



The Law Society of
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For **GROUP REGISTRATION**, please call
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5TH ANNUAL REAL ESTATE LAW SUMMIT

CLE Registration Form

5th Annual Real Estate Law Summit (April 16 and 17, 2008)

Attend live in Toronto \$525.00 + \$26.25 GST = \$551.25



I enclose my: (You are not registered until payment is received.)

Cheque payable to The Law Society of Upper Canada in the amount of \$ _____

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We reserve the right to change program content, speakers and locations without notice. Registration fee less \$50.00 plus GST for a full day and \$25.00 plus GST for a part day is refundable if cancellation is received five working days before the program. Transfers (e.g. from live attendance to webcast) will not be accepted within two days of program date. CLE Bursary application forms can be found on our website at: http://ecom.lsuc.on.ca/pdf/cle_bursary.pdf
GST R# 121712863 **PCODE:WEB**

Chaired by: **Sidney H. Troister, C.Arb., C.S.**
Torkin Manes Cohen Arbus LLP

Dates: **April 16 and 17, 2008**
9:00 a.m. – 4:00 p.m.

Location: **University of Toronto Residence
(Behind City Hall)**
89 Chestnut Street, Toronto



This comprehensive two-day summit has been described by past participants as “one of the best programs developed for CLE”. Created by real estate practitioners for real estate practitioners, this program provides an in-depth review of real estate developments, practice issues, cases and legislative changes of interest to real estate lawyers.



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Class Actions from a Real Estate Perspective The Honourable Mr. Justice Paul M. Perell

Superior Court of Justice

Taking Possession Against a Defaulting Tenant — What can be Done?

Kenneth A. Beallor, *Fraser Milner Casgrain LLP*

- When, should you, and how to call in a bailiff
- What can the bailiff do?
- What can be done with abandoned goods left by a tenant who has disappeared?

What Practitioners can Learn from “Negligent Lawyer” Cases

Debra Rolph, Research Director, Claims

Lawyers' Professional Indemnity Company (LawPRO)

- Fraud, forgery and money-laundering
- Family affairs
- Mundane matters

Staying Ahead of the Curve — A Roundup of new Legislation

Ramsey Ali, *Goodmans LLP*

- New regulations for client identification and record-keeping (the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (regulations published December 26, 2007))
- Changes to the *Land Titles Act* (Bill 152) – can you always rely on registered title?
- New Toronto transfer tax

Staying Ahead of the Curve — The Latest Rules

Donald V. Thomson, C.S., *Walker Ellis*

- The two-lawyer rule
- By-law 7.1

Primer on Aboriginal Claims

Sandra A. Gogal, *Miller Thomson LLP*

- The impact of Aboriginal and Treaty Rights on real estate practice and development
- What is the nature of aboriginal and treaty rights in Ontario?
- What does consultation mean in this context?
- What does it mean for the development of lands?
- What does it have to do with developers or proponents of projects?
- What happens if consultation is inadequate?

The Top 10 Tax Issues for Real Estate Lawyers

Chris Anderson, *Davies Ward Phillips & Vineberg LLP*

- Common tax tips and traps for Canadian real estate investment
- Recent tax changes of particular importance to real estate lawyers
- GST and provincial tax considerations

Specialty Vendors — The Sale of Property by Charities, Limited Partnerships and Trusts

Victoria M. F. Stuart, *Gardiner Roberts LLP*

Charities

- Distinction between a charity and a not-for-profit and implications for the sale process
- Status and capacity to contract
 - Type of charitable organization
 - Trusts
 - Unincorporated associations
 - Corporate bodies under a corporations act
 - Special act corporations
 - *Religious Organizations' Lands Act*
 - Tax issues unique to charities on the sale of land
 - Municipal tax status
 - GST considerations
 - Execution of documents and conveyancing rules

Limited Partnerships

- Status and capacity to contract
- Tax issues unique to limited partnerships on the sale of land
- Execution of documents and conveyancing rules

Trusts

- Types and structure of trusts
- Status and capacity to contract
- REITS and other types of business trusts
- Tax issues unique to trusts on the sale of land
- Execution of documents and conveyancing rules
- Bare trusts and nominees – a common denominator

Mortgage Brokerages, Lenders and Administrators Act, 2006 — Application, Exemptions and Licensing

Susan Naylor, Legal Counsel

Ministry of the Attorney General (FSCO)

- Overview of the new Act
- Exemptions for lawyers under the Act
- The licensing process for lawyers who need to get licensed under the Act

Defensive Drafting To Avoid Environmental Claims

Donna S. K. Shier, C.S., *Willms & Shier Environmental Lawyers LLP*

- Dangers of boilerplate (indemnities and warranties)
- Avoiding fallout in case the deal fails
- Drafting enforceable clean-up terms

What City Slickers Should Know About Cottage Deals

Clare Brunetta, Barrister and Solicitor

Go Ahead and Ask Us (Question and Answer Session)

Cocktail Reception

Program delegates are invited to a cocktail reception following Day One (April 16) for complimentary drinks and a look at the latest TitlePLUS products and services.

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Three Months Interest on Mortgage Default — Understanding the Principles

Steven I. Pearlstein, C.S., *Minden Gross LLP*

- What is it?
- When can it be charged?
- Can it be added to a Notice of Sale?
- Can you charge lost yield to maturity?
- What about prepayment penalties?

Powers of Attorney — Using Them, Getting Them, Trusting Them

Sally H. Burks, C.S., *Perley-Robertson, Hill & McDougall LLP/s.r.l.*

J. Scott Martyn, *Bennett Jones LLP*

- Pertinent legislation
- Types of Powers of Attorney
 - Formal requirements
 - Advantages and risks associated with each type
- Structure of Powers of Attorney
 - Limited versus unlimited power
- Who to choose?
 - Joint versus several decision making power
 - Substitute attorney
- Powers of Attorney and real estate fraud
 - *Reviczky v. Meleknia*
 - Ontario's Response – Bill 152
- Attorney's Obligations
 - Uses of Powers of Attorney and giving title opinions
- CCLA Practise Tips
 - Using caution

Abandonment of Easements — Dealing with Ambiguous Easements and Older Documents

Craig R. Carter, C.S., *Fasken Martineau DuMoulin LLP*

- When is an express easement considered abandoned?
- When is a prescriptive, implied or easement by estoppel considered abandoned?
- Statutory abandonment
- Deleting easements from title
- The new 40 year rule in Registry

Real Estate Issues for Boomers and Seniors — Real Estate, Estate Planning and Family Law Considerations (Panel Discussion)

Cheryl A. Goldhart, *Goldhart & Associates*

Hilary E. Laidlaw, C.S., *McCarthy Tétrault LLP*

C. Robert Vernon, B.Com., J.D., LL.M., C.S.

Barrister and Solicitor

- Second marriages
- Dealing with conflicts of interest between spouses
- Marriage contracts
- Reverse mortgages
- Life Leases
- Transfers into joint tenancy
- Transfers into trust
- Related probate issues

The Criminal Law Can Affect Your Real Estate Practice — Mortgagees, Landlords and Owners Beware

Richard Horodyski, *Gowling Lafleur Henderson LLP* (Hamilton)

- When may rights of possession and ownership of land be forfeited to the Crown under the *Criminal Code*, *Controlled Drugs and Substances Act*, and *Civil Remedies Act* and what can an owner do to prevent it from happening?
- What steps can a mortgagee take to avoid the forfeiture of its interest in mortgaged property and/or avoid delay in enforcing its security?

To Search or Not to Search on Title Insured Deals (Panel Discussion)

Moderator:

Rosemary Grenside, *Torkin Manes Cohen Arbus LLP*

Panelists:

Bruce A. McKenna, *Lang Michener LLP*

Steven I. Pearlstein, C.S., *Minden Gross LLP*

Donald V. Thomson, C.S., *Walker Ellis*

- Have lawyers stopped doing due diligence on title insured deals?
- What should lawyers be searching in residential deals? What about commercial deals?
- Issues for commercial and residential policies
- To survey or not to survey

Primer on New OMB Practice and Changes to the New Ontario Heritage Act Provisions

Leo F. Longo, C.S., *Aird & Berlis LLP*

- The new rules respecting conversion, alteration and demolition of heritage properties
- The practical effects of Ontario Municipal Board and *Planning Act* reform on land development

10 Things not to Miss in Commercial Purchase Agreements

Chris Huband, *Blake, Cassels & Graydon LLP*

- Who are the right parties? – beneficial owners and other ownership structures
- Adjustments – tips and traps
- Adjusting the scope of requisitions – PPSA, tenant work orders
- Representations and warranties – what is the bare minimum?
- Multi-property deals – all or nothing considerations

More Cases That Really Scare Me

Reuben M. Rosenblatt, Q.C., LSM, *Minden Gross LLP*

- What you say can hurt you – so be careful
- What you don't say can hurt you – so be careful
- To close or not to close – the risk/damages
- Subrogation, rectification, presumption
- Powers of Attorney and real estate
- Latent and patent defects, disclosure Statements, caveat emptor, silence and half truths

Go Ahead and Ask Us (Question and Answer Session)