

Real Estate Transaction Levy Surcharge for Ontario lawyers  
Endorsement No. 2

PROFESSIONAL SERVICE provided by lawyer	COMMENT
1 Register a transfer/deed	levy surcharge applies
2 Register a charge/mortgage	levy surcharge applies
3 Insuring of title to land in Ontario	levy surcharge applies (subject to exclusion in Part C of the endorsement)
4 Lawyer receives instructions, prepares documents, conducts searches and/or provides one or more opinions or certificates with respect to the title, transfer or charge and/or with respect to the issuance of any title insurance policy	If the lawyer provides any of these professional services which results in the transfer, charging or insuring of title to land in Ontario, the levy surcharge applies
5 Lawyer acts for vendor (sale of property) only	levy surcharge applies
6 More than one lawyer from the same law firm acts on behalf of the same party on the same real estate transaction	only one lawyer is required to pay the levy surcharge
7 Two lawyers from the same firm, one acting for the vendor and one acting for purchaser on same transaction	only one levy surcharge applies
8 More than one transfer, charge or title insurance policy is given or received by the same party on the same real estate transaction (e.g., client purchases a house (transfer) and puts a mortgage on the same property (charge))	one levy surcharge applies
9 Lawyer acts for client on sale of property and purchase on new property with mortgage registered to new property	two levy surcharges apply (one levy surcharge for the sale and one levy surcharge for the purchase and mortgage)
10 Lawyer acts for purchaser on a property and mortgage is being registered to another existing property that the purchaser owns (collateral mortgage)	two levy surcharges apply
11 The real estate transaction involves more than one transferor/ transferee, chargor/chargee, or one or more title insurer(s) and two or more of any of them are represented by different lawyer in different law firms	each lawyer shall pay one levy surcharge
12 a person transfers land to his or her spouse	no levy surcharge applies
13 a person transfer land to him/herself and his/her spouse	no levy surcharge applies
14 a person transfer land to any other person(s) in consideration of natural love and affection	no levy surcharge applies
15 transfer between spouses where third party takes out mortgage	no levy surcharge applies for transfer between spouses, but levy surcharge applies for third party mortgage
16 Lawyer acting only for mortgagee on the preparation and registration of a mortgage	one levy surcharge applies
17 One lawyer acts for purchaser. One lawyer acts for vendor. Mortgagee wants it own separate lawyer.	each lawyer shall pay one levy surcharge (if from different firms)
18 A body corporate transfer land to another body corporate of which it is an affiliate within the meaning of "affiliate" in the Business Corporations Act R.S.O. 1990, c.B.16, as amended from time to time	no levy surcharge applies

19	a personal representative or its, his or her successor acting as an executor, administrator or trustee, transfers land to a beneficiary or to a successor personal representative	no levy surcharge applies
20	transfer, charge or insuring of title to land is done pursuant to a TitlePLUS policy	no levy surcharge applies
21	transfer, charge or insuring of title to land is done pursuant to a title insurance policy other than TitlePLUS	no levy is payable as long as you do not act for the transferor; that the title insurance policy is issued in favour of all transferees and chargees obtaining an interest; and the title insurer has signed a release and indemnity agreement with the LSUC (please review LAWPRO policy, exclusion C(v) of Endorsement No. 2 for complete exclusion details)
22	Discharge of mortgage/charge	no levy surcharge applies
23	Discharge of mortgage/charge; registration of new mortgage/charge	one levy surcharge applies
24	One lawyer acts for both vendor and purchaser	one levy surcharge applies
25	Amendment of mortgage/charge	a levy surcharge applies only if the mortgage amount is increasing
26	Renewal of mortgage	a levy surcharge applies only if the principal amount increases or the lending institution changes
27	Assignment of mortgage (transfer of charge)	a levy surcharge applies only if the mortgage amount is increasing
28	Purchase (with registration of title) of condominium parking spot or locker (this purchase and registration takes place at a later date than the original transfer of the condo unit)	levy surcharge applies
29	Notice of lease	no levy surcharge applies
30	Registering tax arrears (tax deed)	no levy surcharge applies
31	Registering caution	no levy surcharge applies
32	Power of sale	real estate levy surcharge applies once property is sold; civil litigation levy surcharge applies once statement of claim is filed
33	Foreclosure	when property is being transferred, a levy surcharge applies

34	Purchase/sale of mobile home	no levy surcharge applies
35	Construction lien	no real estate levy surcharge applies however, if claim is perfected, then a civil litigation levy surcharge applies
36	Purchase of shares in a co-op	no levy surcharge applies
37	Documents are prepared but never registered	no levy surcharge applies
38	Registration of easement (with or without consideration)	no levy surcharge applies
39	Registration of restrictive covenant	no levy surcharge applies
40	Registration of leasehold interest in land	no levy surcharge applies
41	Register 2 separate mortgages on one property	one levy surcharge if done by one lawyer; two levy surcharges if done by two lawyers, each in different firms
42	Postponement Agreement	no levy surcharge applies
43	Transfer from municipality to several landowners (road closing)	one levy surcharge applies
44	Bulk sales transaction	no levy surcharge applies unless it results in a transfer/deed and/or mortgage/charge being registered
45	Survivorship application made to the court to remove deceased person from title	no levy surcharge applies unless disputed by another party
46	Incorporating a company	no levy surcharge applies
47	Cost sharing agreements	no levy surcharge applies
48	Lawyer prepares deed or charge but client registers document	levy surcharge applies as the lawyer provided services that indirectly resulted in the transfer or charge of land
49	Transfer from individual to bare trust	no levy surcharge applies
50	Lawyer prepares documents but deal ultimately falls through (no documents are registered)	no levy surcharge applies as there was no transfer, charge, insuring of title to land
51	Lawyer provides independent legal advice re charge	no levy surcharge applies
52	Notice of Lodgement (demonstration of interest in property)	levy surcharge applies
53	Amended statement of claim	no levy surcharge applies
54	Registering a quit claim deed	levy surcharge applies
55	Buying house on a Native Reserve	no levy surcharge applies, however if purchaser is registering a charge, then one levy applies
56	Purchase of a life lease in a building owned by a non-profit organization (only a Document General is being filed at the Registry Office, not a Transfer/Deed)	no levy surcharge applies
57	Filing a vesting order	If the order results in the transfer of title to land in Ontario then a levy surcharge applies
58	Builder/developer purchases one parcel of land	one surcharge applies
59	Builder/developer purchases multiple parcels of land under one agreement of purchase and sale	one levy applies for each parcel of land
60	Vendor sells multiple parcels of land under one agreement of purchase and sale	one levy applies for each parcel of land