

CERTIFIED SPECIALIST PROGRAM
REAL ESTATE LAW
DEVELOPMENT PHASES AND LEARNING CRITERIA

ESSENTIAL

Knowledge:

Familiarity with the usual terms of an agreement of purchase and sale for residential and commercial property including but not limited to clauses relating to financing, re-zoning, inspection, rights of termination, vendor take back mortgage, survey, interest on deposit and assumption of mortgage

Familiarity with the different estates in land: freehold, leasehold, life estate and easement

Working knowledge of the issues of beneficial ownership, insurance obligation and risk of damage or loss arising upon execution of an agreement of purchase and sale.

Working knowledge of the *Registry Act* and the *Land Titles Act* and the registration systems governed by those statutes

Familiarity with the *Conveyancing and Law of Property Act*

Familiarity with the *Road Access Act*

Working knowledge of the *Land Transfer Tax Act*

Familiarity with the *Planning Act*

Working knowledge of Section 50 of the *Planning Act*

Familiarity with the usual mortgage instructions to solicitors and the usual terms of a mortgage including those contained in standard charge terms

Familiarity with the *Mortgages Act* and the applicable *Rules of Practice* and in particular with a mortgagee's right to sell under the *Mortgages Act*

Working knowledge of the standard forms prescribed by the *Land Registration Reform Act* (Transfer/Deed, Mortgage/Charge, Discharge of Mortgage/Charge & Document General) and electronic registration documents such as the Document Registration Agreement where appropriate

Working knowledge of relevant laws affecting real property to enable review of title searches in the Registry system (i.e. Dower Act, earlier Planning Act provisions, exemptions and case law) and in the Land Titles system

Familiarity with the *Condominium Act*

Working knowledge of the Bar Admission Course Real Estate materials

Working knowledge of surveys, reference plans, subdivision and other types of surveys, plans and sketches

Familiarity with remedies available to a client in the event of disputes or aborted transactions including familiarity with the *Vendors & Purchasers Act*

Working knowledge of title insurance policies

Familiarity with the *Tenant Protection Act* and the *Commercial Tenancies Act*

Familiarity with standard leasing provisions

Skills :

Prepare, negotiate or review draft agreement of purchase & sale including appropriate conditions

Review and interpret title searches

Conduct municipal and other off title searches and assess responses

Prepare usual documentation in a typical real estate transaction including Statement of Adjustments, declarations and undertakings

Prepare and submit requisitions on title and respond to requisitions received

Review surveys, recognize their limitations and identify encroachments, boundary problems, title defects and other issues

Prepare mortgage documentation in accordance with mortgagee instructions

Prepare for and close real estate transactions. Attend or supervise closings

Advise client as to title insurance options and negotiating purchase of appropriate policy

Report on purchase, sale and mortgage transactions

Negotiate, prepare or review Offers to Lease and residential and/or commercial Leases and advise clients regarding same

INTERMEDIATE

Some of the knowledge and skills criteria in the intermediate developmental phase relate specifically to particular areas of real estate law. If a licensee's practice does not include a particular area of real estate law, the licensee may elect not to acquire the knowledge and skills relating to that area listed in the intermediate phase.

Knowledge :

Familiarity with the *Personal Property Security Act, Bank Act, Securities Act, and Bulk Sales Act*

Working knowledge of specific statutes affecting real property such as the *Conservation Authorities Act, Line Fences Act, Environmental Protection Act, Gasoline Tax Act, Municipal Act, Partition Act* etc.

Familiarity with Rule 14 of the Rules of Civil Procedure and application to real estate transactions

Working knowledge of the *Estates Administration Act, Succession Law Reform Act, Family Law Act*

Working knowledge of "probate" process pursuant to Rule 74 of Rules of Civil Procedure

Familiarity with due diligence regarding issues relating to rural properties such as the installation and use of septic systems

Working knowledge of the *Condominium Act* and case law applicable

Working knowledge of the *Construction Lien Act*

Skills:

Process minor variance or severance applications

Interpret provisions in Wills relating to real estate dispositions

Process testate or intestate applications for Appointment of estate trustee and related title documents

Prepare and register construction liens and certificates of action

Prepare statement of claim relating to construction lien and/or other court documents relating thereto

Represent clients or assist another lawyer representing clients with respect to real estate litigation (i.e. boundary disputes, interest in land etc)

Prepare and register easements, life interests and other types of interests in land

Assist a lawyer who is acting in more complex land transactions such as subdivision, condominium development or conversions

Assist a lawyer who is acting in commercial transactions such as apartment development, retail or industrial development including involvement in the municipal planning process

ADVANCED

1. Practitioners who wish to attain an advanced standing in any given sub-specialty areas of real estate law and practice should seek out articles, texts, case law, and continuing education in the particular area as well as focusing on developing a practice in the desired area. Maintaining a knowledge of recent developments in a given area is also clearly required in order to establish a mastery of the sub specialty and to achieve personal recognition as a specialist therein.

2. Substantial Contribution to and Development of Real Estate law:

- teach, lecture or participate in the Bar Admission real estate program
- regularly present papers and speak on a full range of issues in real estate law, including original research and chair conferences on corporate/business matters
- lecture at an accredited post secondary institution in real estate law
- publish in industry and academic journals
- become involved in organizations dealing with real estate issues
- assist in drafting, or provide advice with respect to real estate legislation or instruments
- draft position paper regarding proposed real estate legislation or instruments