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1. Revisions to the Conveyancing Protocol

The Law Society's Conveyancing Practices Committee has recently approved a number of changes to the Western Law Societies Conveyancing Protocol (Manitoba), aimed at improving its efficacy and facilitating its wider use by Manitoba lawyers and lenders. Notable among the changes is deletion of the Power of Attorney requirement. Also, to respond to recent changes in the City of Winnipeg, a new process for dealing with the vendor's final water account is implemented. The revisions took effect on March 15, 2009.

The [revised form](#) of the Protocol, with the revisions highlighted, can be found on the Law Society's website at www.lawsociety.mb.ca. For a more detailed overview of the Protocol revisions, go to the [2009 Protocol Revisions](#) tab on the website.

2. Value of the Work Done Determines Amount Required to Vacate Lien: MBQB

In [3065488 Manitoba Ltd. et al v. Kirkstall Holdings Ltd.](#), 2009 MBQB 45 the court granted the plaintiffs' application for a pending litigation order and set the amount to be paid into court to vacate the registration of the lien. The court rejected the respondent's argument that no action to realize a claim for lien could be filed because one of the plaintiffs was also a part owner of the land. To determine the appropriate amount to be paid into court pursuant to s.55(2) of *The Builders' Liens Act* the court looked at the value of the work done by the lien claimant, not the contract price set out in the lien. It found, among other things, that the value of work done equation cannot include damages for loss of reputation.

3. MLRC Proposes Changes to Succession Legislation

The Manitoba Law Reform Commission submitted its report *Posthumously Conceived Children: Intestate Succession and Dependants Relief; The Intestate Succession Act: Sections 1(3), 6(1), 4(5), 4(6) and 5* to Minister of Justice and Attorney General on February 26, 2009.

The Commission recommends that *The Intestate Succession Act* and *The Dependants Relief Act* be amended to allow posthumously conceived children to inherit from and through a parent who has died intestate or be able to apply for financial support.

The Commission also recommends that the 15 day survival requirement in *The Intestate*

Succession Act for persons who are alive at the intestate's death should also apply to posthumously conceived children and to persons who are conceived before and born after the death of an intestate. Finally, the Commission recommends that the method of distribution of an estate outlined in *The Intestate Succession Act* be amended to provide that when the survivors in the nearest degree of kinship are issue of paternal and maternal grandparents or great-grandparents and they are all of the same generation, they should share in the estate equally.

Copies of the full Report are available at Information Services, Room 29, Legislative Building.

4. Guidelines on Powers of Attorney in Real Estate Transactions

The Law Society of Upper Canada has prepared [Guidelines on Powers of Attorney in Real Estate Transactions](#) to assist lawyers to avoid becoming the tool or dupe of unscrupulous persons when dealing with real estate transactions involving powers of attorney. The guidelines set out practical procedures to fight fraud, and link to other resources on this topic, including a Summer 2008 LAWPRO magazine article titled [Powers of attorney and solicitors' liability: the case law](#).

5. Continuing Professional Development for Real Estate Practitioners

The upcoming Law Society program [Hot Topics in Real Estate Practice](#), which takes place on Monday, March 23, 2009 from 12:00 noon - 1:30 p.m. in the Law Society classroom is full, but you can still attend by teleconference. Presenters Ned Brown and Jeff Shypit will bring you up to date on the latest developments in real estate law. Contact [Legal Studies](#) for further information or to register.

[The Real Property Section](#) of The Manitoba Bar Association will hold a general information session on the topic of Residential Home Inspections on April 15, 2009 at 5:00 p.m. at Pitblado LLP. For further details see the description on the MBA website.

6. Canadian Bar Association Conferences

The Canadian Bar Association is presenting the [2009 National Charity Law Symposium](#) on May 7, 2009 in Toronto and the conference [Elder Law: Theory and Practice](#), on June 12-13, 2009 in Kingston, Ontario. Contact the Canadian Bar Association for further details and to register.

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