

Buying a Home: Why Do I Need A Lawyer And What Does My Lawyer Do?

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In Ontario, a lawyer is needed to register any transfer of land, and two separate lawyers are needed to represent the buyer and seller.

First, I speak with clients about title insurance, which is a great product, but isn't for every home buyer, so I conduct an overview of whether it's right for your property at the outset.

I also speak with clients about how they will "take" title to their property. Although most couples take title together as joint tenants, meaning on the death of one the survivor becomes the owner, there may be reasons in your situation why that isn't a good idea. We can review that together.

When you're getting a mortgage, I am the lawyer for you and the bank. The bank will send specific instructions on searches they need and how they want the mortgage registered, which we'll complete before closing.

As the lawyer for both you and the bank, I'll give an opinion to both of you after closing. I'll conduct searches relating to the property you're buying to ensure there's nothing affecting the property that will cloud your interest. If an issue comes up, we ask the seller to fix it. If they refuse, I'll speak with you about the situation, outlining the problem and its impact on you, giving you both the legal and practical sides of the problem so you can decide how to proceed.

The seller must tell us the exact purchase price for the property. Costs such as taxes, water and fuel oil are adjusted on the Statement of Adjustments. You're also credited for any deposit that you made. So, the amount you have to pay for your home will vary a bit depending on what expenses the seller has pre-paid. We adjust everything on the day of closing.

Once we know the amount you'll give the seller and what we're getting from your bank, I'll let you know how much you'll need to complete the transaction. This amount is usually what you'd budgeted as your down payment when you obtained your mortgage approval.

On closing day, I exchange documents with the seller, and give them the funds to purchase the property and then register the documents (i.e. the Deed and the Mortgage). Once things are registered, I do the best part of my job – give you the keys to your new home!

Cornwall lawyer Michele R.J. Allinotte, founder of Allinotte Law Office focuses on guiding families and small business owners to make the best legal and financial decisions over their lifetime. For more information, please visit www.yourcornwalllawyer.com.