

Buying or selling your family cottage?

By WILLIAM BURNFIELD
When buying or selling a cottage, knowing your rights and duties under the law can change an often frustrating experience into a hassle-free transaction.

Legally Speaking... a CLEO publication

AGREEMENT
The sale of a cottage, like that of a house is usually carried out using a standard Agreement of Purchase and Sale form which is available from most local real estate agents or boards. Once the buyer and seller have signed this Agreement, a legally binding contract is formed. Both parties must carry out the provisions of the contract.

Before signing the Agreement, therefore, both the buyer and seller should retain lawyers to ensure that they understand what they are getting themselves into.

TITLE
A lawyer should check the title to the property before you sign to find out whether there are any defects such as undisclosed mortgages, liens, zoning or building code violations, and unpaid taxes or insurance premiums. This check is called a title search.

Sometimes a problem arises when people have rights over land that don't show up on the search. Examples of these rights include a right of way over the land or even full ownership of the land. The law in Ontario provides that a person in possession of property can become the owner of property if the true owner has not used any right he or she may have to enter on the property, kick the occupier out, charge rent or inform the occupier of his or her ownership within ten years after the person occupied, or started to use the land. The "squatter" can acquire rights through a legal doctrine known as "adverse possession".

Any confusion concerning the true ownership of land, however, can be ended by the seller of the cottage having his or her title investigated and declared legally valid by a judge. The Quieting Titles Act allows any person who owns land or has an interest in land to apply to a court to have the title investigated. The court will issue a certificate of title which is conclusive evidence that the person's title is absolute and legal.

EXPENSES
In calculating how much a cottage costs, make sure to take into account all expenses you will incur. For example, lawyers fees are usually three-quarters to one per cent of the purchase price. A land transfer tax of \$4 per \$1,000 on the first \$45,000 of the price and \$3 per \$1,000 on the rest of the price must also be considered. Provincial Sales Tax is often another forgotten expense as

are surveyors' costs.
CAPITAL GAINS
Sellers of cottages should remember that the capital gains on the sale of a cottage are taxable at half the ordinary tax rate. However, since each tax payer is allowed to sell one "principal residence" in a year without paying capital gains tax on the profits made, a husband and wife owning a cottage and a city home may protect both from capital gains tax by having each spouse declare one of the properties as a principal residence.
The information in this article is accurate as of August, 1981. For more information on this and other topics contact Community Legal Education Ontario, 111 Queen St. E., Suite 310, Toronto, Ont. M5C 1S2. For legal advice contact the Halton Hills Community Legal Aid Clinic at 5 Wesleyan St., Georgetown, 877-5256.

Goebelle heads PC Youth

The Brampton-Georgetown Progressive Conservative Youth Federation elected its officers for the 1981-82 term at its recent annual general meeting. Hugh Goebelle of Georgetown is the new President, with Trevor Small of Brampton First Vice-President, Susan Anderson of Brampton Second Vice-President, Evan Siddall of Georgetown Third Vice-President, Heather Robinson of Brampton Secretary, and John Turecek of Brampton Treasurer. Guest speakers at the meeting included John McDermid, M.P., and John Hendy, President of the Brampton-Georgetown Progressive Conservative Association.

Big brothers appeal

The Big Brothers Association of Oakville and Milton is extending an urgent invitation to Halton Hills residents to spend three or four hours a week of their spare time with a fatherless boy. "Big Brothers isn't interested in recruiting superstars," the Association says. "Our most successful volunteers are men of average abilities who recognize the contribution they can make to a boy's development and have the heart to follow through with it." Local men 18 years of age and older are invited to call the Association at 845-6456.



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Police Beat

Car recovered, speeder escapes

A northbound driver on Highway 7 eluded police Friday after midnight. Having passed through radar at 147 kilometres per hour in an 80-kilometre zone, the driver attempted to turn onto Trafalgar Road, lost control and crossed the median, knocking over a warning sign. The vehicle was found stranded in a driveway of an RR1 Limehouse home with \$300 damage to the left rear of the car. There was \$25 damage to the warning sign.

Deer injured by car

A deer was struck by a Georgetown driver Tuesday night on the Ninth Line near Sideroad 10. The injured deer ran back into the trees, leaving the driver with \$200 damage to his car.

Minor injuries

Two drivers suffered minor injuries in a collision Tuesday night. A southbound car on Mill Street entered the Guelph Street intersection and collided with a westbound vehicle on Guelph Street. The intersection is controlled by traffic lights and Halton regional police haven't confirmed which vehicle went through the red light. There was \$2,200 damage to both cars.

Merger revoked

Two vehicles collided while their drivers were attempting to merge into a single lane at a construction site on Guelph Street near Alcott Drive Sunday afternoon, causing \$650 damage to both cars.

Miscalculation

A westbound driver in Guelph Street's centre lane was preparing to turn left into a parking lot when a vehicle behind him swerved out and struck the right rear corner of his car. There was \$450 damage to both cars Saturday afternoon.

Asleep at wheel

A Georgetown man was driving north on Main Street South in Georgetown Saturday morning when he fell asleep and his car mounted a concrete curb, striking a hydro pole. The collision at 4:55 a.m. caused \$1,800 damage to the car and \$1,200 damage to a hydro pole and street light.

Smith and Stone hit

Smith and Stone on Glen Road in Georgetown was broken into early Friday morning. A lock on a rear door was broken, but whoever got in didn't bother stealing anything. Staff Sergeant Ron Southgate of Halton regional police said.

Church break-ins

Two religious institutions were broken into and searched over the weekend, with nothing stolen from either one. Halton Gospel Temple on Highway 7 had a basement window smashed in. Thieves went through the closets, desks and cupboards looking for money, said Halton regional police. Knox Presbyterian Church on Main Street in Georgetown had its back door jimmied.

Highway collision

A westbound driver on Guelph Street intending to turn left onto Maple Avenue in Georgetown thought oncoming traffic had cleared and began to turn. An eastbound car on Guelph Street collided into the turning car, causing \$1,000 damage Friday evening.

Rear-ender on Main

Two vehicles proceeding north on Main Street North in Georgetown collided, causing \$800 damage to the first car. The driver of the first car had signalled a left turn onto James Street when the second car ran into it. The driver and passenger of the first car had minimal injuries as a result of the collision.



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