



December 8, 2011

Hon. Dwight Duncan  
Minister of Finance  
Frost Bldg S., 7th Floor  
7 Queen's Park Crescent  
Toronto ON M7A 1Y7

Dear Minister Duncan:

In follow up to our letter of October 24, 2011 (attached for your reference), I am writing to you on behalf of the Title Insurance Industry Association of Canada (TIIAC) to withdraw our request for the review of *Insurance Act* regulation 69/07 (formerly regulation 666).

We apologize for any inconvenience that this request for withdrawal may cause.

Sincerely

A handwritten signature in black ink, appearing to read "Patrick Squire", written over a light blue horizontal line.

Patrick Squire, LLB  
Acting President

Copy: Hon Harinder Takhar, Minister of Government Services  
Hon .John Gerretsen, Attorney General  
Kevin Flynn, MPP  
Malcolm Heins, CEO, Law Society of Upper Canada  
Phillip Howell, CEO FSCO  
Patrick Deutscher, ADM Ministry of Finance  
Alvaro deCastillo, Director, Ministry of Finance  
Kate Murray, Director of Land Titles  
Sheena Weir, Law Society of Upper Canada



October 24, 2011

Hon. Dwight Duncan  
Minister of Finance  
Frost Bldg S., 7th Floor  
7 Queen's Park Crescent  
Toronto ON M7A 1Y7

Dear Minister Duncan:

Congratulations on your recent election win and re-appointment as Minister of Finance.

I am writing to you on behalf of the Title Insurance Industry Association of Canada (TIIAC) regarding the current plans for the review of the *Insurance Act*. As you are aware TIIAC has had to regularly make Freedom of Information requests to FSCO to receive information about provincially regulated title insurance companies that is readily available from the FSCO website for all members of the public to access.

We would like to see the Ministry of Finance introduce changes to the *Insurance Act* to require public disclosure of financial information for insurance companies by line of business, similar to current OSFI practices. We have been raising this issue for a number of years with FSCO to no avail. Currently information that is freely available about federally regulated companies is subject to fees and lengthy disclosure processes for provincially regulated companies selling the same products to Ontarians. Given the current economic climate, we would like to see FSCO and the Ministry of Finance champion financial disclosure.

Second, as you also may be aware there is a unique regulation in the *Insurance Act*, regulation 69/07 (formerly regulation 666), that requires title insurers to use a lawyer not in their employ to certify title before they issue a title insurance policy. This regulation is also unique in that title insurers are the only insurers who are being required by the government to have an external party perform their underwriting- a requirement no other insurer in Ontario faces.

This regulation has not been reviewed since the mid-1990s and as such is not in step with changes in residential conveyancing in Ontario. In the past 15 years, there have been significant changes including:

- The maturity of the title insurance industry with over 90% of residential real estate transactions title-insured;
- The change from a registry to a land title system;
- The standardization of electronic registration at the land title office and the exclusive authority given to lawyers to register transfers of title on-line;

.../2

- The harmonization of insurance regulations and classifications across Canada and the anomaly of regulation 69/07 in this context;  
The conflict of interest of the Law society of Upper Canada as a regulator and operator of title insurance and their ability to audit and investigate lawyers hired by title insurers to comply with this regulation; and,
- The Province's commitment to reducing red tape and unnecessary costs.

At a minimum we are seeking the ability to use our own in-house lawyers.

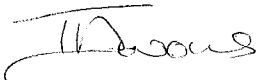
We also approached the Law Society of Upper Canada for their support of reviewing regulation 69/07. I attach their response indicating no opposition to a broad review.

In conclusion we are writing to you as you begin your new term of office to commit to providing disclosure of financial information by line of insurance business, not subject to FOI requirements and to undertake a review of regulation 69/07.

We would like to meet with you to discuss these proposals. Please have a member of your office contact Theresa Awong at [info@tliac-accat.com](mailto:info@tliac-accat.com).

Thank you for your consideration of these proposals

Sincerely,



for Patrick Squire, LLB  
Acting President

Copy: Hon. Harinder Takhar, Minister of Government Services  
Hon. John Gerretsen, Attorney General  
Kevin Flynn, MPP  
Malcolm Heins, CEO, Law Society of Upper Canada  
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