



## BEACON LAW CENTRE

Lawyers & Notaries Public

### Specializing in

- real estate law
- business law
- wills & estates

### With us you receive:

- plain language
- up-front approach
- work quoted by the job, not the hour.
- prompt service
- friendliness
- value for money

### Offices in:

- Sidney
- Brentwood Bay
- Broadmead

*More info on back page*

“Making the simple complicated is commonplace; making the complicated simple, awesomely simple – that’s creativity.”

– Charles Mingus

# Raising the Bar

issue 4, Spring, 2011

Welcome to *Raising the Bar*, a newsletter for clients and friends of Beacon Law Centre. We intend this newsletter to maintain a valued business relationship at any stage – even after our legal services for you are completed. With *Raising the Bar*, we hope to keep up the best aspects of our service: meaningful information, trusted advice, and outstanding service. In turn, you can pass on our name, and maybe even this newsletter, to someone else who might need our services.

## FIRST PERSON: Bob & Mary Buy Their First House

Bob and Mary had been married six years when Bob’s 35th birthday proved to be a milestone in their life together. Their daughter was two years old and both were progressing as software engineers. (They’d met at a conference in Hong Kong where Bob had been working.) Now they were about to buy their first house. Some anxiety about the home purchase did arise, but Beacon Law Centre’s Kelvin Scheuer helped to deal with that.

### down payment in the bank

Within days of celebrating Bob’s birthday, there was cause to celebrate again. They had saved enough to make a down payment on a house of their own, and made an offer on a small but lovely place in the neighbourhood where she had grown up. Their first foray into real estate together, the offer was for \$400,000 – unusual nowadays.

### settling down possible

Their spirits were buoyed that Bob’s employer was opening an office in Victoria. Bob would transfer there permanently and there would be no more travel to faraway places.

### aiming for a tax exemption

Though they had saved enough money, there was no extra. They continued to live frugally. They were also counting on an exemption from the \$6,000 provincial property transfer tax. Friends had saved thousands with the first-time buyer’s exemption.

### research triggers worry

Once some of the excitement wore off, Mary did some research about the first-time buyer tax exemption. With her internet savvy, she also did a title search on the house.

She made two important discoveries:

- On the title of the house, Jack’s Lumber had placed a Builder’s Lien which the seller had left unpaid for two years.
- The small print in the first-time buyer tax exemption forms said that, to qualify, the buyer

must never have owned a residence anywhere.

### hope turns to panic

Mary found this devastating. Bob and a colleague had sold a tiny apartment in Hong Kong that they owned and lived in while working there. They needed that \$6,000 tax exemption. And what about the lien? She panicked and called her mother in tears.

### referral to BLC for expert help

Mary’s mother referred them to see Kelvin Scheuer, an expert in real estate law. Kelvin would listen attentively to their story and review the situation with an informed eye.

### lien no worry

Familiar with builder’s liens, Kelvin advised that he did not see any further charges by Jack’s Lumber. No court proceedings had been started last year when the lien was one year old. Hence, it was too late for Jack’s Lumber to collect. Kelvin would ensure that the lien would be removed before the sale.

### tax exemption still possible

Moreover, Kelvin knew how Bob and Mary could receive that \$6,000 tax exemption. Since Mary had never owned a residence anywhere, and she and Bob were happily married and sharing assets, the purchase could be completed in Mary’s name alone.

### marriage makes title a simpler matter

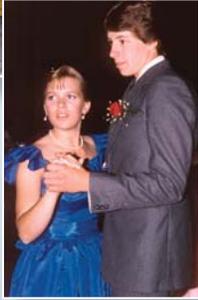
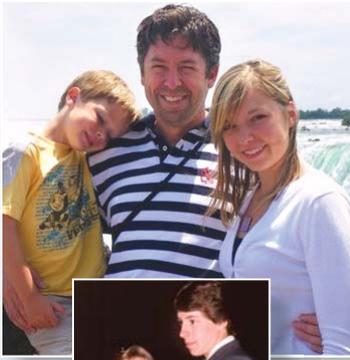
Bob and Mary’s bank would consent to this arrangement, as Bob could guarantee the mortgage that Mary would borrow in her own name. Mary’s Will already left everything to her husband Bob should she pass away. Later, after all of the exemption rules had been followed, Bob’s name could be added to the title. They could buy their little house after all!

### child’s play

Today, their little girl likes to play house in the sunny corner of the backyard, much as Mary did a few streets away in her childhood. 🏠

*This story is a composite of multiple real-life stories. Names have been changed to protect privacy.*





Del Elgersma,  
Lawyer, Partner



Lianne Macdonald,  
Lawyer, Partner



Kelvin Scheuer,  
Lawyer, Associate

## PERSONNEL PROFILE: Del Elgersma, Lawyer, Partner

One of Beacon Law Centre's founding partners, Del Elgersma earned his Juris Doctor degree from UBC in 1991, then articulated for a large Vancouver firm. Del was the youngest lawyer in BC when called to the bar 19 years ago.

Before moving to the island, Del practised for a Vancouver firm with one of Canada's largest real estate practices. He still practises real estate law, as well as business law and estate planning.

Del is a past chair of the Victoria Wills and Trusts Section of the Canadian Bar Association.

He most enjoys the positive difference he makes for his clients.

Born in the USA, Del grew up in Edmonton and married the classmate who was his date at the high school graduation dance. Karen is a reporter on Shaw TV's *The Daily*. Del and Karen have two children.

Once a competitive swimmer, Del now swims with a masters group and competes in triathlon relays. He also enjoys travel and time with his family. Every summer, they do a house exchange to a different part of the world. This summer: Boston. 🏠

## LEGAL NEWS: Did You Know?

Beacon Law Centre offers real estate contract reviews for as little as \$185 + tax, providing peace of mind for one of the biggest purchases a person will make in their lifetime.

For most married couples, the principal residence is generally considered in law to belong equally to both spouses, regardless of whose name is on the title. 🏠

## COMMUNITY INVOLVEMENT

Beacon Law Centre's Del Elgersma is a dedicated contributor to the Sidney and Greater Victoria communities. His history of involvement includes:

- past President of the Saanich Peninsula Chamber of Commerce.
- director of the Chemainus Theatre.
- director of the Pacific Christian School Foundation.
- lecturer about wills and estates, starting a business, and real estate law for numerous community groups.
- past Director of Habitat for Humanity, Victoria.
- past Chair of Vancouver's Pacific Theatre.

Del also provides pro bono services to individuals through the Multiple Sclerosis Legal Advocacy Program.

Beyond Beacon Law Centre, Del's professional roles include:

- member of Law Society of BC, the Canadian Bar Association, and the Victoria Bar Association.
- member of Vancouver Island Commercial and Real Estate section and Victoria Wills and Trusts section of the Canadian Bar Association.
- past member of Provincial Council of the Canadian Bar Association, BC Branch.

You can also hear Del on the radio. He is a frequent guest contributor to the *Hot Properties* radio show on CFX, answering callers' questions about real estate legal issues. 🏠

## THREE LOCATIONS

### Sidney

104-9717 Third St.  
Sidney, BC, V8L 3A3

### Victoria (at Royal Oak)

4599 Chatterton Way,  
Victoria, BC, V8X 4Y7

### Brentwood Bay

5-7115 West Saanich Rd.  
Brentwood Bay, BC, V8M 1P7

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Beacon Law Centre (BLC) is a leading south-island boutique law firm. BLC concentrates on real estate, business law, wills, and estates. We provide service from offices in Broadmead, Sidney, and Brentwood Bay. *Raising the Bar* is one way we keep in touch with clients and friends. We also respect your confidentiality. If you want us to add or remove your name and address from the *Raising the Bar* mailing list, then send e-mail to [newsletter@beaconlaw.ca](mailto:newsletter@beaconlaw.ca). Please share the newsletter with others. When you recommend BLC, that is our best advertising.