

Law Offices of Howard S. Dymant

Back To School & Work Fall Newsletter 2012



Dear Howard,

I hope this newsletter finds you well and that you have enjoyed your summer. This newsletter marks the second anniversary of newsletters sent with the assistance of Constant Contact, my email provider. I hope I have provided you with a useful tool to help stay connected and keep you updated with the latest changes in the areas of Family law, Real Estate, Wills and Powers of Attorney and Estate law.

Family Law continues to evolve. My website has many new and informative articles, which reflect current changes in the law. I highlight several areas of change in the articles below. I urge you to look through the full list of articles on my website by clicking [here](#) to learn how the issues they raise might affect you. If you have any questions or concerns regarding your Family Law issues, Real Estate, Wills and Powers of Attorney and Estate law I encourage you to call me for a brief consultation, which may save you untold months of anguish and financial hardship in the future.

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TIMING IS EVERYTHING IN A "SPLIT"

Upon Separation you must take active steps to sever a Joint Tenancy



Earlier this year, Cristin Schmitz, a seasoned writer for The Lawyer's Weekly, wrote an informative article on the importance of severing a joint tenancy upon separation. My Office has always been proactive and upon being retained in a Separation, sever the joint tenancy in all Matrimonial Homes. This I felt was the best practice and the Case Ms. Schmitz has written about validates my practice.

In the article, Ms. Schmitz explains how the Ontario Court of Appeal has had to clarify what constitutes a "course of dealing" sufficient to sever a joint tenancy. This expensive piece of litigation would not have been necessary had the Joint Tenancy been severed, through the Registry Office, as I do in my Office.

As the title of Ms. Schmitz's article suggests, the timing of the severance is the difference between success and defeat. The ramifications of not severing a Joint Tenancy at the proper moment are obvious from the examples provided in the article. Do you really want your estranged spouse owning your entire home on your demise?

To view the full article, please click [here](#).

CHANGES TO MORTGAGE ACQUISITION RULES

They Will Effect You!



The Federal Government announced changes to mortgage rules last week that will take effect July 9th, 2012. In case you have not had a chance to read about these changes, I have summarized them below:

1. Mortgages will only be amortized for 25 years instead of 30 years.
2. Maximum amount homeowners can borrow against the value of their homes is reduced to 80% from the previous 85%.
3. Properties with a purchase price of \$1 million and over can no longer qualify for CMHC insurance so a buyer will have to have at least a 20% down payment to purchase a home for \$1 million or over.
4. The maximum gross debt service ratio will be fixed at 39% and the maximum total debt service ratio at 44%.

WHERE THERE'S A WILL, THERE'S A WAY

The Importance Of Being Earnest



Due to recent comprehensive changes in the law of Wills with respect to joint accounts and transfers without valuable consideration between family members, I cannot continue to offer revisions at no cost. I can promise the same high quality work that I have produced in the past at the best possible value.

It has always been the mandate of my Office to provide Wills and Powers of Attorney for each and every client that best suits their individual needs.

I strive to ensure that the dynamic of the Will brooks no disputes or arguments regarding an individual's final wishes as contrasted with those of his family. A death in the family should bring the family together, not pull them apart. When Wills are carefully crafted by my Office, there is no room for family disputes.

I strongly believe in the approach laid down in the 12th century by the Rambam, a leading Jewish scholar and biblical commentator written in an ethical letter to his Son, Rav Avraham.

Do not contaminate yourselves with dispute, which consumes body, soul and property - what else, then, is left? I have seen the way the pure have been blackened, the refined vulgarized, families torn apart, leaders removed from their positions, big cities destroyed, communities broken up, pious Jews deteriorate, the faithful ruined, the honourable disparaged and despised - all because of dispute.

The prophets prophesized against it, the sages expounded on it, and the philosophers probed its essence and explained the evil of dispute, but still did not reach its fundamental nature.

Therefore, resolve to hate (dispute) and flee from it. Distance yourself from all its friends, companions and neighbours. Remain aloof and keep a distance even from quarreling relatives, lest you perish from their sins.

CASE NOT SETTLING AS QUICKLY AS YOU HOPED?

Learn From The Lessons Of The Lord Nelson



There have been and it seems that there will always be horror stories of long drawn out legal battles. The classic case in point seems to be the Lord Nelson fiasco.

The Lord Nelson was a commercial schooner that ferried goods and passengers across Lake Ontario



from Niagara-on-the-Lake to the St. Lawrence River. On June 5, 1812, two hundred years ago, the vessel was forcibly boarded and seized by American officials patrolling the area. It was then turned against us and used as a warship during the War of 1812. The following summer, the ship sank on Lake Ontario, and in July of 1817 the owners of the vessel were awarded about \$3,000.00 in reparations.

Due to embezzlement, legal red tape, the Civil War, more legal red tape, and World War I, the money owed to this family was not paid out until 118 years later in March 1930. After legal fees, the total amount was approximately \$15,000.00 yet there were so many heirs to the original owner the amounts received ranged from \$119.06 to \$952.46.

For the full article, please click [here](#).

My Office prides itself on resolving litigation quickly, successfully and efficiently and avoid the tale of woe that is the Lord Nelson Decision.

IN SUMMARY:

It has always been my mandate to provide you with the best service and advice available in the area of Family Law; inclusive of Separation, Divorce, Custody, Child and Spousal Support, Property Division, Marriage and Cohabitation Agreements. It is my objective to help my clients to review their marriages, partnerships and common law relationships and, if there is no alternative, to prepare my clients to obtain the best possible resolution on separation/divorce.

I hope this Newsletter finds you well and that return to school today and back to business goes well for you. 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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