



THE ARCADIAN

REALTY TEAM NEWSLETTER

APRIL 2025 | Oakville Edition



SOLD

**269 Royal Albert Court
Oakville**

Welcome to this exquisitely renovated home situated on a large 59x115 ft lot on a quiet court with direct court access to 16 Mile Creek trail system in the highly sought-after College Park neighbourhood! Step outside to the private backyard oasis, where you'll find a heated saltwater pool, ideal for hosting gatherings or simply unwinding and enjoying a family BBQ. Don't miss your opportunity to call this stunning property home!

4 BED | 4 BATH | \$1,869,000



FOR SALE

**3030 Breakwater Crt #16
Mississauga**

Offered for the first time in over 20 years, this delightful townhome radiates pride of ownership from the moment you step inside with THREE separate entrances! Lovingly maintained by the original owners, every corner of this home exudes warmth and care. Recent updates, including a new furnace (2023), shingles (2024) and A/C installed in 2020, mean you can move in with confidence. It's the perfect place to start your next chapter!

2+1 BED | 3 BATH | \$849,000



FOR SALE

**30 Hamilton St South #706
Waterdown**

Welcome to "The View". Offering a rare & desirable corner unit, perched on the top floor of Waterdown's most exclusive condominium. This residence offers a perfect blend of affordability, luxury & convenience, along with breathtaking views. Discover a bright and open-concept layout, highlighted by large windows and sliding patio door to your private balcony where you can take in sightlines all the way to Lake Ontario.

1 BED | 1 BATH | \$525,000



FOR SALE

**1 Braden Avenue
Welland**

Unique Legal Triplex in Sought-After Prince Charles Neighbourhood - Live In or Invest! A rare opportunity in the heart of West-End Welland! This beautifully maintained legal side-split triplex sits on an expansive 80 x 118 lot and offers flexibility for homeowners and investors alike. With two fully renovated units (2023) already occupied by excellent tenants, and a vacant STUNNING main-floor unit, you can choose to move in yourself or secure another tenant to complete this high-performing income property.

5 BED | 3 BATH | \$785,000



FOR SALE

**26 Fairleigh Avenue South
Hamilton**

Welcome to this charming 2.5-storey century home, situated on a spacious lot in the heart of Hamilton. Discover original details such as pocket doors, wood trim, crown moulding and hardwood flooring which give the home its sought-after character. This home offers the charm of a century property with the benefit of valuable updates and is full of potential to take it to the next level. Don't miss out, this home is priced to sell!

4 BED | 1 BATH | 689,900

Have questions about your neighbourhood market? We are here to help!

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CENTURY 21.
Miller Real Estate Ltd.



YOUR MARKET REPORT

DETACHED HOMES

AREA	# OF SALES	AVG. SALE PRICE
Glen Abbey	9	\$2,068,222
West Oak Trails	7	\$1,518,714
Bronte	4	\$2,399,500
West	4	\$1,436,525
College Park	2	\$1,169,900
Central	2	\$1,691,250
Falgarwood	2	\$1,385,000
River Oaks	2	\$1,770,000
Westmount	2	\$1,747,500
Ford	1	\$1,980,000
Wedgewood Creek	1	\$1,681,000
Southwest	1	\$1,900,000
Old Oakville	1	\$2,204,000
Morrison	1	\$2,625,000
Joshua Meadows	1	\$1,755,000
Clearview	1	\$1,640,000

SEMI-DETACHED, TOWNHOMES, ROW AND LINKS

AREA	# OF SALES	AVG. SALE PRICE
Bronte	5	\$1,067,900
River Oaks	5	\$1,045,680
Glen Abbey	5	\$923,600
College Park	2	\$721,250
Central	2	\$619,250
Joshua Creek	2	\$972,500
Glenorchy	2	\$1,062,500
West Oak Trails	2	\$1,159,000
Rural Oakville	1	\$545,000
Westmount	1	\$510,000
Old Oakville	1	\$1,150,000
Joshua Meadows	1	\$900,000
Falgarwood	1	\$550,000



Ontario's Top Court Overturns Decision on Requisition Dispute

In a real estate transaction, the agreement of purchase and sale will include a deadline by which a buyer may submit requisitions for issues that they want the seller to address prior to closing. Typical requisitions pertain to discharging mortgages, outstanding work orders, or other potential encumbrances on title.

A purchaser must submit requisitions prior to the requisition date stipulated in the Agreement of Purchase and Sale (APS). Certain requisitions, however, pertain to issues so fundamental to the APS that a purchaser may submit them even after the requisition deadline.

If a seller fails to satisfy a valid requisition prior to the closing, the buyer may be in a position to refuse to complete the transaction. Traditionally, an outstanding requisition on an issue that goes to "root of title" allowed a buyer to refuse to close. The traditional "root of title" analysis is not always

clearly applied.

A Case Study on Disputed Requisitions

This is illustrated by the decision of the Court of Appeal for Ontario in *Van Hove v. Dryuff*, which overturned a summary judgment decision.

In this matter, the plaintiff sellers entered into an APS to sell their property to the defendant buyers for \$2,355,000, set to close on Sept. 2, 2022. The buyers paid a \$50,000 deposit.

The buyers' lawyer sent a requisition letter prior to the deadline for doing so, demanding that all oil and gas leases registered on title be removed. The sellers did not do so by the closing date and the buyers refused to close. The sellers ultimately sold the property to another purchaser for \$1,850,000.

The sellers sued the buyers for the difference in sale price and moved for summary judgment.

Root of Title vs. Valid Defence to Close

In order to succeed on their motion, the sellers had to demonstrate that the buyers had no valid justification for failing to close on the APS. The buyers argued that they had made a valid requisition regarding the oil and gas leases. This requisition was not fulfilled, and as such, this failure was a complete defence to their refusal to close.

The motion judge disagreed.

The buyers relied on cases where an issue was raised after the requisition deadline but nevertheless went to "root of title". In such instances, the courts have found that the issue was so significant that it resulted in a total failure of consideration and that

buyers were not receiving what they had contracted for. That was not the situation at hand.

In the motion judge's view, while some issues that go to the root of title can be raised as a valid reason for refusing to complete a transaction, even if those objections were not made prior to the requisition deadline, this did not mean that any unfulfilled requisition would justify failing to close. It would be an absurd result if any unfulfilled requisition made within the timeline could be a valid defence to a failure to close. The motion judge reasoned that "A requisition must be on an issue that goes to the root of title for it to be a valid defence against a failure to close."

Motion judge's decision and the appeal

Based on this approach, the buyers did not establish that the requisition regarding the gas and oil...

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