

*Courtesy of Brenda Balogh, a Notary Public, in Yaletown, Vancouver BC.
Description of a simple conveyance process for a strata title property.*

Steps in a Simple Conveyance of a Used Strata Property

Steps 1 and 2 are interchangeable.

Step 1

The buyer is contacted to obtain their full legal name, occupation and First Time Home Buyer status to prepare the paperwork accordingly.

Step 2

The real estate office forwards the Contract of Purchase and Sale and details of the commissions to be paid. We require this paperwork in order to obtain the following for the transfer documents and the statement of adjustments:

- The title search is pulled to determine if there are any charges to be discharged upon the sale, and to review the non-financial charges.
- The tax search is pulled to determine if there are any outstanding property taxes owing by the seller, and to determine the current years' property tax adjustment required. Generally, if the transfer completes prior to July, the seller will owe their share of the taxes to the buyer, and if the transfer completes after July the Buyer will owe the seller their share of the taxes. Paid advance taxes are repaid to the seller upon completion.
- To determine if the seller is a non-resident.
- Property purchase price and deposit paid.
- Completion, Adjustment, and Possession Dates.
- To determine if there are any holdbacks or credits.
- To obtain the name and number of the strata management company, in order for us to obtain the Form F, strata fee payment, any funds outstanding, move in and out fees, and the details of the Insurance Agent to obtain an Insurance Binder for the bank.
- To calculate the real estate commissions owing.

Step 3

Once we know who the strata manager is, we order the Form F, and obtain the name of the Insurance Agent. In order to avoid RUSH fees, we are required to order this document at least 7 days in advance. We typically do not send the transfer documents to the Vendor's Notary until we have received the undertakings and confirmation of fees from the strata manager. The REALTOR® should provide us with the Form B Information Certificate to avoid the cost to the buyer of ordering it again.

Step 4

Upon receipt of the strata undertakings, outstanding amounts move out fees, and any notification of a special levy, we then forward the transfer documents to the Vendor's Notary for execution by the vendor, which consists of the following documents:

- Letter of Undertaking to the Vendor's Notary setting out their undertaking to pay off the existing mortgage(s), overdue property taxes, utilities, and strata fees, and any debt outstanding that is the responsibility of the vendor to pay from the sale proceeds.
- A copy of the title and tax search
- The Transfer Form A
- Vendor's Statements of Adjustments
- GST/HST Certificate
- Statutory Declaration regarding the Income Tax Act/ Residency Status
- Parking and Storage Locker Assignment

Step 5

The Bank will send us the Mortgage Instructions. However, some banks require the buyer to attend a branch or see their mortgage broker to sign paperwork, prior to sending us the mortgage instructions. We typically cannot prepare the mortgage documents until we receive the instructions. Upon receipt of the mortgage instructions, we have to read the entire package to obtain and prepare any documentation required by the bank. Documents that the bank generally requires are the following:

- Form B Mortgage
- Mortgage Commitment and Disclosure Statement
- Acknowledgment of Receipt of Mortgage Terms
- Electronic Filing Acknowledgement

- Receipt of the Form B Information Certificate
- Pre-authorized debit form and void cheque
- Realty tax form
- Statutory declarations
- Identification document – client must have unexpired ID
- Insurance Binder
- Title Insurance
- Miscellaneous

Step 6

Once we have received the mortgage instructions, which confirms the amount to be advanced to our office, we can prepare the final paperwork which will provide the final funds required for closing. The final funds required will include our fees and disbursements, all of the adjustments, and the balance of any further down payment required to complete. Or alternatively, once we have received the Contract, and Strata Information, we can calculate the entire funds required for closing to enable the buyer to determine the mortgage funds needed.

Step 7

Upon completion of the paperwork, and prior to the closing appointment, we will email the following to the buyer:

- Our engagement letter to confirm the correct spelling of our clients name, and outlines the following tasks.
- A. To search title; to discuss charges to remain on title; and to review a copy of the Plan as filed in the Land Title Office.
- B. To obtain and review municipal tax information specific to the property.
- C. To prepare or obtain transfer and mortgage documents as well as supporting documents required by the registry or others.
- D. To attend to or arrange for execution of transfer and mortgage documents.
- E. To negotiate appropriate closing undertakings with solicitor/notary for Seller.
- F. To receive and account for trust funds.
- G. To provide your Lender with its requested security documents.
- H. To attend to registration of relevant documents at the appropriate Land Title Office.

- I. To make inquiries as to the residency status of the Seller pursuant to the Income Tax Acts as required.
- J. To disburse trust funds.
- K. To report and provide you with a final State of Title Certificate, if applicable.
 - The Purchasers statement of Adjustments which indicates the funds required for closing.
 - Mortgage Documents
 - Mortgage Terms
 - First Time Homebuyers Guide (if applicable)
 - Title Insurance Information
 - Confirmation of Appointment

Step 8

Upon return and review of the Transfer documents from the Vendor's Notary, we will be able to register the Form A Transfer on the date of completion.

Step 9

We must formally request the Mortgage Funds from the bank for the completion date.

Step 10

On the completion day we obtain a Pre-Search and register the following documents at the Land Title Office:

- Transfer Form A
- Form F Declaration
- Property Transfer Tax Application
- Form B Mortgage and Assignment of Rents (if Applicable)

Step 11

After the Post Search, we disburse the funds and fax confirmation of registration to the applicable real estate offices.

Step 12

We prepare the Final Report for the Bank.

Step 13

We follow up for the appropriate discharges, and upon confirmation that

the mortgages/liens have been discharged, we order a State of Title Certificate for the buyer and the bank which will show the new buyer and mortgage registered on title.
