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### 1. Summary Judgment Granting Specific Performance Upheld: Man. C.A.

In [Trico Developments Ltd. v. 5117089 Manitoba Ltd.](#), 2009 MBCA 3 the court dismissed the appeal of a summary judgment granting specific performance of a real estate sale. Justice Hamilton rejected the appellant's argument that the purchase and sale transaction was an option requiring strict compliance, holding that, although the repurchase arose from the exercise of the option, it was a different contract in nature (a bilateral contract), subject to the doctrine of substantial rather than strict performance. A minor error in the tax adjustment prepared by the purchaser's lawyer was found to be "neither a refusal, nor a failure on the part of the plaintiff to complete the repurchase transaction..." and therefore "the judge did not err when he found that the plaintiff had substantially complied with its closing obligations."

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### 2. Land Titles Office Changes

Several staff changes at the province's Land Titles Offices are detailed in a [Property Registry Notice](#) dated January 5, 2009. And, effective February 9, 2009, the Morden Land Titles Office will be temporarily relocated to 327 North Railway Street in Morden, Manitoba.

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### 3. Supplementary Report on Enduring Powers of Attorney: Areas for Reform

The Manitoba Law Reform Commission released its [supplementary report](#) on *Enduring Powers of Attorney: Areas for Reform* to the Minister of Justice and Attorney General on January 29, 2009.

Among other things, the supplementary report provides an overview of the impact of the Western Canada Law Reform Agencies' [July 2008 report](#) on Manitoba's [Powers of Attorney Act](#) and identifies additional areas of reform, such as amendments addressing attorney qualifications and the circumstances that will terminate an attorney's authority, and requiring an attorney to register notice on the title to the donor's land that the attorney is acting under an enduring power of attorney. Amendments are also recommended to update [The Wills Act](#) and [The Homesteads Act](#).

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### 4. CLE BC Publications

Two publications recently posted online at [Practice Points](#) will be of interest to property and estates lawyers:

- [\*The Collapsing Deal - Some Random Thoughts\*](#), by Dick Chan, details the steps to take to resurrect a collapsing real estate deal; and
  - [\*Privilege and Confidentiality Before and After Death\*](#), by Felicia S. Folk, examines the law of privilege and confidentiality before and after death and identifies circumstances in which exceptions are made.
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## **5. Continuing Professional Development for Real Estate Practitioners**

The upcoming Law Society program [\*Hot Topics in Real Estate Practice\*](#) will update you on the latest developments in real estate law. It takes place on Monday, March 23, 2009 from 12:00 noon - 1:30 p.m. in the Law Society classroom. To register or obtain further information contact [Legal Studies](#).

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