

MEMO

To: Hon. Dwight Duncan, Minister of Finance
From: The County and District Law Presidents' Association (CDLPA) and the Toronto Lawyers Association (TLA)
Re: Regulation 69/07 of the *Insurance Act*
Date: December 15, 2011

The CDLPA in conjunction with the TLA is writing to you today about Regulation 69/07 of the *Insurance Act*.

We understand that your office received correspondence from the Title Insurance Industry Association of Canada (TIIAC) requesting a review of the regulation and subsequent correspondence withdrawing that request.

Between both the CDLPA and the TLA, we represent the interests of approximately 12,000 lawyers across Ontario. The CDLPA represents all 46 law associations across Ontario with a membership of approximately 8,000-9,000 lawyers with a focus on sharing provincial resources for county law libraries, legal education, and promoting access to justice. The TLA has approximately 3,200 members across the Greater Toronto Area with a focus on information, education and advocacy for and on behalf of its members. A large portion of those lawyers are sole practitioners or practising in firms with less than 5 lawyers.

The CDLPA and the TLA believe that Regulation 69/07 is a positive reflection of the government's continued support of consumer protection and access to justice for Ontario homeowners. A home is typically the largest purchase an individual or family will make and it is essential to ensure that the homeowner is adequately protected. Regulation 69/07 represents one of the layers of protection in that it provides the homeowner with the benefit of independent legal counsel who is solely looking out for the interests of the homeowner.

In the practice of real estate, the independent lawyer's expertise consists of knowledge of all relevant federal, provincial and municipal laws that potentially affect the transaction. In fact, the Law Society of Upper Canada has also considered the importance of the independent lawyer in real estate transactions such that there are minimum practice standards in the area of real estate. Furthermore, our members are concerned with the interests of homeowners as they are our clients and the people that we serve.

Ontario is unique in that it is the only province with a regulation that protects homeowners to this extent. The CDLPA and the TLA fully support Ontario's existing and continued commitment to Ontarians in this regard and believe Regulation 69/07 is an integral protection to the homeowner in the real estate transaction. The CDLPA and the TLA will continue to monitor this issue and would be pleased to provide further input or information as required.