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FAMILY LAW

OVER 40 YEARS EXPERIENCE

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Dear Howard,

Summer is upon us! Many of us are looking forward to and attending the Pan Am Games this year. I believe you will find the articles that I have written below and the developments in the areas of law that I practice both interesting and thought provoking.

As you read this newsletter or browse my Web Site, take the time to assess your needs. Please call me for a chat if there is something I can help you with. I also work with a team of strategic professional who I have listed with links to their webpages under Trusted Resources. This page on my Web Site can be accessed from this newsletter using the Quick Link above. You may discuss with me at any time which of the professionals will best be able to assist you.

Is an Order for the Sale of a Jointly Owned Matrimonial Home Automatic upon Separation?



The law is well settled as to the right of a joint tenant to the highest price possible for his or her interest in the value of jointly held property which may be more than the appraised value of the property.

In today's real estate market, the appraised value of the property may not reflect the fair market value. The true test of the fair market value is to sell the property in an open market. Unless the parties agree to a transfer of the property at an agreed price, the property should be listed for sale and sold, to ensure that fair market value is obtained.

As late as 2014, this "settled" issue is still being litigated. Click [here](#) to find out why.

Electronic Signatures For Real Estate Deals



The Ontario Government wants to allow the electronic signature of agreements of purchase and sale. This may venture into dangerous territory. With the universal use of fax, it is difficult to see how electronic signature of agreements of purchase and sale will speed up the process.

Further, prospective purchasers all too often sign agreements of purchase and sale without legal assistance on the say so of real estate agents. Electronic Signature will only further exacerbate this unwise practice.

To read further into this troubling issue click [here](#).

Business Valuations:

How They Should Be Carried Out



Justice Seppi in the case of *Mundronja v Mundronja* made a very reasoned decision as to Business Valuations of interlocking companies owned by the Husband, a wealthy entrepreneur in order to arrive at a division of Net Family Property (NFP).

To read what a business valuation report should entail click [here](#).

Honesty And Good Faith:

The Minimum Standards of Conduct For Business In Canada



[Donoghue v. Stevenson](#), the famous 1932 English Decision establishing manufacturer product liability is often characterized as revolutionary and a necessary advancement in common law that encapsulates changes in societal values. Similarly, the 2014, Supreme Court of Canada (SCC) case, *Bhasin v. Hrynew*, may achieve "revolutionary" status as well. Bhasin represents a major advance for society through the establishment of minimal standards of conduct, rooted in core moral values, being duties of good faith and honesty in contractual relations. While the performance of the vast majority of contracts will not be affected, the contracts that do not employ minimal levels of decency will establish Bhasin's importance.

To read more as to how these values apply to you, please click [here](#).

As I have your email address already in my database, you have automatically been subscribed to these emails. Should you wish, you may unsubscribe at any time by following the instructions at the bottom of this or future emails. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

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