



Jacques Robert Real News October 2011

Jacques Robert & Sarah R. Morgan
Tel. (613) 837-7880
Fax. (613) 837-7664

2788 St. Joseph Blvd. (Orleans)
300 March Road, Fourth Floor (Kanata)
9 Antares Drive (Hunt Club)

Dear real estate professionals,

We thank those that provided us with some issues/questions that they wanted to see addressed in our next newsletter.

We are happy to announce that Sarah & Kevin were married on September 3, 2011, and following a week in the sun, we're happy to have Sarah back.

Also, our team is growing! If you know a qualified bilingual receptionist and legal assistant that would be a good fit to our team, please have them send us their resume.

In this issue we wanted to share with you a fraud warning from lawpro relevant to those in real estate. We also wanted to discuss with you the complexities of duplex/triplex transactions.



In this Issue

- Fraud Warning: Deposit Cheques
- ComPLEXities of duplex and triplex transactions
- Ontario Election on October 6, 2011
- Interested in attending an informational seminar?
- Client Quarterly Newsletter
- Community Events
- About Our Law Firm
- Disclaimer

IF YOU WOULD LIKE TO RECEIVE OUR NEWSLETTER PLEASE EMAIL: smorgan@jacquesrobert.com

***Disclaimer:** The foregoing articles are for information purposes and do not constitute legal advice.*

We hope that in each upcoming newsletter we will continue to address issues which you find relevant and provide you with useful information and tools to continue providing the best service to our clients.

We also include a list of this month's community events for you to share with your new clients moving to Ottawa and interested in getting involved in the community.

We thank you for your ongoing support.

Sincerely,

Jacques & Sarah

Fraud Warning: Deposit Cheques

In our LawPro Annual 2010 Review issued in September 2011 it described that the “most common bad cheque fraud scenarios we at LawPro saw were: . . . a bad cheque given as a deposit on a real estate deal that ends up being aborted, triggering a request to pay the deposit back to the purchaser or to a third party.”

This is actually a scam which involved both real estate agents and lawyers – as such, we would recommend that you read the article referenced to below in detail.

For the full article about the “Real Estate Bad Deposit Cheque Scam” please click [here](#).

ComPLEXities of duplex and triplex transactions

What is a duplex, triplex . . .

As defined by wikipedia, a duplex is "a dwelling having apartments with separate entrances for two families. This includes two-story houses having a complete apartment on each floor and also side-by-side apartments on a single lot that share a common wall. . . . The term "duplex" can also be extended to three-unit and four-unit buildings, or they can be referred to with specific terms such as triplex and fourplex or quadplex/quadruplex."

When purchasing a "plex" the buyer should consider the following items:

1. Zoning Compliance
2. Fire Code Compliance
3. Tenancy Issues

Zoning Compliance

We require that all persons purchasing a "plex" property obtain a zoning compliance report from the City of Ottawa. This report outlines the permitted uses at the property, as well as whether there are any outstanding work orders, zoning/property standards orders and outlines the list of building permits issued at the subject property.

Confirming the above is important for financing and to obtain full title insurance coverage. In addition to this, if the property is not properly zoned to allow for the use of which the buyer wants to make of the property, the buyer could expose himself/herself to legal liability.

More information concerning this report is available online by clicking [here](#).

To avoid any issues or misunderstandings, we suggest that the Agreement be made conditional upon obtaining a zoning compliance report.

Fire retrofit safety regulations

We also require that our clients confirm that the property complies with the [Ontario Fire Code](#) retrofit provisions (sufficiency of smoke alarms and fire barriers for e.g.). Retrofit is defined as meaning "the minimum performance requirements for life safety for existing buildings."

To do so the buyer can contact the City of Ottawa' compliance/building services branch at 613-580-

IF YOU WOULD LIKE TO RECEIVE OUR NEWSLETTER PLEASE EMAIL: smorqan@jacquesrobert.com

***Disclaimer:** The foregoing articles are for information purposes and do not constitute legal advice.*

2860.

Following the inspection, if the property complies, the buyer will be provided with a letter indicating that fact. In the event the property does not comply, the inspector will issue a list of items to rectify. These items can be costly, which is why we recommend that the inspection occur before the purchase to ensure that the buyer not be subject to any unnecessary costs. In the event it is later revealed that the property does not comply with the Ontario Fire Code, the owner could be subject to fines as well as exposing themselves to legal liability.

To avoid any issues or misunderstandings, we suggest that the Agreement be made conditional upon an inspection to confirm compliance with the Ontario Fire Code.

Tenancy Issues

Usually "plex" properties are purchased for investment purposes and are usually tenanted. The buyer should determine whether they are assuming the lease agreements and tenant(s) currently residing at the property.

If not, the current owner should provide for adequate notice to the tenants to vacate the property before closing; in compliance with the Ontario Residential Tenancies Act.

Provisions dealing with items such as the assumption of the lease agreement, assignment of the lease agreement, notice to tenants and last month's rent should be addressed in the Agreement of Purchase and Sale.

Should you have any questions regarding the above, please do not hesitate to contact our office.

Ontario Election on October 6, 2011

Information to pass on to your clients

The Ontario provincial election is set for October 6, 2011.

Your clients may be moving to/ from different electoral districts before the October 6th, 2011 election.

If they would like to find out their new electoral district they can do so by clicking [here](#).

Information on voting by mail or advance polls is available by clicking [here](#).

Interested in attending an informational seminar?

Both Jacques and Sarah are teachers at heart and offer various seminars on real estate, wills and estates matters free of charge.

If your office is interested in receiving an informational seminar, please [contact us](#).

Client Quarterly Newsletter

Next Issue: December.

If you would like to automatically receive our client newsletter, please send us an [email](#).

IF YOU WOULD LIKE TO RECEIVE OUR NEWSLETTER PLEASE EMAIL: smorqan@jacquesrobert.com

Disclaimer: *The foregoing articles are for information purposes and do not constitute legal advice.*

To access previous issues, click [here](#).

Community Events

A list of community events taking place in Ottawa this October:

- **Home & Design Show:** from September 30 - October 2, 2011 @ Lansdowne Park (Downtown). For more information click [here](#).
- **Metcalf Fair** from September 29th - October 2, 2011 @ 8th Line road, Metcalfe. For more information click [here](#).
- **Schmoozefest 2011** on October 20th, 2011 @ LAGO Bar|Grill ,1001 Queen Elizabeth Driveway. For more information click [here](#).
- **Nightfall** on October 1st, 2011 @ 317 Bank Street. For more information click [here](#).
- **Light The Night Walk** on October 20th, 2011 @ City Hall, 110 Laurier Avenue West, Ottawa, Ontario. For more information click [here](#).

About our law firm

With the dynamic vision of its key player, Jacques Robert, our firm has grown to be one of the largest real estate law firms in the Ottawa area. To meet the changing face of Real Estate Law we are continually upgrading our systems and competitively adjusting our pricing structures.

Our highly trained legal team, consisting of Sarah Morgan (associate lawyer), Adriana Caruso (law clerk), Melanie Soubliere (law clerk), Eva Mooers (office administrator/receptionist), and Milva Caruso (office manager and law clerk) are all well versed in the areas of real estate law, wills and estates. We offer a fully bilingual service to our clientele - nos services sont également disponibles en français.

Our firm is on the recommended rosters for the Department of National Defence, RCMP as well as many corporate relocation firms. We are on the recommended list for all of the major builders in the region.

We have three (3) locations for our clients signing convenience: the East, West, and South parts of the city. Our Central Administration is conducted at the East office which is located in Orléans just minutes from the Queensway, the main freeway through Ottawa from West to East. We are open daily from 8:30 am until 5:00 pm.

East	Central Administration <u>2788 St. Joseph Blvd.</u> Orleans, ON K1C 1G5
South	Capital Corporate Centre <u>9 Antares Drive</u> Ottawa, ON K2E 7V5
West	Gateway Executive Office Fourth Floor <u>300 March Road</u> Kanata, ON K2K 2E2

IF YOU WOULD LIKE TO RECEIVE OUR NEWSLETTER PLEASE EMAIL: smorgan@jacquesrobert.com

Disclaimer: *The foregoing articles are for information purposes and do not constitute legal advice.*

Tel. : (613) 837-7880
Fax.: (613) 837-7664

Visit our website at www.jacquesrobert.com for more information.

Disclaimer

The foregoing articles are for information purposes only and are not intended to replace advice from a qualified legal professional. The information contained herein must not be relied upon to make any decisions whatsoever. Any use of this document does not create or constitute a lawyer-client relationship.

In all cases, contact your legal professional immediately for any advice on any matter referenced in this document before making any decision whatsoever.

IF YOU WOULD LIKE TO RECEIVE OUR NEWSLETTER PLEASE EMAIL: smorqan@jacquesrobert.com

Disclaimer: *The foregoing articles are for information purposes and do not constitute legal advice.*