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### **“REAL NEWS!” March 2015 Issue**

Dear clients, friends and family,

We hope that you and your families have had an enjoyable winter so far. We hope, along with the rest of Ottawa, that we are almost at the end of winter and spring is almost upon us. Exciting developments are in store for our city's landscape and we can't wait to watch the transformation of key real estate in Ottawa.

- In early February, City council approved the Richcraft development called the Sky at 845 Carling Avenue. The project would include a 55 storey, 45 storey and 18 storey towers. Richcraft says that it could take up to 5 years before they will begin construction.
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- In late February, the NCC announced the four candidates for the redevelopment of up to 21.6 hectares of land at Lebreton Flats. The bids include Rendez Vous Lebreton and Claridge who both envision an entertainment venue; and Devcore Group and Focus Equities who both envision multicultural facilities on the site. The NCC plans to announce the winner mid-2016.
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- The LRT project continues to progress. In 2015, we are expected to see more construction on the LRT stations from East to West and the construction of the Belfast Yard to maintain and store the trains.

In our past issue, we started a series covering common issues experienced by neighbours. We covered who owns and is responsible for the tree that is located between the properties? We had a very positive response from our readers regarding this series. Therefore, we will continue this series in this issue by looking at whether your neighbour can enter your property for certain situations for example for making repairs to their home.

Starting January 1, 2015, the Ministry of Finance of Ontario requires a new Estate Information Return Form to be filed by Estate Trustees. In this issue, we will also provide you with an overview of the new requirements and information on how to complete the form.

Also starting in January 2015, the Ottawa Sun has featured several articles written by Jacques Robert and Robin Goski in the Homes Plus section which is printed every second Saturday. If you have missed any of those articles, please [click here](#) to see our article on who owns the fence; [click here](#) to see our article on who owns the tree; and [click here](#) to see our article on closing day issues answered.

Did you know that we post all our newsletters online? Yes, they are available on our website by clicking [here](#).

Sincerely,  
*Jacques & Jean*

## Can your Neighbour come on your Property?

There are certain neighbourhoods where the houses are built close together. Where, if the homeowner needs to repair or maintain his property, he must go onto the property of his neighbour to access his own. In many cases, there is an easement on your neighbour's property allowing you to enter onto their property. An easement is defined as a right to cross or use your neighbour's property for a certain purpose. However, there are cases where there is not an easement in place so you do not have the legal right to enter onto your neighbour's property

If you are in this position, you cannot simply go onto your neighbour's property because you have to perform maintenance on your own property. You need to have permission from your neighbour or obtain a permit from the City of Ottawa.

- You should always ask your neighbours first whether you have permission to enter their property to access your own because of maintenance or repairs. Most neighbours have amicable relationships and will be more than willing to allow you entry on their property so long as you leave the property as you found it.
- If your neighbour does not consent to you accessing their property. You should ask your lawyer to search your property to see if there has been an easement created on your neighbour's property for such purposes as maintaining your property. If this is the case, you have a right to access your neighbour's property to do the repairs.
- Finally, if there are no easements and your neighbour still will not agree to you accessing their property, you can apply to the City of Ottawa for a right of entry permit for the purpose of making repairs to your home. If you are successful in obtaining a permit, your neighbour no longer has the right to refuse your entry on their property.

## **Estate Information Return**

On January 1, 2015, a new requirement from the Ministry of Finance of Ontario came into effect. Those who have received a Certificate of Appointment of Estate Trustee with a Will on or after January 1, 2015, must now file an Estate Information Return with the Ministry of Finance within 90 days of the Certificate being issued.

When applying for the Certificate of Appointment of Estate Trustee with a Will, the executor provides the Ministry with an estimated value of the estate in order to determine the probate fees. However, due to a high number of executors underestimating the value of estate in order to avoid probate fees, the Ministry of Finance now requires the Executor to file this additional form to confirm the value of the estate. If the value of the estate differs from the estimated value, the Ministry will require the executor to submit further probate fees.

The obligation to update the Ministry of Finance on the value of the estate continues for four years after being issued with the Certificate of Appointment of Estate Trustee with a Will. If the Executor becomes aware of an error or an inaccuracy in the Estate Information Return originally submitted, the Executor has an obligation to file an Amended Estate Information Return to the Ministry of Finance within 30 days of becoming aware of the error or inaccuracy.

If the Executor subsequently discovers additional property subsequent to filing the Estate Information Return, the executor does not have to file an amended Estate Information Return immediately, but has to file a statement with the court within six months of discovering the property. Within 30 days of filing the statement with the court, the Executor would then file the amended Estate Information Return to the Ministry of Finance.

For more details regarding the Estate Information return, please [click here](#).

## Community Events

**A list of community events taking place in Ottawa this summer include:**

- **GOLFEXPO:** March 7-8, 2015 @ EY Center. For more information [click here](#).
- **Maple Sugarfest:** March 23-29, 2015 @ Richelieu Park. For more information [click here](#)
- **Canadian Tulip Festival:** May 8-18, 2015 @ Various locations in Ottawa/Gatineau. For more information [click here](#).
- **Tamarack Ottawa Race Weekend:** May 23-24, 2015 @ Downtown Ottawa. For more information [click here](#).
- **100<sup>th</sup> Anniversary of the Beginning of WWI:** 2014 @ Canadian War Museum. The museum has several special exhibits throughout 2014-2015 to mark the centenary. For more information [click here](#).

## Upcoming Events in Ottawa:

- For all upcoming events in Ottawa, please contact the Ottawa tourism website at: <http://www.ottawatourism.ca/en/visitors/plan-a-visit/event-calendar>
- Orleans Start Newspaper: <http://www.orleansstar.ca/>
- Ottawa Chamber of Commerce: [http://www.ottawachamber.ca/ottawa\\_events/upcoming\\_events.aspx](http://www.ottawachamber.ca/ottawa_events/upcoming_events.aspx)
- Ottawa Kiosk – events information: <http://www.ottawakiosk.com/events.html>
- Barrhaven Independent: <http://www.barrhavenindependent.on.ca/>

**\*\* IMPORTANT:** please note that information provided in this newsletter is not intended to be legal advice. There could be many factors unknown to us that could have an impact on your situation. Please do not hesitate to contact us if you require any further information on these issues.

## About the Jacques Robert Law Office

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 Robin Goski (associate lawyer), Adriana Caruso (law clerk), Melanie McNeil (law clerk), Sonia D'Angelo (law clerk), Lynda Francoeur (receptionist/admin), Daphne Gault (receptionist/admin) and Milva Caruso (law clerk and office manager) are all well versed in the area 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 Defense, 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 5 locations for our clients signing convenience: the East, Central, West, South and South-West parts of the city. Our Central Administration is conducted at the East office which is located in Orleans just minutes from the Queensway, the main freeway through Ottawa from West to East. We are open daily from 9:00 am until 5:00 pm.

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