

## COMMERCIAL TITLE INSURANCE ORDER FORM (ONTARIO)

To: Stewart Title - Commercial Operations

Date: \_\_\_\_\_ Attention: \_\_\_\_\_

Fax: (416) 216-5705 / (888) 292-1388 Email: [stgtorcommorders@stewart.com](mailto:stgtorcommorders@stewart.com)

### LAW FIRM INFORMATION

Lawyer: \_\_\_\_\_

Contact: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Your File Number: \_\_\_\_\_

Is this your first time using Stewart Title?:

☐ Yes ☐ No

How do you prefer to receive your policy(ies)?

☐ Fax ☐ Email\* ☐ No Preference

\*Lawyer acknowledges that they have obtained consent from their clients to have their personal information transmitted over the internet, being a non-secure transmission route.

If you have received a quote from Stewart Title, please enter the quote reference number here: \_\_\_\_\_

### POLICY INFORMATION

Anticipated Closing Date: \_\_\_\_\_

Transaction Type:

☐ Purchase ☐ Refinance ☐ Share Purchase (# or % of shares: \_\_\_\_\_)

Policies Required:

☐ Owner ☐ Lender ☐ Both

Purchase Price: \$ \_\_\_\_\_

Interest in Land:

☐ Fee Simple

☐ Leasehold (If assignment of lease, the original lease was registered on \_\_\_\_\_ as instrument number \_\_\_\_\_)

☐ Other: \_\_\_\_\_

### OWNER / PROPERTY INFORMATION

Property Type:

☐ Commercial (Please Specify): \_\_\_\_\_

☐ Commercial Condominium

☐ Vacant Land

☐ Residential 7+ Units

☐ Farm Property With a Residential House?

☐ Yes ☐ No

☐ Cannabis Production / Sales (current or future use)

☐ Other: \_\_\_\_\_

Is the property located on First Nations Land? ☐ Yes ☐ No

(If Yes, please be advised that our Underwriting Department will be in contact with you regarding your transaction)

Purchaser / Borrower Name(s) (Last Name, First Name): \_\_\_\_\_

If Corporation, please provide name(s) of Corporate Signing Officer(s): \_\_\_\_\_

Current Vendor Name(s) (if Purchase Transaction): \_\_\_\_\_

Which party(ies) are you acting for?

☐ Purchaser/Borrower

☐ Lender

☐ Both

Vendor's Solicitor: \_\_\_\_\_ Lender's Solicitor: \_\_\_\_\_

If acting for Lender only, Purchaser/Borrower's Solicitor: \_\_\_\_\_

Municipal Address of Property to be Insured (For Additional Properties, please attach our "Additional Properties Form"):

Full Legal Description of Property to be Insured [OR ATTACH COPY(IES) OF PARCEL PAGE(S)]:

PIN \_\_\_\_\_ - \_\_\_\_\_ ☐ (LT) ☐ (R)

Legal Access to the property (vehicular and pedestrian) is via a public highway: ☐ Yes ☐ No

### **SURVEY INFORMATION**

Do you have a survey? ☐ Yes ☐ No

Does the survey disclose any defects or are you aware of any changes since the survey date? ☐ Yes\* ☐ No

\*If Yes, please describe all discrepancies, encroachments or additions (including but not limited to encroachments of fences and boundary walls, encroachments for which an encroachment agreement has been entered into and/or violations of setback requirements (and provide a copy of the survey):

**Over \$10M Transactions:** Is the property contiguous?

☐ Yes ☐ No

If No, please explain: \_\_\_\_\_

### **MORTGAGE INFORMATION**

For additional lender policies please attach a separate page.

If the mortgage blankets over additional properties, please complete and attach our "Additional Properties Form" (available on request).

Lender Name: \_\_\_\_\_

Mortgage Amount: \$ \_\_\_\_\_

Priority:

☐ First ☐ Second ☐ Third

Reference/Loan Number: \_\_\_\_\_

Loan to value ratio is 75% or less ☐ Yes ☐ No

Is this a syndicated mortgage ☐ Yes ☐ No

If yes, please provide the details: \_\_\_\_\_

Private Lender? ☐ Yes ☐ No

## MORTGAGE INFORMATION

If Private Lender, what is the term of the mortgage? \_\_\_\_\_ What is the interest rate? \_\_\_\_\_

VTB Mortgage? (If VTB, do not answer remaining questions in this section)

- 1) Is the mortgage for the purpose of financing construction or development or renovations? ☐ Yes ☐ No
- 2) Is the mortgage securing a construction take out loan? ☐ Yes ☐ No
- 3) Is the registered principal amount of the mortgage higher than the current value of the land? ☐ Yes ☐ No

If Yes, please explain: \_\_\_\_\_

- 4) Is the mortgage being advanced in stages? ☐ Yes ☐ No
- 5) Was construction/renovation recently completed on the land, is the property currently under construction and/or has work already been started to facilitate future development (ie. Architect drawings, engineering plans, surveys)? ☐ Yes ☐ No

If the answer to 5 is "Yes":

- a) Have you confirmed that all contractors (and others that have supplied service, labour or materials) have been paid to date? ☐ Yes ☐ No
- b) Have you confirmed that all required holdbacks have been maintained? ☐ Yes ☐ No

If you answered "Yes" to 1, 2 or 5 above, your confirmation package will include a Construction Lien Declaration for execution by the borrower (if refinance) or vendor (if purchase).

Do you want the Post Date of Policy Super Priority Lien Endorsement\* (additional premium applies)?

☐ Yes ☐ No

If yes, please answer the following :

Are there any governmental liens registered on title?

☐ Yes ☐ No

- a) If "NO" Is the borrower in arrears of any payments of HST/PST/QST (or similar tax) or governmental source deductions? ☐ Yes ☐ No ☐ Unknown
- b) For private lender commercial – if the answer to (a) above was "No" or "Unknown": Have you (or will you prior to closing ) obtained a statutory declaration from the borrower confirming that all HST/PST/QST (or similar tax) or governmental source deductions are paid to date? ☐ Yes ☐ No

\*The Post Date of Policy Super Priority Lien Endorsement is not available for vendor take-back mortgages (VTB), for commercial single-risk policies, or commercial private lenders that are not 1st or 2nd priority. For commercial private lenders, a borrower statutory declaration confirming remittances are current will be required.

## TITLE SEARCH RESULTS

Does the vendor or borrower own abutting lands? ☐ Yes ☐ No

Existing Mortgages: [NOTE: Private mortgages must be discharged prior to or on closing]

- ☐ To be discharged (please specify which mortgages are NOT being discharged below)
- ☐ No existing mortgages remaining on title
- ☐ Remaining on title (Please list details below and add separate sheet if required)

Lender: \_\_\_\_\_

Date of Registration: \_\_\_\_\_ Instrument Number: \_\_\_\_\_

Original Principal: \$ \_\_\_\_\_

Priority on Closing: ☐ First ☐ Second ☐ Third

How long has the Borrower and/or Vendor owned the property? \_\_\_\_\_

Details of ALL other registered instruments [OR ATTACH COPY(IES) OF PARCEL PAGE(S)]:

Instrument Number	Registration Date	Type of Document
_____	_____	_____
_____	_____	_____

Are there any adverse matters disclosed by title or off-title searches that will not be removed or remedied on closing?

☐ Yes ☐ No

If Yes, please explain: \_\_\_\_\_

Are there any unusual / unique aspects of this transaction

(ie. bankruptcy, vesting order, non-arm's length transaction, litigation, etc.)? ☐ Yes ☐ No

If Yes, please explain: \_\_\_\_\_

**Over \$10M Transactions:** Will you be obtaining evidence of compliance for agreements, restrictive covenants and conditions? ☐ Yes, via search ☐ Yes, via Officer Certificate / Statutory Declaration ☐ No

If No, please explain: \_\_\_\_\_

If Yes, please provide search response(s) or other evidence of compliance.

## OFF-TITLE SEARCH RESULTS

*Please refer to our commercial search requirements (available upon request or at [www.stewart.ca](http://www.stewart.ca))*

### 1. Tax Search Results

- ☐ Paid to closing
- ☐ Arrears to be paid from closing funds
- ☐ Taxes not assessed and an undertaking to readjust has been obtained along with either i) a holdback or ii) a reasonable estimate has been used for statement of adjustment purposes
- ☐ Other: \_\_\_\_\_

**Over \$10M Transactions:** Does the legal description describe the same property as that identified by the assessment roll number (s)? ☐ Yes ☐ No If "No", please provide copy of Tax Certificate.

### 2. Utility Search Results (to the extent that they may form a lien against the property)

- ☐ Paid to closing
- ☐ Arrears to be paid from closing funds
- ☐ There are no arrears forming a lien
- ☐ Other: \_\_\_\_\_

### 3. Execution Search Results (search Borrower and/or Vendor, when applicable):

- ☐ Clear
- ☐ Execution(s) against current parties being paid out and lifted
- ☐ Similar name execution(s):
- ☐ Client affidavit being obtained for writs under \$50K
  - ☐ Solicitor affidavit being obtained for writs over \$50K

### 4. Building/Zoning Search Completed? ☐ Yes ☐ No

If Yes, are search results clear? ☐ Yes ☐ No

Current use of the property: \_\_\_\_\_

Have you confirmed that the current use is permitted? ☐ Yes ☐ No

5. **Fire Work Order Search Completed?** ☐ Yes ☐ No

If Yes, are search results clear? ☐ Yes ☐ No

6. **Unregistered Easement Search Completed?** ☐ Yes ☐ No

If Yes, are search results clear? ☐ Yes ☐ No

7. **When ordering a loan policy – Corporate Borrowing Resolution for the Borrower**

☐ Obtained ☐ Not obtained, but will be obtained before closing ☐ Not applicable

8. **When ordering a loan policy – I have/will confirmed that the borrower has the authority to enter into this mortgage:**

☐ Yes ☐ No

9. Has there been a filing within the last 12 months which purports to change any of the officers or directors of the corporation? ☐ Yes ☐ No ☐ Newly Incorporated

10. Current Corporate Certificate of Status / Corporate Profile for the Borrower and/or Vendor

☐ Obtained ☐ Not obtained, but will be obtained before closing ☐ Not applicable

11. **Condominium Status Certificate**

- ☐ Clear Certificate  
☐ Not Clear (Please attach a copy of the Status Certificate to your order)  
☐ Not required: Refinance under \$50M

## **FRAUD PREVENTION**

### **1. IF REFINANCE:**

Do any *one* of the following two situations apply to your transaction? ☐ Yes ☐ No

- a. Prior to closing, I will be obtaining and reviewing Canadian or Provincial government issued photo I.D. for the borrower(s) and will be keeping a legible copy in my file; or  
b. I (or another member of my firm) have known the client(s) for a period of at least one year.

### **2. IF PURCHASE:**

Was/Were deposit(s) totaling more than \$50,000 paid *directly* to the vendor(s)? ☐ Yes ☐ No

(Answer “No”, if the deposit(s) was/were paid in trust to either the vendor’s lawyer or realtor.)

### **3. IF REFINANCE:**

Are the proceeds of the Insured Mortgage(s) being made payable to anyone OTHER than an existing lender or to the borrower(s) directly? (Please answer “Yes” if the proceeds are being paid to the borrower’s lawyer in trust)

☐ Yes ☐ No

If you **act for the Borrower(s)** and answered “Yes” to question #3 above:

Are you paying any part of the proceeds of the Insured Mortgage(s) to a party or entity OTHER than the “acceptable parties/entities” listed below? ☐ Yes ☐ No

If “Yes” to whom are the proceeds of the Insured Mortgage(s) being made payable (Please list in detail the parties and amounts):

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If you **act for the Lender** and answered **"Yes"** to question #3 above:

Are the proceeds of the Insured Mortgage(s) being made payable to the borrower's lawyer in trust?

☐ Yes ☐ No

If "Yes", have you obtained an undertaking from the borrower's lawyer to pay the proceeds of the Insured Mortgage(s) ONLY to the "acceptable parties/entities" listed below? ☐ Yes ☐ No

If "No", are you paying any part of the proceeds of the Insured Mortgage(s) to a party or entity OTHER than the "acceptable parties/entities" listed below? ☐ Yes\* ☐ No

*\*If "Yes" to whom are the proceeds of the Insured Mortgage(s) being made payable*

*(Please list in detail the parties and amounts):* \_\_\_\_\_

**Acceptable Parties/Entities:**

- registered title holder(s);
- holder(s) of encumbrance(s) registered on the title to the Land;
- an execution or judgment creditor(s) who holds an execution or judgment against the registered title holder(s);
- a non-registered covenantor under the Insured Mortgage(s) that is a spouse, child or parent of the registered title-holder(s);
- credit card companies for credit cards in the name of the registered title holder(s), or in the name of non-registered covenantor(s) under the Insured Mortgage(s) that are the spouse, child or parent of the registered title holder(s); or
- a municipality for taxes, to a utility for utilities, to a mortgage broker/agent for mortgage broker fees, to a realtor for realtor commission/fees, or to a lawyer for legal fees.

**4. FOR ALL TRANSACTIONS:**

Have there been any transfer(s) of title or mortgage discharge(s) registered within the last six months?

*(For mortgage only transactions, please select "yes" if you are registering a transfer of title prior to the registration of the new mortgage)* ☐ Yes ☐ No

If you answered "Yes" to the above question, select the item(s) below that describes the reason for the recent Transfer(s) of Title and/or Mortgage Discharge(s):

- ☐ discharge(s) of a prior vendor(s)' mortgage(s)
- ☐ discharge(s) of the current borrower(s)' mortgage(s) *(applicable for refinance only)*
- ☐ estate conveyance
- ☐ inter-family transfer where a party was ADDED to title
- ☐ payment to a spouse under a separation agreement/divorce settlement where your office acted for one of the spouses in the matrimonial matter
- ☐ the borrower(s) recent purchase of the property where you acted for the borrower(s) when they purchased *(applicable for refinance only)*
- ☐ the addition of a new party or removal of an existing owner(s) on title to qualify for the new mortgage(s) being insured (provided that where a party is being removed, you have met with the party being removed, explained the nature of the transaction, and obtained Canadian/Provincial government issued photo I.D.)
- ☐ the finalization of a severance of the property
- ☐ OTHER (Please explain: \_\_\_\_\_ )

**5. FOR ALL TRANSACTIONS:**

Has another title insurer refused to issue a policy of title insurance in respect of this transaction?

☐ Yes ☐ No

If "Yes", please explain: \_\_\_\_\_

## 6. FOR ALL TRANSACTIONS:

Is the vendor(s) and/or borrower(s) using a Power of Attorney in this transaction? ☐ Yes ☐ No

If "Yes", please attach copy(ies) of the Power(s) of Attorney to your order.

## 7. FOR ALL TRANSACTIONS:

Is a Private Lender providing a new mortgage? ☐ Yes ☐ No

Is the subject property mortgage free? ☐ Yes ☐ No

Is the subject property vacant land? ☐ Yes ☐ No

Was the most recent transfer to the borrower(s) for nominal consideration? (If the transfer was an estate conveyance or a transfer from trustee to beneficiary or an inter-family/inter-spousal transfer, please answer "Yes" to this question)

☐ Yes ☐ No

Are the proceeds of the Insured Mortgage(s) being used to facilitate the purchase of the subject property?

☐ Yes ☐ No

**Depending on your answers to the above questions, Stewart Title may require further documentation for review by our Underwriting department. This documentation could include: an up to date title search; a copy of the purchase contract and any amendments thereto; a copy of the power of attorney if one is being used; a copy of the statement of adjustments; proof of deposits; or other documentation deemed necessary by the Underwriting department.**

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## REPORT ON TITLE

I have investigated title to the insured land in the manner prescribed by my Law Society, excluding, however, those searches not required by Stewart Title Guaranty Company; and in my opinion, in so far as that investigation revealed each named insured will obtain a good marketable interest in the insured land referred to in Schedule "A" of the Policy. I also confirm the following:

1. I will comply with any and all requirements of the mortgage lender as set out in its Instructions to Solicitor prior to funding;
2. I have disclosed all title matters which would otherwise qualify my opinion on title;
3. I will advise Stewart Title of any additional registrations or matters affecting title, changes to the status of the property and/or the insured's interest prior to closing. If I become aware of any of these circumstances arising after closing but prior to payment remittance, I will advise Stewart Title immediately;
4. I will advise Stewart Title of any changes in the Scheduled Closing Date; and
5. I will disclose all Schedule B exceptions to coverage to the purchaser/mortgagor and mortgagee as applicable.

I understand that Stewart Title Guaranty Company waives any rights of subrogation it may have against me in respect of any and all of the foregoing and I shall be liable to Stewart Title Guaranty Company for any loss resulting from my intentional act or omission or gross negligence and/or any fraudulent act or omission by me.

**If this transaction has already closed** – please provide the registration information on a separate page. Whenever possible, Stewart Title requires policies be ordered prior to closing. *Please Note: Stewart Title reserves the right to refuse to issue policies that are ordered after closing.*

Solicitor Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

Stewart Title is committed to protecting the privacy and personal information of those insured under Stewart Title policies. The information provided about them is kept confidential and used for the purposes set out in our privacy policy, including but not limited to, the underwriting and issuing of policies and administering of claims. For a copy of our complete privacy policy, please visit our website at [www.stewart.ca](http://www.stewart.ca), or contact our Privacy Officer at 1-888-667-5151.