2023

Dear Real Estate Representatives, Presidents and Library Staff,

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

### **Director of Titles**

We are pleased to advise that the Federation of Chinese-Canadian Professionals (Legal Section) is raising funds for the Jeffrey Lem Memorial Scholarship in memory of Jeffrey Lem, Director of Titles, who died on September 3, 2023. For those interested in making a contribution, please see the Federation's website [here](#).

We are very pleased to welcome Interim Director of Titles, **Rebecca Hockridge**. Ms. Hockridge has been appointed to the role of Director of Titles for a six month term and is actively attending to duties.

### **Verification of Client Identification Virtually**

Effective **January 1, 2024**, the Law Society's temporary emergency measure allowing licensees to virtually verify client identity without authentication will end. On and after that date, licensees must authenticate an individual's government-issued ID, meaning the licensee must use a process or method to determine if the ID is true and genuine and cannot do so virtually. Bylaw 7.1 allows two methods of verification virtually: the credit file method and the dual process method. Licensees can also use an agent to verify identity. The Notice to the Profession dated July 27, 2023 and additional resources from the LSO can be found [here](#).

These enhanced rules will impact real estate lawyers specifically as our engagement is routinely to facilitate the transfer of funds for our clients. Be on the lookout for CPD programming in connection with this to better prepare yourself, your practice and your staff.

### **MyTeraview.ca**

As part of efforts to improve Teraview Account Management, certain administrative services have moved online to **MyTeraview.ca** starting **December 1, 2023**. Although this notice was sent to Teraview Account Holder Representatives a few weeks ago, a newsletter is posted on the Teraview website. Members may email [info@teraview.ca](mailto:info@teraview.ca) with any questions.

### **Bulletin 2023-08**

Effective December 9, 2023, there is a new mandatory statement (75) for all Charges/Mortgages instruments which confirms that added or imported text/schedules are legible and relate to the parties of the Charge. If you have a Charge in preparation prior to December 9, but attempt to register it on or after December 9, the mandatory statement must be selected before registration will be permitted.

### **Reminder – DRA has been updated**

The Document Registration Agreement and Multi-Party Document Registration Agreement have been updated and published on the Law Society of Ontario's website. The updated DRA and Multi-Party DRA are available in word [here](#). We encourage you to review and implement the updated DRA and Multi-Party DRA on your files and in your correspondence when you refer to same to be incorporated by reference.

### **Underused Housing Tax (Canada)**

The Federal Government passed the underused housing tax in June, effective January 1, 2022, such that reporting and payment of tax on underusing housing was payable on April 30, 2023 for the 2022 calendar year. CRA extended a penalty/interest-free period to November 1, 2023 for reporting and payment of this tax but on October 31, 2023 CRA has further extended this to **April 30, 2024**. The tax largely affects non-Canadians and non-residents but could be applicable to citizens/residents as well. You can review the legislation [here](#). The new legislation imposes a tax of 1% of the assessed value or the most recent purchase/sale price, whichever is greater. CRA has the right to lien the property for non-payment.

### **Class Action Settlement (Dye & Durham/Closure)**

In *Burford Law Professional Corporate, et al v. Dye & Durham Limited, et al* (2023 ONSC 6008), Justice Morgan approved the settlement of the parties to dismiss the certification application on a without costs basis. The settlement can be found [here](#). It is without prejudice to any other potential litigant to bring his/her/their own claim within the limitation period. The settlement found that there was insufficient evidence to suggest that lawyers were suffering the loss/damage attributed to the increased fees charged by the Unity software, suggesting (without evidence) that most lawyers were or would pass those costs onto their clients, who would be the actual aggrieved parties (although those parties would not have the means to contractually engage with Dye & Durham in any event). Please notify your membership of this decision.

If and when we receive further information of interest to the real estate bar, we will pass it along.

*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.