



Your Real Estate Transaction
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Tips for working with a lawyer on your real estate transaction

Mann & Partners, LLP

Buying or selling a property can be a very exciting time. So many intricate details, all with time sensitivities, and so many different service providers to interact with – it can be overwhelming.

We are here to coordinate the “business side” of the transaction – the nitty-gritty of transferring title in exchange for money. With a combined experience of more than 40 years, the real estate lawyers of Mann & Partners, LLP have closed thousands of deals.

At Mann & Partners, LLP, we pride ourselves in hands-on management of the transaction from the outset, to prevent and head-off problems that might arise before, at, or after closing. We also pride ourselves in making sure that you are well-informed, with all the information you need to make this experience as pleasant as possible.

Paying attention to these tips and concerns can make you a more informed consumer of legal services, and most importantly, can make your home buying or selling experience progress much smoother, and even more quickly.

FIRST THINGS FIRST – THE AGREEMENT OF PURCHASE AND SALE

Choosing a lawyer is important even before your deal becomes firm. The lawyer/law firm handling the transaction will be available to answer questions, review the Agreement of Purchase and Sale (AP&S), and answer any legal questions you may have before you sign on the dotted line.

Your agent can assist you with many things, but they cannot—or should not—provide you with legal advice. Details of what language the contract should or should not have in it are critical issues for your lawyer.

For most simple transactions, and most standard questions, there is no additional charge to have your lawyer to look over your AP&S at the outset of the deal if that lawyer is handling the transaction for you.

Unless there is something which merits extra billing—and you will be told if that is the case—all these services are rolled into the quote you receive when you open the file with us.

ONCE THE DEAL IS FIRM – A MILLION DETAILS

Here is a detailed list of the kinds of things we need to know in order to best work with you.

- A legible copy of your Agreement of Purchase and Sale –the final agreement including all of the changes anybody made to it;
- Status of the deal. Is it firm? Have all the conditions been satisfied?
- Your realtor’s name and full contact information;
- Your lender’s name and full contact information, and if you have one, your mortgage broker’s name and full contact information;
- Is there a survey available for the property (a survey is prepared by an Ontario Land Surveyor—ask your agent or your lawyer for more details of what constitutes a survey)?
- Full legal names of those involved in the transaction (Purchasers and

Vendors). We need full legal names, dates of birth, and marital status for anyone on your side of the deal);

- Is this a matrimonial home? (for example, is the owner married or separated from a spouse?);
- Do you intend to occupy the home, or is this an investment property?
- How many living units are in the property?;
- What municipal services are attached to the property (ie. city water or well/septic?);
- Is there a pool, a wood stove, an oil tank, a deck, or significant additions or alterations to the property made after its initial occupancy?;
- Was there a building inspection obtained?
- Is this waterfront property?
- Is this a condominium property?
- Is everyone involved in the transaction a Canadian resident? If not, establish where the person is resident, for tax purposes.
- Where is the down-payment coming from? Is any part of it a gift from someone?
- Are you a first-time home buyer?
- Is the property you are buying a new construction that you are buying from a builder?
- What home insurance arrangements have you made? If you are selling, have you advised your insurer regarding cancellation of your coverage, and if you are buying, have you contacted an insurer about getting coverage in place in time for the closing?
- If you are selling, we are going to need details (mortgage reference and account numbers) about whatever mortgages and secured lending (such as Lines of Credit and other secured lending products) are on the property, and what is to happen with them;
- If you are selling, we are going to need a set of keys to give the buyer.
- If you are buying, we are going to need to receive your funds in certified cheque or bank draft form, payable to "Mann & Partners, LLP In Trust";
- If you are selling, we are also going to need to know the state of the municipal tax account, so that they may be adjusted on closing with the buyer.

While this list is long, most of these questions and concerns are fairly simple. If you're overwhelmed or confused, please allow us to help you to understand. Contact our team of real estate lawyers for assistance.

Let us help you get it done right!

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