



**H & P E L A**  
HASTINGS & PRINCE EDWARD  
LAW ASSOCIATION

## **NEWSLETTER**

**TO: H&PELA LAW ASSOCIATION MEMBERS**

**FROM: JUDITH DALE**

**DATE: AUGUST 2023**

**RE: ANNOUNCEMENTS, NEWS & UPCOMING  
EVENTS**



### **1. WHAT'S NEW? LUNCH & LEARN 2023 CPD #8**

## **Impact of Familial Violence and Implications for the Legal Process**

While there is no specific offence of family violence in the Criminal Code, the Department of Justice (DoJ) states most acts of family violence are crimes in Canada.

**Date:** Thursday, September 21, 2023

**Time:** 12:00 noon to

**Location:** Quinte Courthouse 2nd floor, lawyers' lounge

**Source:** County of Carleton Law Association

**Chair(s):** Dr. Peter Choate, Professor, Social Work Program, Mt. Royal University  
Dr. Gaye Watson Warthe, Associate Dean, Faculty of Health, Mt. Royal University,

**Cost:** \$55.00

**Details:** Recognizing family violence/ understanding childhood & adolescent exposures and neural development impacts from childhood and/or trauma.  
*A light lunch will be served*

Please call or email to register so that I have an estimate for attendance

**1/2 hour Professionalism + 1/4 hour EDI +1/4 hr. Substantive**

## 2. NEW ACQUISITIONS AT THE LAW LIBRARY

### Law Society of Ontario – Continuing Professional Development

- *The Eight- Minute Employment Lawyer*
- *The Six-Minute Labour Lawyer*
- *The Six-Minute Municipal Lawyer*

### Books available for REFERENCE only – short-term loans

- ❖ Mascarin *Ontario Municipal Act & Commentary*
- ❖ Segal *Annotated Ontario Highway Traffic Act 2022*
- ❖ Szigeti *Law and Mental Health in Canada*
- ❖ Tran *The Canadian Law of Consent to Treatment*

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## 3. LIBRARY TEXT DISCARDS

Please note: due to the demand for the books, requests must be limited to **one item per individual**. Thank you.

*The following books are being withdrawn from circulation. If you are interested in any of these titles, please phone or fax the library and the book(s) will be held for you.*

*If the text is of a size that can fit into the mailbox, you may pick it up at QCC from your mailbox on the first floor on request. If it is a larger text, it can be held in the law library for you to pick up at your convenience.*

Carthy	<i>Ontario Annual Practice vols. 1 &amp;2</i>	2022-2023
Houlden	<i>Annotated Bankruptcy &amp; Insolvency Act</i>	2022
Karimjee	<i>Summary Appeals &amp; Trial Advocacy</i>	2015
Tustin/Lutes	<i>A Guide to the Youth Criminal Justice Act</i>	2022

## 4. INFORMATION UPDATES

### FROM THE LAW SOCIETY OF ONTARIO

#### Notice to the Professions: Exploitative loan agreements

The Law Society has become aware of instances where vulnerable senior citizens were induced into exploitative loan agreements. This predatory lending targeting the elderly and the vulnerable involves loans that were secured against the seniors' homes through transactions in which Ontario lawyers and paralegals have played a role.

**The purpose of this notice is to alert Law Society licensees to the risks of acting for clients in the registration of Notices of Security Interest (“NOSIs”), or in the course of completing mortgage loan transactions in cases involving vulnerable people.**

In these transactions, senior homeowners were pressured by door-to-door salespeople to enter into contracts for home renovations and the purchase of other goods and services. The seniors were then led to enter into loan agreements from private lenders to finance these products and services. These lenders registered NOSIs on the title to their property to secure the loans, sometimes without the senior citizens being aware of the NOSI. The seniors were later induced to take out increasingly larger mortgage loans, secured against their homes, to pay off some of the NOSIs and finance further home renovations. These mortgages involve significantly higher than market interest rates, with substantial lender and broker fees. Enforcement proceedings have been commenced under some of these mortgages when the homeowner defaulted on payments.

In these transactions, a lawyer may be asked by a broker or other intermediary to represent the lender or the borrower and may receive purported instructions from the same intermediary, rather than the actual client.

Before accepting such retainers, and during the course of the retainer, lawyers must ensure that they inform themselves of the clients' circumstances and are in a position to act in the best interests of their clients and that they comply with their professional obligations.

**Failure to meet a licensee's professional obligations can result in regulatory measures being taken against them.**

For more information on lawyer and paralegal obligations and information on how to identify the red flags of these exploitative agreements, see: [LSO.ca/lawyers/practice-supports-and-resources/topics/the-lawyer-client-relationship/exploitative-loan-agreements](https://www.lso.ca/lawyers/practice-supports-and-resources/topics/the-lawyer-client-relationship/exploitative-loan-agreements)

The Law Society's [Practice Management Helpline](#) is also available to provide assistance to licensees with ethical questions on the topic and can be contacted at:  
416 947-3315 or toll-free at 1-800-668-7380, ext., 3315.

# Notice to the Professions: Virtual Verification of Client Identity with Authentication

Effective January 1, 2024, the Law Society will allow virtual verification of client identity where the licensee determines that the client's government-issued photo identification is authentic. To assist in the authentication process there are a variety of technology products widely available at relatively nominal fees.

[A directory of authentication services](#), composed by DIACC, can help licensees to identify appropriate services. Additional information about virtual verification of identity is available on [the Law Society's website](#) including [supports and resources for licensees and links archived continuing professional development programs available at no cost](#).

In response to COVID-19 public health measures, the Law Society changed the government-issued photo identification method of identity verification to remove the requirement that verification occur in-person. That change allowed verification of client identity using video conferencing technology or other forms of virtual communication during the COVID-19 lockdowns.

Recognizing that licensees are now engaging with their clients in a variety of ways and acknowledging a significant rise in fraud that occurred during the pandemic, including in some instances where the fraudster's identity was verified virtually, this temporary emergency measure will end on December 31, 2023.

However, the Law Society will continue to permit virtual verification with authentication using a process or method to determine whether the individual's government-issued photo identification document is true and genuine.

This change realigns virtual verification requirements with the Law Society's By-Law 7.1, which requires that documents and records be authentic, valid, and current, and provides a safeguard against fraud, money laundering, and other illegal activity.

Licensees are reminded that verification of client identity is only required where the retainer involves engaging in or giving instructions in respect of the receipt, payment, or transfer of funds that are not subject to the exceptions detailed in By-Law 7.1. In addition, licensees are reminded that the By-Law now includes other methods of verification that do not require meeting with the individual in-person.



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