

How Realtors Help



By Brian Madigan LL.B.

Well according to the ads on television, realtors help by knowing “how to fill out those ridiculously complicated documents” that are “written partially in Latin”.

Now, is this true?

1) Are the documents indeed **ridiculously complicated**? And, if they are, why would this be a good thing?

2) Are they written **partially in Latin**?

I would presume that the Agreement of purchase and sale would be the most significant document. The standard form was drafted by the Ontario Real Estate Association (OREA) and is utilized substantially throughout the Province. OREA is a member of CREA, the Canadian Real Estate Association which sponsored the television advertising campaign.

Let’s look at the last question first. Is there any Latin in the document? None, that I could find! There are several Latin expressions that commonly appear in legal agreements including the following:

Inter alia.....meaning “among other things”

Mutatis mutandis.....meaning “with the necessary changes”

But, these expressions do not appear, nor do any other Latin expressions, so what are these people talking about?

So, let’s have a look at the standard form agreement of purchase and sale. Pull out a copy if you have one. You are likely to find that it’s relatively simple and straightforward. In fact, it has been drafted from both the perspective of the buyer and the perspective of the seller. It is designed to be reasonably fair to each. In most situations, two realtors will be assisting the buyer and the seller in the same transaction, so the basic document needs to be “fair” at the outset before the parties commence negotiations.

There are a few matters that an individual may not fully comprehend including their legal significance in a particular transaction, but really, for the most part that is “legal advice”. Any prospective party would always be well-advised to seek

legal assistance. However, as for the level of “complication” certainly as far as legal documents go; this document is simple and uncomplicated.

The next issue is to determine whether the documents are “ridiculously complicated”. Here, we are looking at the adverb “ridiculously” to see if there is any real meaning.

Ridiculous (as an adjective) means:

“causing or worthy of ridicule or derision; absurd; preposterous; laughable”;

“deserving or inspiring ridicule; absurd, preposterous, foolish or silly”;

“stupid or unreasonable and deserving to be laughed at”.

The adverb “ridiculously” has a similar meaning. However, it is wholly inappropriate in the circumstances. It simply lacks meaning! Why would OREA draft a foolish document? Why would CREA say that OREA has such a foolish document?

Surely, self-deprecating humour may be fine for a comedian or politician, but it doesn’t make a whole lot a sense for a professional association attempting to inspire confidence among the public as consumers.

In fact, OREA should be praised for coming up with one of the better standard form legal documents in use. Perhaps, CREA was simply intending to poke fun at one of the other Provinces?

Maybe they should have run this advertisement before a focus group before it got “airtime”.

Note: TV ads running in April and May 2009 featuring “Tiny Tim”.

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