

## Working Group on Lawyers and Real Estate

### Condominium Documents Subcommittee

## **Mandate**

#### **Whereas:**

- Lawyers deal with condominium transactions as a regular part of their real estate practices;
- Condominium transactions can be amongst the more troublesome types of transactions due to the complexities of condominium ownership (mixed home and business issues) and the resulting risk of claims;
- Most purchasers do not appreciate the differences, complexities or the extra time and effort required to complete a condominium transaction;
- There is very little generic precedent material available to lawyers to efficiently and confidently complete the transaction, educate the client and manage the lawyer's risk in the transaction.

#### **Participants:**

- Chair: Sally Burks, CDLPA
- Kim Little, Barrister & Solicitor
- Raymond G. Leclair, Barrister & Solicitor
- Maurizio Romanin, Barrister & Solicitor
- Debbie Bellinger, Barrister & Solicitor
- Bob Aaron, Barrister & Solicitor
- Tannis Waugh, Barrister & Solicitor

#### **Purpose:**

To create a set of province-wide precedent materials which lawyers can use and adapt for their residential condominium real estate practice which sufficiently informs the clients, set out the parties duties and obligations and manages the risk inherent in the condominium transaction.

#### **Goals / Steps to be taken:**

The following items are an enumeration (in no particular order) of the suggested goals or steps to be undertaken by the Subcommittee to ensure our purpose is accomplished.

- Consider whether levels of service should be identified, with responding tasks list, duties and obligations and fees for each type (i.e. basic; standard; advance);
- Consider creating a standard retainer letter for each type of service level;
- Consider creating a standard explanation document or handout for any of the declaration; rules and regulations; status certificate; reserve fund information; types of condominium structures; new vs. resale transactions; etc...

- Consider creating checklists for clients and/or lawyers;
- Consider creating standard request letters for condominium transactions;
- Consider creating standard reporting letters or appropriate precedent clauses for each service level;
- Identify issues which should be addressed with third parties which are of concern to the general Bar (i.e. dealings with property managers; insurance companies, etc...) and consider how they could be addressed on behalf of the Bar;
- Other matters the Subcommittee considers appropriate.

**Methodology:**

Subcommittee will meet via telephone conferences as required and exchange information via email.