

Real Estate
Transaction Levy
Surcharge

2023

**Original forms remain in this
booklet for your permanent
records. Send a copy with
your remittance to LAWPRO.**



How much is the real estate transaction levy surcharge and who must pay it?

Pursuant to By-Law 6, a LAWYER or firm that acts for one or more parties on a real estate transaction (as defined in paragraph A of Endorsement No. 2 of the POLICY), must pay the Law Society of Ontario (Law Society) a real estate transaction levy surcharge of \$65 per transaction, **inclusive of all taxes**.

How is the transaction levy surcharge calculated when I remit it to the Law Society and when I disburse the surcharge to my clients?

Remitting the surcharge to the Law Society

The transaction levy surcharges are considered insurance premiums and therefore are **not** subject to HST or GST. However, they are subject to PST. The total amount that is to be remitted to the Law Society therefore is **\$65 per transaction**.

Surcharge	\$60.19
PST	4.81
Total	\$65.00

Calculating the surcharge when it is disbursed to clients

Because you are required to remit \$65 to the Law Society per transaction, and therefore are out of pocket \$65, you may disburse the full \$65 to your clients. As do your other disbursements, this expense attracts HST, at the rate of 13 per cent, as calculated below.

Surcharge	\$65.00
HST	8.45 (remit directly to C.R.A.)
Total	\$73.45

Does the real estate transaction surcharge apply to transactions where a title policy is issued?

The real estate transaction levy surcharge will not apply to title-insured real estate transactions provided the following conditions are met:

- the real estate transaction closes on or after January 1, 1998;
- a title insurance policy(ies) is(are) issued in favour of all of the transferees and chargees obtaining an interest in or charge against the land which is the subject of the real estate transaction, provided that:
 - (a) the LAWYER does not act for the transferor in respect of the transaction;
 - (b) the title insurer(s) issuing the title insurance policy(ies) has(have) in all cases entered into a Release and Indemnity Agreement with LAWYERS of the Law Society, in a form acceptable to the Law Society, wherein the title insurer(s) irrevocably agrees(agree) to:
 - (i) indemnify and save harmless the LAWYER from and against any claims arising under the title insurance policy(ies), except for the LAWYER'S gross negligence or willful misconduct; and
 - (ii) release its right to maintain a claim against the LAWYER(S) acting as LAWYER(S) for the transferee(s), chargee(s) and/or the title insurer(s), except for the LAWYER'S gross negligence or willful misconduct; and
 - (c) the LAWYER(S) is(are) not obliged to pay any deductible amount to the title insurer(s) in respect of one or more claims made under the title insurance policy(ies) where the deductible amount is or may be the subject of recovery under the POLICY.

Through its website, the Law Society advises of those title insurers who have entered into such a release and indemnity agreement in a form satisfactory to the Law Society.

LAWYERS and LAW FIRMS should be certain to ensure that a title insurance policy(ies) for the transaction is (are) actually issued after filing a title insurance application. Where no title insurance policy(ies) is (are) issued, a real estate transaction levy surcharge shall apply.

Who may file documentation on a LAWYER'S behalf?

LAWYERS may delegate to their firms the responsibility of completing and remitting to LAWPRO the real estate transaction summary form along with the quarterly payments. However, it remains the responsibility of the individual LAWYER to ensure that the real estate surcharge forms are submitted accurately and on time to LAWPRO.

When are levy surcharge payments due to the Law Society?

The real estate transaction levy surcharges payable by a LAWYER under Endorsement No. 2 of the POLICY shall be accumulated and paid quarterly within thirty (30) days of the quarterly period ending on the last day of March, June, September and December.

When do I have to file an exemption form?

LAWYERS who are exempt from remitting the real estate transaction levy surcharge quarterly forms must file the exemption form once every year, by April 30th. LAWYERS admitted into practice after that date should file the exemption form within thirty (30) days of the next quarterly period ending on the last day of June, September or December. The exemption form is on page 7 of this booklet.

Who can I contact if I have any questions regarding the above information?

All questions can be directed to LAWPRO's Customer Service Department at 1-800-410-1013 or 416-598-5899 or via email to service@lawpro.ca

Real Estate Transaction Summary Form

RE23-1

For Quarter Ending March 31, 2023 **Due April 30, 2023**

You must submit this form even if you have no transactions to report in this period.

For your transaction levy filing to be considered complete, LAWPRO must have received a copy of this form **and payment in full** of the amount indicated in Item 2 – **Total Surcharge Payable**. Filings consisting of only a completed surcharge form without payment will not be complete. Please note, no cheques post-dated beyond the due date will be accepted.

1. General Information (print or type)

Firm number*: (Sole practitioners may enter their Law Society number)

Name of Law Firm, Association or Sole Practitioner: _____

Managing Partner, Association LAWYER or Sole Practitioner: _____

Firm contact: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

2. Transactions

Record the total number of transactions which qualify for payment of the real estate levy surcharge. Include in the total number of real estate transactions those real estate transactions for which no title insurance policy(ies) were actually issued, even though an application for title insurance may have initially been filed.

Total Transactions & Surcharge Payable

x \$65.00 = \$

3. List of LAWYERS

Please list the name and Law Society number of all LAWYERS whose transactions are included in this Real Estate Transaction Summary Form, including those LAWYERS who are **not exempt** from the Real Estate Transaction Surcharge but who nonetheless had zero transactions during this quarter. Use page 8 of this booklet to list additional LAWYERS if needed.

Law Society #

Name

4. Declaration

I hereby certify on behalf of all the LAWYERS listed on this form or on the attached schedule, that the above information is correct.

_____ Date

_____ Signature of Managing Partner/Lawyer, LAWYER on behalf of Association, or Sole Practitioner

A) **Copy this form.**

B) **Attach cheque(s) made payable to:**

Law Society of Ontario

Note: No cheques post-dated beyond the due date will be accepted.

C) **Forward copy and cheque(s) to:**

Lawyers' Professional Indemnity Company

250 Yonge Street, Suite 3101, P. O. Box 3

Toronto, Ontario M5B 2L7

Attn: Finance Department

* Firm number is the number used by your firm to e-file LAWPRO insurance forms.

To e-file this form and your payment, visit My LAWPRO at **lawpro.ca**

Real Estate Transaction Summary Form

RE23-2

For Quarter Ending June 30, 2023 **Due July 31, 2023**

You must submit this form even if you have no transactions to report in this period.

For your transaction levy filing to be considered complete, LAWPRO must have received a copy of this form **and payment in full** of the amount indicated in Item 2 – **Total Surcharge Payable**. Filings consisting of only a completed surcharge form without payment will not be complete. Please note, no cheques post-dated beyond the due date will be accepted.

1. General Information (print or type)

Firm number*: (Sole practitioners may enter their Law Society number)

Name of Law Firm, Association or Sole Practitioner: _____

Managing Partner, Association LAWYER or Sole Practitioner: _____

Firm contact: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

2. Transactions

Record the total number of transactions which qualify for payment of the real estate levy surcharge. Include in the total number of real estate transactions those real estate transactions for which no title insurance policy(ies) were actually issued, even though an application for title insurance may have initially been filed.

Total Transactions & Surcharge Payable

x \$65.00 = \$

3. List of LAWYERS

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Law Society #

Name

4. Declaration

I hereby certify on behalf of all the LAWYERS listed on this form or on the attached schedule, that the above information is correct.

Date

Signature of Managing Partner/Lawyer, LAWYER on behalf of Association, or Sole Practitioner

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B) **Attach cheque(s) made payable to:**

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Real Estate Transaction Summary Form

RE23-3

For Quarter Ending September 30, 2023 **Due October 31, 2023**

You must submit this form even if you have no transactions to report in this period.

For your transaction levy filing to be considered complete, LAWPRO must have received a copy of this form **and payment in full** of the amount indicated in Item 2 – **Total Surcharge Payable**. Filings consisting of only a completed surcharge form without payment will not be complete. Please note, no cheques post-dated beyond the due date will be accepted.

I. General Information (print or type)

Firm number*: (Sole practitioners may enter their Law Society number)

Name of Law Firm, Association or Sole Practitioner: _____

Managing Partner, Association LAWYER or Sole Practitioner: _____

Firm contact: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

2. Transactions

Record the total number of transactions which qualify for payment of the real estate levy surcharge. Include in the total number of real estate transactions those real estate transactions for which no title insurance policy(ies) were actually issued, even though an application for title insurance may have initially been filed.

Total Transactions & Surcharge Payable

x \$65.00 = \$

3. List of LAWYERS

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Law Society #

Name

4. Declaration

I hereby certify on behalf of all the LAWYERS listed on this form or on the attached schedule, that the above information is correct.

_____ Date

_____ Signature of Managing Partner/Lawyer, LAWYER on behalf of Association, or Sole Practitioner

A) **Copy this form.**

B) **Attach cheque(s) made payable to:**

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Real Estate Transaction Summary Form

RE23-4

For Quarter Ending December 31, 2023 **Due January 31, 2024**

You must submit this form even if you have no transactions to report in this period.

For your transaction levy filing to be considered complete, LAWPRO must have received a copy of this form **and payment in full** of the amount indicated in Item 2 – **Total Surcharge Payable**. Filings consisting of only a completed surcharge form without payment will not be complete. Please note, no cheques post-dated beyond the due date will be accepted.

I. General Information (print or type)

Firm number*: (Sole practitioners may enter their Law Society number)

Name of Law Firm, Association or Sole Practitioner: _____

Managing Partner, Association LAWYER or Sole Practitioner: _____

Firm contact: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

2. Transactions

Record the total number of transactions which qualify for payment of the real estate levy surcharge. Include in the total number of real estate transactions those real estate transactions for which no title insurance policy(ies) were actually issued, even though an application for title insurance may have initially been filed.

Total Transactions & Surcharge Payable

x \$65.00 = \$

3. List of LAWYERS

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Law Society #

Name

4. Declaration

I hereby certify on behalf of all the LAWYERS listed on this form or on the attached schedule, that the above information is correct.

_____ Date

_____ Signature of Managing Partner/Lawyer, LAWYER on behalf of Association, or Sole Practitioner

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