

**EM3 – The Electronic Monday Morning Meeting**  
**Legal News and Information for Realtors and Mortgage Specialists**  
**Volume 17 - Friday, September 20, 2002**

Brought to you by:

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**INTRODUCTION & ANNOUCEMENTS**  
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**1. Open House Date Announcement!**

This is just a quick reminder that all of our EM3 recipients are invited to our Open House scheduled for **Thursday, October 3, 2002.**

Please make sure to mark it in your calendar and stop by between 4:00 pm and 9:00 pm for a drink, some food and conversation. We are looking forward to seeing each and every one of you that night.

**2. Our Free Information Pamphlets**

Our new pamphlets are now in printing and should be ready shortly. We are hoping to have them available for you to look at during the Open House.

As mentioned last week, please preorder any number that you would like and we will send them to you as soon as they arrive. Just to remind you, we will be printing 4 separate pamphlets including:

- **Home Sale Questions**
- **Home Purchasing Questions**
- **Mortgage Issues; and**

## -- Condo Purchasing Issues

Emailing us at [christieg@calgarylaw.com](mailto:christieg@calgarylaw.com) and let us know how many of each pamphlet you would like.

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### **REALTOR/BROKER QUICK HELPERS**

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This week's hint deals with required file information and how you can help speed up file processing and closing through a few simple but vital steps.

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#### **1. Reviewing Title for Specific Purchasers**

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A recent situation has come to light that should be of concern to all real estate professionals.

In this instance, a client wanted to purchase a home and disclosed to the Realtor that they needed to find a property where they could park their motorhome. This fact was told to the Realtor prior to their search and after looking at a number of properties a home was subsequently found.

An Offer was submitted with the only conditions on the contract being the typical home inspection and financing requirements.

It was subsequently discovered that there was a restrictive covenant on the title that contained an absolute denial of storage of any motorhomes or recreational vehicles of any type on the property that had been purchased. In other words, the very reason that the clients had decided to move to this new property could not be fulfilled.

The most important point here is that the client disclosed to the Realtor prior to the purchase as to the reason why they wanted a new property. Whenever you are alerted to a special concern you should strive to ensure that the properties you are showing can in fact meet this condition. However, even if you obtain all of the registrations on title and review them there is still the possibility that City By-laws will create a restriction for the intended use.

There are a few options in terms of dealing with a problem like this. First, you can make it a condition that the buyers confirm that the use of the property will meet their needs. This is the safest way to proceed as it allows your clients to obtain the necessary verifications needed.

The second option is to make your offer subject to legal review and alert your clients' lawyer as to the reason for the review. This is more limited because once

it is reviewed, the lawyer will likely require that the Offer be made conditional to the permits required.

As a result, we suggest that where you have a client that wants a property for a specific use, you should ensure that the obtaining of the necessary permits and approvals for the use be made a condition of the Offer right up front in your initial negotiations. Failing to do so may result in significant liability for you.

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**LAND TITLES WATCH!**

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As of Friday, 4:00 p.m. Land Titles was registering documents submitted on September 18, 2002, meaning that registration is 2 full business days!

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**FINAL MESSAGES**

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The summer rush at Land Titles seems to be subsiding which is great news for all of us in the real estate industry. Of course we all have some “war stories” from the summer so feel free to come share them with us at our Open House on October 3, 2002.

We are really looking forward to having our pamphlets ready for you over the next while but we also want to encourage you to submit questions to us that you get asked frequently so that we can add them to our website. The idea is to reduce your workload and to make your transactions go smoother.

In any event, have a Great Week Buying and Selling. Same Time Next Week

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**DISCLAIMER**

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The information provided is for general reference only. Prior to taking any actions, you should seek the advice of a lawyer to ensure that the steps you take to protect your client are sufficient.  
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