



In this issue:

1. [Significant Changes to Real Estate Practice in Ontario](#)
2. [Removal of Guardian of Property: SK Q.B.](#)
3. [Litigation Involving Minors: CLE](#)
4. [Representing Clients with Disabilities](#)

1. Significant Changes to Real Estate Practice in Ontario

As cottage season approaches, you may be approached by clients who want you to act for them on the sale or purchase of recreational property in Ontario. Before you accept the retainer, you should be aware that reforms recently implemented by the Province of Ontario may prevent you from acting. Effective April 1, 2008, only authorized lawyers who have met the criteria of the Ontario Ministry of Government and Consumer Services and who have a [Teranet](#) license for access to Ontario's on-line registration system will be able to practise real estate law in Ontario. Although most Manitoba lawyers could satisfy the criteria, you must arrange to receive the authorization from the Ministry and obtain the Teranet licence before you take on any Ontario transactions. For information on how to arrange authorization see the [Service Ontario website](#).

2. Removal of Guardian of Property: SK Q.B.

In [*Saskatchewan \(Public Guardian and Trustee\) v. Ray*](#), 2008 SKQB 43 (CanLII) the Public Trustee of Saskatchewan successfully applied to be appointed as guardian of the property of Ronald Ray in place of his mother. Ronald Ray sustained severe and disabling injuries in a motor vehicle accident as a baby, and received a substantial settlement as a result. The mother, Eileen Ray, was appointed guardian of the property and was required by the court to provide annual accountings to the Public Trustee. She did so initially and then ceased doing so, resulting in an application by the Public Trustee for removal of the mother as guardian. In granting the application, the court found that:

...Eileen Ray has failed to lawfully carry out her fiduciary duties as to the management of the trust, that her conduct was, as he put it, "in no way prudent, reasonable or justifiable" and that because of the way in which she had dealt with the trust funds, she had placed herself in a flagrant conflict of interest position. In particular, Eileen Ray has misused substantial amounts of the trust money, in the order of \$250,000. Some of the money was spent on renovations to a second residence in which Ronald Ray Jr. had no registered interest. Large amounts of trust money were expended to support unsuccessful business ventures carried on by Ronald Ray Sr., and to purchase an RV and a time share, neither of which is in the name of Ronald Ray Jr.... Clearly the parents have placed themselves in a conflict of interest position such that it is not appropriate to appoint them. Ronald Ray Jr.'s needs for financial assistance are much better met by the [Public Guardian and Trustee].

3. Litigation Involving Minors: CLE

Counsel acting in litigation matters that involve minor children should be sure to attend the upcoming CLE program *Civil Actions Involving Minors* on June 5, 2008 from 12:00 - 1:30 p.m. at the [Law Society](#). For complete program details and to register, access the [registration form](#) online.

4. Representing Clients with Disabilities

The Canadian Bar Association is presenting a webinar entitled [Representing Clients with Disabilities](#) on Wednesday, May 14, 2008 from 12:00 - 1:30 p.m. Registration is open only to CBA members. For further details and to register online, visit the [CBA website](#).

[Go to the eLaw Archive](#)

The Law Society of Manitoba provides this service solely for the benefit of and to support the competence of its members. Members should exercise their professional judgment in using or adapting any content.