September 30, 2025

Residential Transaction Search Guidelines – One to Six Units

Where coverage is provided, title insurance can eliminate the need for certain off-title searches. This can result in savings to the client, which can help outweigh the cost of the title insurance premium. To maximize the cost savings, please refer to this list when the transaction is initiated. Please note this information was compiled based on general practices in most jurisdictions. For further information please contact Stewart Title.

TITLE SEARCH REQUIREMENTS

For all purchase and refinance transactions, a current search of Title must be conducted at the time of order. Additionally, a search must be performed on the closing date and any new registrations that will affect your client's interest reported to Stewart Title prior to closing.

For properties in BC and Alberta, your Title search must include pending registrations and pending applications. Simply checking when the last change of Title was registered is not sufficient, as this will not reveal any charges that are pending registration.

REQUIRED OFF-TITLE SEARCH REQUIREMENTS

The following searches **are required** as responses received may reflect issues not covered under the policies:

(1) **Estoppel Certificate/Status Certificate/Form B/F Certificate** for Condominiums/Strata properties, except for residential refinance transactions. The certificate may be obtained up to ninety (90) days prior to the closing date without the need to obtain a new certificate on the closing date. As long as the certificate was received within ninety (90) days prior to closing, coverage is provided for condominium/strata fee arrears and special assessments that would have been revealed if a certificate had been obtained on the closing date. **NOTE: For properties in Alberta only** – the estoppel certificate may be obtained up to 120 days after closing provided appropriate undertakings are obtained, prior to closing, requiring payment of any amounts owing by the seller of condominium fees and special assessments that are disclosed on the estoppel certificate.

(2) **Speculation & Vacancy Tax (Empty Homes Tax).** For properties in a Speculation and Vacancy Tax area, for which a Property Status Declaration ("PSD") with respect to the Speculation and Vacancy Tax must be filed, you must obtain a tax search on or before the closing date confirming the PSD has been filed for all previous years and that no taxes are owing. See Municipal Realty Tax Certificate section below for more detail.

(3) **Building and Zoning Compliance** (Manitoba, Northwest Territories, Yukon, and Nunavut only*)**.** A building and zoning search is required for transactions of 2 to 6 residential units (including properties where the second unit is a boathouse with living accommodation), where an owner policy is being obtained and coverage for building and zoning matters is requested. Additionally, if your property is located in a municipality where two unit properties must be registered, you must determine if your units are properly registered. For transactions of 2 to 6 residential units where only a lender policy is being obtained, or where the owner does not want coverage for building and zoning matters (contact an underwriter for an exception clause for the owner), these searches are not required. No search is required for single-family residential dwellings. No search is required for refinance transactions.

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***For properties in BC, Alberta and Saskatchewan** – a building and zoning search is required where an Existing Owner or a Vendor Take Back mortgage policy is being obtained and coverage for 2 to 6 residential units is being requested.

Note Re: City of Winnipeg Only - a City of Winnipeg online search for issued construction-related permit records is required for purchase transactions where an owner policy is being obtained regardless of the number of units.

(4) **Fire Department Work Orders.** (Manitoba, Northwest Territories, Yukon, and Nunavut only). This search is required for transactions of 2 to 6 residential units, where an owner policy is being obtained and coverage for the owner is requested. For transactions of 2 to 6 residential units where only a lender policy is being obtained, or where the owner does not want coverage for fire department work orders (contact an underwriter for an exception clause for the owner), the search is not required. No search is required for single-family residential dwellings. No search is required for refinance transactions.

(5) **Judgment Registry Search** (Saskatchewan only). This search may be conducted up to 10 business days prior to closing.

NOT REQUIRED OFF-TITLE SEARCHES

The following searches are **not required** when acting on the purchase of a *residential* property of *up to six* units:

(1) **Public Utilities** – Verbal confirmation is sufficient. If a verbal confirmation is not available these searches are waived. **NOTE: Coverage is provided to the extent the arrears form a lien.**

(2) **Municipal Realty Tax Certificate.** Other than properties in a Speculation and Vacancy Tax area, verbal confirmation, a receipted tax bill or reference in a vendor's Statutory Declaration is sufficient, however, if none of the foregoing can be obtained, we will waive these requirements.

NOTE: For properties in a Speculation and Vacancy Tax (Empty Homes Tax) area for which a Property Status Declaration ("PSD") with respect to the Speculation and Vacancy Tax (Empty Homes Tax) must be filed, there are distinct requirements as follows:

- Obtain a tax search on or before the closing date confirming the PSD has been filed for all previous years.
- If your tax search reveals that taxes are owing, you must ensure that these are paid either before closing or from the closing proceeds.
- If your transaction occurs at a time in which the PSD is available to be completed by the seller for the prior year, but has not yet been filed, you must also ensure that it is filed prior to closing and obtain confirmation that no tax is payable pursuant to the filed PSD.
- If your tax search reveals that the PSDs have not been filed, you must ensure that all applicable taxes are paid either before closing or from the closing proceeds.

If you are unable to fulfill any of the above requirements, please contact our underwriting team prior to closing to have an exception added to your policy.

(3) **Corporate Profile/Corporate Status Reports**

(4) **Subdivision and Development Agreement Compliance**

(5) **Building and Zoning Compliance** – No search is required for single-family residential dwellings. No search is required for refinance transactions. For properties in Manitoba, Northwest Territories, Yukon, and Nunavut only*, a building and zoning search is required for transactions for 2 to 6 residential units, where an owner policy is being obtained and coverage for building and zoning matters is requested. Additionally, if your property is located in a municipality where two unit properties must be registered, you must determine if your units are properly registered. For transactions for 2 to 6 residential units where only a lender policy is being obtained, or where the owner does not want coverage for building and zoning matters (contact an underwriter for an exception clause for the owner), the search is not required.

*__For properties in BC, Alberta and Saskatchewan –__ a building and zoning search is required where an Existing Owner or a Vendor Take Back mortgage policy is being obtained and coverage for 2 to 6 residential units is being requested**.**

Note Re: City of Winnipeg Only - a City of Winnipeg online search for issued construction-related permit records is required for purchase transactions where an owner policy is being obtained regardless of the number of units.

(6) **Fire Department Work Orders.** No search is required for single-family residential dwellings. No search is required for refinance transactions. For properties in Manitoba, Northwest Territories, Yukon and Nunavut only, this search is required for transactions of 2 to 6 residential units (including properties where the second unit is a boathouse with living accommodation), where an owner policy is being obtained and coverage for the owner is requested. For transactions of 2 to 6 residential units where only a lender policy is being obtained, or where the owner does not want coverage for fire department work orders (contact an underwriter for an exception clause for the owner), the search is not required.

(7) **Septic File Searches.** Our Septic Endorsement is designed to protect the insured regarding the status of the septic system to the extent that a lawyer could do so if the usual septic file search was performed and reviewed. What should be made clear is that neither the policy nor a solicitor's opinion will guaranty that the system is working (it is not a warranty of fitness or quality). Similarly, the coverage does not include protection against defects that would be revealed by a current inspection of the system. It is also worth recognizing that the septic inquiry may provide information which may nonetheless be useful or important to the client. Examples of such issues would include the age of the system or the location of the system on the property. Thus, notwithstanding the comprehensiveness of the Septic Endorsement, it may still be prudent and courteous practice to advise clients of the additional option of ordering a septic inquiry.

(8) **Refinance Transactions.** On residential refinancing situations, an Estoppel Certificate/Status Certificate/Form B/F is not required for Condominium/Strata property transactions. The Title search, and Judgment Registry Search for Saskatchewan, may be conducted up to 10 business days prior to the registration of the mortgage without the need to conduct a further Title search, or Judgment Registry Search for Saskatchewan. For tax status, verbal confirmation, a receipted tax bill or reference in a Statutory Declaration from the Borrower is sufficient, however, if none of the foregoing can be obtained, we will waive these requirements. No building and zoning search is required. Note: For properties in a Speculation and Vacancy Tax (Empty Homes Tax) area, where the borrower(s) are non-resident or there is evidence that the borrower(s) do not occupy the property to be mortgaged, please follow the municipal realty tax requirements set out above in item 2.

ADDITIONAL CONSIDERATIONS

Outside the Scope of Stewart Title Coverage

(1) **Environmental Clearance** – Any concerns about soil or contamination or toxic pollutants on the property should be addressed by obtaining an environmental audit. Such certification is not usually included in a traditional solicitor's opinion.

(2) **Legislation relating to Residential Rent Regulation /Tenant Protection** – Landlord liability for illegal rent increases or other claims arising from residential tenancy legislation are not matters covered by title insurance. Where tenanted properties are concerned, you may want to seek the usual comforts in the form of landlord warranties, tenant acknowledgments and/or a search with the local rent authority.

(3) **Fire Retrofit Issues** – In the cases of tenanted and multi-unit properties, while title insurance does cover the usual work orders and zoning related matters, it does not cover fire retrofit issues such as the sufficiency of smoke alarms or fire barriers, unless they form work orders or are zoning deficiencies which would have been revealed by a regular building and zoning search conducted prior to closing. This is consistent with the principle that title insurance is not a warranty regarding quality or fitness for purpose, but rather a protection regarding matters which can be disclosed by a local authority search.

(4) **Water Potability and Quantity** – If the property is serviced by a well, a solicitor should seek the usual protections to ensure marketability and safety, including confirmation of a water potability certificate (preferably more than one) and a well driller's certificate (if available).

(5) **PPSA Re: Chattels** – Title insurance covers land, not chattels. When significant chattels are included in a purchase or when a transaction involves the likes of a mobile home, consideration should be given to PPSA search and registration.

(6) **Underground Fuel Oil Tanks** – In the event there is an underground fuel oil tank on the property, a solicitor should confirm its compliance with fuel delivery, removal, upgrading, and inspection requirements.