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Mark Hilliard

Mackenzie Chapman Hilliard
Barristers and Solicitors

33 Main Street South
Acton, ON L7J 1X3

Tel: 519-853-1330
Fax: 519-853-4645

Email: Mark@mchlawyers.com

Q What is the role of the deposit?

A When you're making an offer to purchase a property, you need to pay a deposit to secure your offer. The deposit provides security to the seller that you are serious about purchasing the property and that you would be able to complete the purchase on closing day. If the deal is firm, and the purchaser fails to complete the purchase, the vendor would be entitled to keep the deposit as compensation for taking the property off the market for a period of time.

It is important that if you are making an offer to purchase, and you require financing, you ensure that the agreement of purchase and sale is conditional on you obtaining financing. There may be pressure for you to waive that condition in order for your offer to be accepted, but in that case you are risking your deposit, among other possible damages the vendor may be entitled to sue for if the deal does not close. If you can afford to lose the deposit, you may not be concerned. But sometimes it can be a sizeable sum, and if you cannot afford to lose it, it may not be worth the risk going firm with no financing secured.

The advice offered in this column is intended for informational purposes only. Use of this column is not intended to replace or substitute any professional, financial, medical, legal, or other professional advice.

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