

# CHMB AM1320 Media

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Interview on CHMB 1320

June 9, 2018 - Patent vs Latent Defects in Home Purchases – an update ( ) ?Kü.,[:w—ô°)

In this program: What are the sellers and buyer’s responsibilities when it comes to disclosing, and investigating problems relating to real estate? For the buyer, the key rule is “buyer beware” meaning it is the buyers’ job to inspect and to satisfy themselves about the condition of the home they are buying. For the Seller their main duty of disclosure is to advise the buyers about latent defects that they know about – latent defects are those that cannot be discovered through a simple inspection - especially those that would render the home uninhabitable or make it dangerous to live there. Iven Tse discusses these rules, and the consequence for not following them, including the consequences for making a ‘reckless misrepresentation’

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February 10, 2018 - Name Changes and Name Corrections (Ó - +WÀ¼ Ó ŠôŒÉÓ ôc )

Recent legal changes requiring the combining of the Ministry of Health’s Care Cards (Carecard) with the Motor Vehicle’s BC Driver’s Licenses (BCDL) mean that when there is a conflict between the names, the applicant must legally change their name to match the BCDL’s name. This affects many immigrant Chinese from Hong Kong, where hyphens and English names appear on one but not the other. Iven Tse discusses the implications, how to legally apply for a name change, and the benefits of consolidating one’s aliases.

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### 9 Sept 2017 - Wills Variation

How do you protect your estate plan under your Will from being challenged after you die? Having your Will be honored is not that simple, especially if you decide to disinherit people whom you are obligated by law to provide for, such as spouses and children. Find out the factors used by the courts to vary a Will in this podcast.

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### 22 July 2017 - Wills and Estates Law

Tune in to hear important facts about succession planning, including what happens when some dies without a Will, and rules about dis-inheriting beneficiaries under the relatively new BC Wills, Estates, and Succession Act.

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### June 10, 2017 Class Action Lawsuits

Last year, a class action lawsuit was launched against the BC government on behalf of foreign buyers opposed to the foreign buyer's purchase tax. What is a class action lawsuit, how it may help litigants, and what are the obstacles towards a class action claim? Iven Tse introduces the topic and takes various calls from listeners, with one call relating to parental claims on a divorcing couple's assets in the area of family law.

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April 1, 2017 (Going to Court: What You need to Know about Small Claims Court)

Going to small claims court? Iven Tse advises on the current procedure, rules, and qualifications for small claims court that are available to the public, including Summary Trials, Simplified Trials, Court Ordered Mediation, and then the Trial itself, including some differences with Supreme Court Litigation such as awards for reimbursement of legal fees for the losing party and how these are calculated.

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March 18, 2017 - Representation Agreements vs. Powers of Attorneys

Iven Tse introduces the topic of representation agreements - instruments that allow a person to appoint a "representative" to make decisions for him or her with respect to health care choices, from medical treatment such as drugs and surgeries, to choice of care providers such as doctors or care homes. How they are different than powers of attorney, why they are important, and how Living Will are no longer valid in BC, are some of the questions explored in this podcast.

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February 11, 2017 Latent vs Patent Defects in Home Purchases

Have you purchased a home, and later discovered problems that were not disclosed before your purchased it, or which were not discovered by your home inspector? Iven Tse discussed the concept of "Latent Defects", which are problems that could not have been discovered through a simple inspection, and "Patent Defects", which are problems that could have been readily discovered through an inspection, and the legal options that result from each kind of defect.

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January 7, 2017 : BC Consumer Protection Laws and Continuing Service Contracts such as Gym Memberships

The holiday season prompts many people to go out and enter into gym and fitness contracts to lose the weight they gained over the holidays, but they often regret it afterwards, and sometimes personal circumstances change and they do not know what to do. Iven Tse discusses the BC laws that apply to such contracts, called Continuing Service Contracts, including the "10 day Cooling Off" period stipulated by the law, the "30 km Relocation" rule, and the one year cancellation rule when the contract is missing terms required by the law.

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December 10, 2016 Residential and Commercial Tenancy: Seasonal Winter Topics

Winter brings many weather related issues to the forefront of landlord-tenancy disputes. Iven Tse addresses a few of the recurring problems, such as: Owner, Strata, or Tenant Liability for injuries caused by snow and ice on sidewalks; bounced rent cheques and collecting against an absconding tenant; and the Landlord responsibilities for repair of furnace system in residential homes.

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November 12, 2016 Incorporating A Company for your Business: Pros and Cons

Consider incorporating a company to run your business? Iven Tse discusses the benefits of incorporating a company, which includes protection from personal liability, income splitting among shareholders, and facilitating silent investors, among other benefits. The cons include the filing of two tax returns - one for the corporation, and one for the personally for the business owner(s) - and annual filings at the BC Corporate Registry. Call-ins include questions from the audience about how to pursue claims against a company declaring bankruptcy, and defaulting tenants on commercial leases.

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Oct 8 2016 - BC Government's 15% foreign buyer property tax

Oct 8 2016 - The BC Government's 15% foreign buyer property tax may cause some buyers to walk away from their contracts. But who can keep the deposit? Iven Tse discusses the concept of frustration and repudiation in real estate deals on the verge of collapsing

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Sept 17 2016 - Residential Landlord and Tenant Issues, Various Topics

Sept 17 2016 - Residential Landlord and Tenant Issues, Various Topics In this podcast, various listeners call in with their questions on residential tenancy law, family law, nuisance and creditor's remedies. Topics and questions include (a) deadlines to start a lawsuit; (b) what to do when a tenant is engaging in illegal activity; (c) fraudulent transfers of property and family law; (d) factors to consider in suing a dissolved company; (e) claiming nuisance against neighbours draining water; and finally (f) the effect of personal debts on property before and after marriage.

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Aug 03 2016 - Purchasing a Franchise

Topic: What are the pros and cons of purchasing a franchise, as opposed to opening your own business? Iven Tse discusses what factors should be considered when purchasing a franchise, including royalties fees, sub-leases, preferred suppliers, location, trademarks, and restrictions on competition.

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July 09, 2016 Wills and Estates

Topic: Wills and Estates What should you consider in making your Will? From choosing the right executor to the right beneficiaries and even what to say in your Will in order to disinherit a potential beneficiary, Iven discusses these topics and answers calls from listeners on real estate, residents tenancies, and commercial issues.

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June 11, 2016, Thinking about transferring your estate to your children?

There are three main ways: through a Will, through gifts during one's lifetime, and through Trusts. Iven Tse discusses each of these, in particular how a Trust may operate to distribute wealth over time and the rules for a Trust. A trust can be called a Trust Agreement or a Trust Document

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May 21, 2016, Creditor-debtor relations

Iven Tse discusses topics relating to creditor-debtor relations, including what to include in loan agreements, how bankruptcies and fraudulent transfers of assets can be attacked, or assets frozen, accounts garnished, or liens registered

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April. 9, 2016 - Commercial Property Purchases

In this segment, Iven Tse discusses important factors to consider when buying commercial real estate, including important contractual terms, taking over existing commercial leases, and the importance of an environmental reports, investigating liens on commercial assets, and commercial inspections.

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February 13, 2016 - Real Estate Assignments - Myths and Realities

In the recent media was a story about a real estate purchase deal where after the contract was signed, the buyer sold his contract to another buyer, who subsequently sold it again to the eventual buyer. The result was that the eventual buyer paid substantially more than the original contract price to buy the home, leading to allegations of an artificial escalation of purchase price through a practice called "flipping". In this show, Hosts David Shum, Jeffrey Chiu, and Iven Tse discusses the myths, realities, and implications of this practice, legally called an "Assignment of Contract", including its tax consequences and its impact on the market value of the home.

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December 12, 2015 - Buying Real Estate?

Whether buying a strata property or a detached home, Iven Tse discusses important considerations, such as the

hidden and expected costs involved (for example, taxes like the GST and The BC Property Transfer Tax, and out of pocket expenses like surveys, title insurance and \property tax adjustments) and what to do before buying (for example , doing a home inspection or reviewing the past two year minutes or bylaws of the Strata).

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November 14, 2015 -Bankruptcy In BC: What is bankruptcy? Who can apply, and how does it protect the applicant?

What kinds of debts can be extinguished, and which ones continue? Who gets priority among the creditors for a share in the bankrupt's estate? What is the role of the Trustee in Bankruptcy? Iven Tse discusses these questions and more on today's program.

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October 10, 2015 Private Lending Considerations: what happens when there is no interest rate mentioned in a loan agreement?

What is the criminal rate of interest? What should you look for in assessing adequate collateral for a loan? When is a loan deemed to be a gift? Iven Tse discusses the necessary terms for a proper loan agreement, and common obstacles in involved in collection actions such as foreclosures.

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September 12, 2015 - strata council Legal rights

Legal rights that a strata council The recent filing in BC Supreme Court petition by a strata council to stop a strata owner from smoking in his unit highlights the tension between individual property owner rights versus majority strata owner rights. Iven Tse discusses his insights on this case, in terms of the legal rights that a strata council may have to regulate what happens inside an individual owner's home, including the proper steps needed to enforce bylaws and the chances for success

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August 8, 2015 - Defamation

Iven Tse discusses defamation - who can sue for it, when someone can sue, and what are some defences against such a lawsuit. Social Media has made the risks more prevalent nowadays, but separating truth and facts from opinion and vindictiveness has been an age old challenge.

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June 13, 2015

In the recent media, an Ontario Hdyro One employee was fired after making lewd on-air remarks to a television reporter during a soccer game. How far can Employer go to dismiss employees for non-work related comments? What is considered as just cause for firing an employee in BC? Iven Tse discusses these and other questions relating to employment law in BC, including constructive dismissal and severance pay laws.

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May 9, 2015 - Landlord-tenant issues

In the news: a landlord in a Burnaby apartment complex issues an order for pet DNA samples from tenants. Are landlords allowed to require this? The issues of pet restrictions, eviction notices, unpaid rent, and other landlord & tenant issues are addressed in this podcast.

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April 11, 2015 Common disputes for condominium or townhouse owners

Iven (or lawyer Tse) discusses common disputes for condominium or townhouse owners such as disputes over who has responsibility to pay for repairs to limited common property such as balconies and roofs, and situations of uneven disbursements of contingency reserve funds when an owner commands a majority of votes on the strata council.

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February 14, 2015 Commercial Leases

Iven Tse provides and in depth discussion about important terms to consider in a commercial lease, such the right to assign and the option to renew the lease, the concept of Triple Net Lease as opposed to a Gross Lease, the mechanisms to determine fair market rent in a renewal lease, and the problems of staying on after a lease expires such as double rent and notices of termination.

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### January 10, 2015 Business Purchases

Iven Tse introduces important topics relating the purchase of a business, including what to look for in a commercial lease, such as rent and renewal clauses, what to look for in a commercial purchase contract, such as the allocation of price, due diligence investigations, list of included equipment, and restrictions against the seller to compete with the buyer after purchase.

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