

## Troubleshooting Problem Closings: A toolkit for a deal coming off the rails

*Real Property Law*



In-Person



Webcast

**Date:** Thursday, May 17, 2018 | 9:00 am to 1:00 pm  
**Location:** Twenty Toronto Street Conferences and Events  
20 Toronto Street, 2<sup>nd</sup> Floor, Toronto

**Program Chair:** **Ian Speers**, Barrister, Solicitor & Notary Public  
**Emily Ng**, Houser, Henry & Syron LLP



This program contains .75 Professionalism Hours  
This program is eligible for up to 3.25 Substantive Hours  
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As a real estate lawyer, problem closings present significant risks as mishandling a failing transaction can lead to claims against you. Attend this program to gain insights into transactional remedies and recourses to ensure that you are prepared to advise your client effectively as a deal starts to come off the rails, and to be able to safely save (or—if necessary—terminate) a deal to protect your client's interests.

Register now to join this important discussion and ensure you can effectively protect your clients' interests.

8:30 am Registration and Continental Breakfast

9:00 am Opening Remarks from the Program Chair

9:05 am **Conditions, Representations, Warranties, and their Remedies**  
**Steven I. Pearlstein, Minden Gross LLP**

- Understanding the different types of terms in an APS
- Applying their differing rights and remedies
- How to avoid prejudicing your client's interests or barring their remedies

9:40 am **Specific Performance: From Semelhego to Southcott – and beyond**  
**Bradley N. McLellan, WeirFoulds LLP**

- A review of the last 20+ years: from automatic to abnormal
- Where does specific performance stand now?
- How to advise clients when a deal is going sideways

10:20 am **The Real Estate Solicitor's Last Stand: Vendors and Purchasers Act Applications**  
**Mark R. Giavedoni, ESB Lawyers LLP**

- A how-to guide to applications under the *Vendors and Purchasers Act*
- When and how to use them to address title issues

10:50 am Networking Break

11:00 am **Thomas v. Carreno - The Fix is In: Title Insurance as an Answer to Title Issues**  
**Lou Radomsky, Barrister and Solicitor**

- The contractual provision in the OREA APS to reply to title issues with title insurance
- Analyzing the example of *Thomas v. Carreno*
- Limits to the contractual right to answer requisitions with insurance

11:30 am **Why am I Orchestrating the Whole Deal?**

**Dealing with Challenging Parties**  
**Sara Beheshti, Barrister and Solicitor**

- Absentee practices, irrational requests, useless (or no!) requisitions, posturing and anticipatory breach
- Breaking private mortgage log jams: the LSO-approved three-party DRA
- Addressing problem lenders: the CBA Mortgage instruction Toolkit

11:55 am **Tender**

**Silvana M. D'Alimonte, Blake, Cassels & Graydon LLP**

- How to tender
- When (and when not) to tender
- Considerations in electronic registrations
- How to proceed when neither party is ready, willing and able to close (equity and double default)

12:25 pm **Good Faith**

**Pamela Green, Pallett Valo LLP**

- Obligations of good faith when a transaction is going off the rails
- Time of the essence and lying in the weeds on closing
- How the Rules of Professional Conduct should govern communications with clients and opposing counsel when your deal goes awry

12:50 pm Discussion and Q&A

1:00 pm Program concludes

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