

Kelly Lerigny



## Your Personal Guide to the Law

**R**eal estate in BC is shattering records. Over \$19 billion worth of homes were sold in 2002 and, by all indications, this year is considerably more active. In this hot market, do you have time to research legal developments on such key subjects as easements, strata corporations, and land titles?

Since 1981, BC Realtors, lawyers, and Notaries have benefitted from the sharp legal mind of lawyer Gerry Neely. Through “Legally Speaking,” a newsletter published by the British Columbia Real Estate Association (BCREA), Neely monitors real estate-related case law, helping professionals involved in real estate transactions to serve their customers and avoid legal problems.

In 2003 alone, “Legally Speaking” has answered questions regarding commercial leases, allowable business income tax deductions, conservation covenants, and easements in phased strata developments.

“Real estate is a dynamic business,” says Neely. “Aside from reviewing legal cases, I receive feedback from Realtors and subscribers and keep up with real estate publications. That way, I can be sure “Legally Speaking” addresses issues faced in today’s market.”

Mr. Neely started practising law in 1958, doing commercial and residential real estate in a general practice; he acted as solicitor to the Victoria Real Estate Board for 25 years. Neely’s long-standing relationship with BCREA began in the mid-1970s when he was retained to review

all provincial legislation impacting the real estate profession. He then began preparing briefs on behalf of BCREA to various government ministries concerning, among other issues, the protection of Realtors’ commissions and the establishment of a real estate foundation.

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In 1993, he and University of Victoria law professor Mary Anne Waldron co-authored a report for BCREA, entitled “The Disclosure Dilemma: Real Estate Agent for Whom?” The report examined Canadian and American laws and practice relating to the agency relationship of seller, real estate agent, and sub-agent, and the difficulty of adhering to the duties of disclosure and confidentiality. The recommendations in the report contributed to the substitution of buyer agency for sub-agency as a general practice and the introduction of disclosure methods for real estate practitioners.

In his extensive dealings with real estate organizations, Neely often heard complaints that much of the advice professionals were given about decisions of the court merely stated what the decision was, without giving them any insight into the facts that led the decision.

This observation compelled Mr. Neely in 1981 to propose the idea of “Legally Speaking” to BCREA. Considering his wealth of knowledge and experience, BCREA jumped at this opportunity.

Twenty-two years later, and with more than 360 columns under his belt, Mr. Neely knows what his readers need. His efforts are clearly appreciated. According to surveys and comments, “Legally Speaking” is one of the most trusted publications for real estate professionals in BC. Neely’s sound knowledge and ability to translate legal jargon into entertaining, meaningful reading turn risk avoidance into a welcome task.

“Legally Speaking,” a member benefit to the province’s 12,000 Realtors, is also available by subscription—monthly by email or bimonthly in print—for only \$53.50 a year. Subscriptions include a legal citations index and a key word index. To subscribe or learn more, contact BCREA Director of Communications Norma Miller at 604 742-2789 or [nmiller@bcrea.bc.ca](mailto:nmiller@bcrea.bc.ca). ▲

**Kelly Lerigny** is a Chilliwack Realtor and Regional Director and Communications Chair for BCREA, which promotes the interests of the real estate profession on behalf of its member boards through an extensive communications network, standard forms, government relations, and ongoing education for Realtors.

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