

Future of Independent Living for Older Adults: Real Estate and Elder Law Considerations

Elder Law & Real Property Law



In-Person



Webcast

Date: Friday, March 22, 2019 | 9:00 am - 1:00 pm
Location: OBA Conference Centre
 20 Toronto Street, 2nd Floor, Toronto
Program Chairs: **Timothy P. Kennedy**, MaxSys Staffing & Consulting
Georga Wolfe, Goldman, Sloan, Nash & Haber LLP



This program is eligible for up to 3h 00m Substantive
 This program is eligible for up to 1h 00m Professionalism

Canada's ageing population requires sustainable and affordable residences. What seemed as unconventional property choices before — bi-generational housing, shared co-op housing, and condominium communities — now appear as more sensible alternatives for this population. Implementing them, however, raises different regulatory, planning, and legal considerations that can get messy. Reverse mortgages, private co-housing arrangements, condominium liabilities, different title holdings, and new community options are just some of the issues counsel may need to advise on when acting on a file.

Attend this timely program to hear faculty explain real estate principles associated with different independent living options followed by discussion incorporating an elder law perspective. You will gain the insight you need to spot and manage the opportunities and pitfalls of representing older clients, and to help them navigate the future of independent living.

8:30 am **Registration**

9:00 am **Welcome and Opening Remarks**

9:05 am **Reverse Mortgages: What You Might Not Know May Cost You and Your Client**

Ian Speers, Barrister, Solicitor & Notary Public
Heather Hogan, Office of the Public Guardian and Trustee

- Just like they say on the ad? Reverse mortgages and how they work
- Reverse mortgages and qualification requirements
- Reverse mortgages: pros/cons
- Advising the reverse mortgage client

9:50 am **Private Co-Housing Arrangements**

Brian Iler, Iler Campbell LLP
Heather Hogan, Office of the Public Guardian and Trustee
 Co-operative Corporations provide older adults with an alternative to living in regulated residential care facilities, but they may intersect with regulated congregate care. Find out how these living arrangements are structured and operate. Discussion also includes advising the older client who is considering joining a co-op

10:35 am **Networking Break**

10:50 am **Condominium Living**

Rod Escayola, Gowlings WLG (Ottawa)
Heather Hogan, Office of the Public Guardian and Trustee

- Implications and statutory responses when an older adult unit owner cannot care for themselves
- Nuisance and condominium dwelling

- Liabilities and implications of common elements and shared facilities for unit owners
- Special assessments and condominium issues
- Advising the older condominium client

11:35 am **Bi-Generational Housing**

Raymond Mikkola, Pallett Valo LLP
Heather Hogan, Office of the Public Guardian and Trustee

- Planning the two-unit, bi-generational property
- Identifying and working within legal restrictions
- How is title held?
- Co-tenancies, life interests and other arrangements
- Municipal zoning issues
- Advising multiple clients

12:20 pm **Life Leasing in the Retirement Community Setting**

Jeffrey Lem, Director of Titles for the Province of Ontario

- Life Leases: what are they (and what they are not)
- Benefits and risks of life leasing
- Registration of life leases: a tangled web we weave
- Life leasing and the Planning Act
- Survivorship of life leasing: tenants-in-common vs joint tenancy (or some hybrid thereof?)

12:50 pm **Questions and Concluding Remarks**

1:00 pm **Program Concludes**

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org