



RATCLIFF & COMPANY

BARRISTERS & SOLICITORS

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NON-RESIDENT PURCHASE OF REAL ESTATE IN BRITISH COLUMBIA

CLOSING DETAILS

Document Execution and Delivery

We do not use escrow agents in British Columbia. The transaction is closed using lawyers and notaries. There is no date upon which the buyer and the seller physically meet each other and exchange closing documents. The documents will be prepared by us and arrangements will be made for you to sign them.

If it is not convenient for you to attend at our office, we can make arrangements as follows:

- A. **If you are buying with cash only** (i.e. you are not getting a mortgage) we can forward the documents to you by either email or fax. You will need to sign hard copies of the documents and fax them back to our office. You will also have to make arrangements to transfer closing funds to our office. This can be done by wiring the funds directly to us or by sending the funds by courier. If you choose to courier the funds it must be by way of a certified cheque or bank draft. If you choose to send the funds in U.S. dollars, they will be converted into Canadian dollars upon arrival at our firm's bank and the exchange rate will be the exchange rate in effect at our bank on the date the funds are deposited. Our firm cannot accept responsibility for the exchange rate that you receive. You should ensure that more than enough monies are forwarded in order that we will have sufficient funds to complete the transaction. If we have monies in excess of the amount required to complete the transaction we will refund any difference to you.
- B. **If you are purchasing with a mortgage**, it will be necessary for us to arrange to deliver the documents to you by courier. The Form B Mortgage will need to be signed in the presence of a Notary Public (see below with respect to the proper execution of the document by the Notary). It will then be necessary for you to return the documents by courier. Please note that couriers do not guarantee delivery by 10:00 am the following day on international deliveries to Canada. These deliveries may not be made before 5:00 p.m. the following day at the earliest.
- C. **If you are selling**, we can courier the documents to you. If we are under extreme time pressure we may be able to fax them to you however, as the quality of the reproduction of the documents is critical, we prefer not to. In some instances we may be able to email the documents to you but it depends on whether the buyer's lawyer has been able to provide us with electronic versions of the documents and whether the parties use compatible software.

Once you have received the documents it will be necessary for you to attend before a Notary Public to arrange for the execution of the Form A Transfer in **black ink pen**. The Notary must sign opposite your signature on the Form A Transfer and must provide us with their full legal name, mailing address and occupation including the words "Notary Public".

Please note that if you live outside of Canada, a Barrister/Solicitor, Attorney or Lawyer is not an acceptable witness on the document and you must have it witnessed either by a Notary Public or a Canadian Consulate officer.

If you live in California, you will no doubt experience great difficulty in getting a Notary to sign on the same page as you sign. The Notary will want to attach an additional page and complete the notarization of the document on that additional page. **This is not acceptable to our Land Title Office.** We find that if you request the Notary to complete the document as Aa jurat@, they will then sign the document properly opposite your signature. If they wish to add the words Asworn before me@ that is acceptable to our Land Title office.

Transfer of Funds

We are unable to give you a final figure as to the funds required to complete until we have completed our searches for information such as property taxes, maintenance fees and the net amount of mortgage proceeds.

A rough estimate of the amount required to complete can be calculated as follows:

Debits

- < Purchase Price
- < Property Transfer Tax (1% on the first \$200,000 of the Purchase Price, 2% on the balance)
- < Mortgage Brokerage Fees
- < Legal Fees and Disbursements
- < Property Taxes (a debit to you after July 1)
- < Maintenance Fees for the balance of days remaining in the month

Credits

- < Amount of the deposit paid by you to the realty office (do not calculate interest on your deposit as any interest earned will be remitted to you after the closing by the Real Estate office directly).
- < Amount of your Mortgage
- < Property Taxes (a credit to you before July 1)

The difference between the debit and credit columns should give you an approximate amount required to complete the transaction.

If we have not provided you with a figure as to legal fees and disbursements, please feel free to contact us for this information.

Please note that if you are wiring the funds the wire can take up to a week if it is coming from outside of Canada. If you are obtaining a mortgage on a property in the State of Washington, state law requires that the mortgage company hold your funds for three days from the registration of the mortgage. Please note that we will require funds one business day prior to the completion date under your contract.

Delays

Closing dates are extremely important in British Columbia real estate transactions. The closing date is a contractual obligation for the purchaser to meet and failure to meet it may result in a voiding of the contract, a loss of the deposit, and liability for further damages. On request a vendor may provide an extension of a closing date but they are not obligated to do so. **EVERY EFFORT MUST BE MADE BY THE PURCHASER TO MEET THE CLOSING DATE**

Please direct any questions you may have to us by phone or email.

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