

When do I get my money?

Although the general rule is “keys for cash,” the exchange occurs between lawyers. Except in very rare circumstances, the money is kept in trust until the Land Titles Office processes the transfer documents and title is in the buyer’s name. In practice this generally takes a week to 10 days or less, depending upon how busy the Land Titles Office is. In fact, many lenders will not even give the buyer’s lawyer the mortgage money until it can be shown that title is in the buyer’s name and all other matters are satisfactory or can be made so in the normal course of the transaction.

When can I move in?

Three things are necessary before the buyer can move in:

- ◆ Cash (at least the difference between the full purchase price and the amount of the buyer’s mortgage.)
- ◆ All documents signed by the buyer; and,
- ◆ (If there is a mortgage,) the buyer’s fire insurance must be in place.

Note however that the money, although paid to the lawyer, is generally not released to the seller until registrations are complete.

What if there are problems?

If problems arise, you should contact your lawyer as soon as possible. This is part of the reason why money is not released to the

seller right away.

Words, words, words?

Some of the important words you will encounter are:

- ◆ **Possession or Closing** - This is the day the keys are exchanged for cash and the buyer can move in.
- ◆ **Mortgage** - This is your promise that the lender can take your property if you don’t pay. It is given in exchange for a **loan**. It is broadly called **security**, which can include other rights given to the lender to help them collect.
- ◆ **Survey Certificate** - There are many kinds of certificates done by Surveyors. The most common is properly called a **Building Location Certificate** and shows whether any buildings extend over the property line.
- ◆ **Encroachment** - This is what it is called when a building is over the line.
- ◆ **Torrens Title** - This is the type of land ownership that is predominant in Manitoba. Virtually everything you need to know about ownership of the property is contained in one document.
- ◆ **Deed** - This is the older kind of ownership common in most of the world. You need to account for all deeds back to the first owner.
- ◆ **Title Insurance** - This is used primarily in jurisdictions where there are deeds as opposed to titles. If there is a missing deed there is always the possibility someone might show up with the missing deed and an alternate line of owners. In Manitoba, title insurance is used primarily to insure against survey problems which might affect value.

Buying or Selling Your Home



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