

FACELAW

ONLINE LEGAL DIRECTORY 34 PAGES NO.6 JANUARY 2021

2021

HAPPY NEW YEAR

6 ARTICLES WRITTEN

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HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA



Majid Jowhari

Member of Parliament
Richmond Hill

October 7, 2020

Letter of Recognition

As the Member of Parliament for Richmond Hill, I would like to thank Ali Ahmari-Moghaddam and Ashkan Anvari for their recent innovation, the Facelaw platform.

Facelaw.ca is a directory of Lawyers, Paralegals, and Immigration Consultants, striving to bring together the best professionals in the legal field in an easy-to-search database making finding the right legal professional simple and efficient. The Facelaw platform also provides access to articles, blogs, and useful information dealing with different areas of the law. There is also a Facelaw Magazine which is available in both English and Farsi and is available to download for free from the website.

I appreciate Ali Ahmari-Moghaddam and Ashkan Anvari's effort and aspiration to make their platform and access to legal professionals easily accessible to more people, and I commend their spirit of innovation and inclusiveness.

Sincerely,

Majid Jowhari, MP
Richmond Hill

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WE are a directory of Lawyers, Paralegals and Immigration Consultants, striving to bring together the best professionals in the legal field.

In today's fast paced world, where almost everyone now has the internet in the palm of their hand, finding the relevant information and assistance you require has never been easier.

Finding an experienced lawyer, paralegal or immigration consultant ("Legal Professional") to assist you with your legal matters should be no different. Whether your legal matter is complicated or simple, Facelaw.ca is here to make the initial interaction between the client and Legal Professional just as simple.

Facelaw.ca is a website which connects those looking for a Legal Professional to assist them with a legal matter (or those just wanting to get some preliminary legal advice) with an experienced Legal Professional in the appropriate field of law.

The Legal Professional will help guide you through the complex legal landscape and will provide the appropriate and professional legal advice.

Looking for a Legal Professional that speaks a certain language? Looking for a Legal Professional in a certain city or town? Looking for a Legal Professional who's practice focuses in a specific area of law? Not a problem!

Facelaw.ca will connect you with the right Legal Professional to fit your legal needs quickly and effectively.

Facelaw.ca was created to eliminate the intimidating process of searching for a Legal Professional to provide legal services. Instead of having to call different offices and law firms searching for the right Legal Professional to retain, Facelaw.ca has compiled a searchable database of local Legal Professionals who are committed to serving their clients.

SO stop wasting time making useless calls and reviewing lawyer and law firm websites that provide no real guidance and try Facelaw.ca today!!!

**ABOUT
US**



FACELAW . NO 6 JANUARY 2021

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DR. ASHKAN ANVARI

**Doctor Of Business
Administration(DBA)**



What is the Importance of Online Directories?

When building out the marketing strategy for your law firm or small business, you might ask yourself if it's worth taking the time to consider business citations and adding your firm or business to relevant online directories.

Directory and listings management is tedious, time consuming, and can cost money. However, these listings are extremely important to maintain and build your business.



What Are Online Directories?

When we talk about online directories and listings, we're talking about the online directories that can display your business information, logo and link to your website and social media.

You are probably familiar with some of the big citation sites such as Yelp, Yellow Pages, Google My Business etc.

But you are probably not familiar with the hundreds of other local business directories on the internet such as FACELAW, Yalwa, Soleo etc.

The more places your business information is listed on the internet, the more trustworthy your business looks to the major search engines, which ultimately will result in higher rankings.

Adding your business to directory sites that only targets a similar business as yours is equally incredibly important.

This is because potential clients may want to compare and consult with a few business in the same field in terms of prices, locations and area of expertise.

At Facelaw, we have developed a unique legal directory.

FACELAW.CA is a legal directory for lawyers, paralegals and immigration consultants under one roof.

Why Should You Sign Up for Online Directories?

As a business owner you may be skeptical of an online directory as it may not generate the referrals you need for your business.

So why bother?

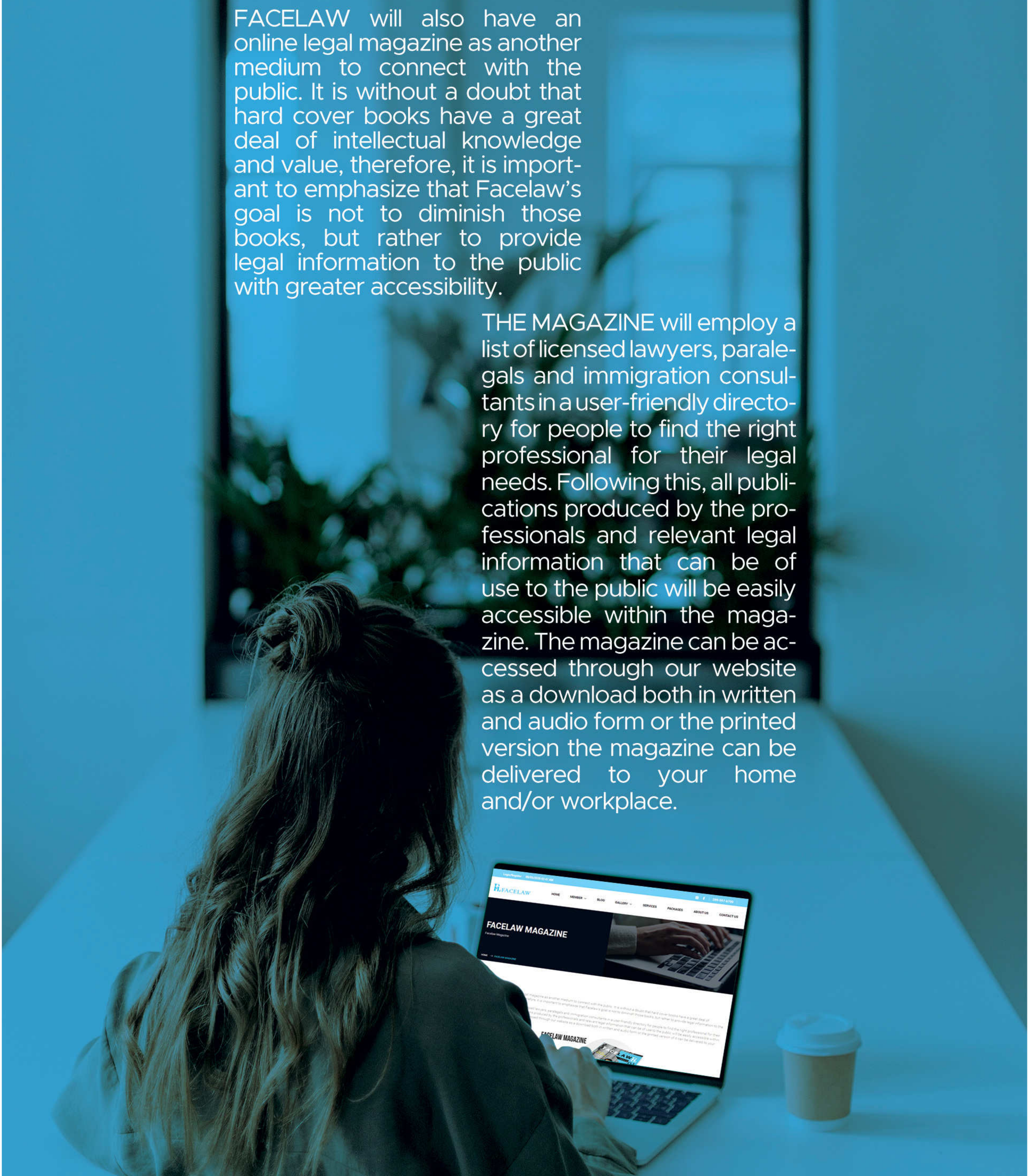
Well, most of these directories are well recognized and by listing a link to your website or social media can generate referrals for you, especially for a small business that has little to no online presence.

Facelaw's legal directory goes a step further because it is not only adding authority to your site, by strengthening your site's backlink profile, to provide you with an online presence but also it aims to connect those looking for a legal professional, lawyer, paralegal or an immigration consultant, by providing all relevant information for making that decision.

FACELAW MAGAZINE FACELAW MAGAZINE FACELAW MAGAZINE FACELAW MAGAZINE

FACELAW will also have an online legal magazine as another medium to connect with the public. It is without a doubt that hard cover books have a great deal of intellectual knowledge and value, therefore, it is important to emphasize that Facelaw's goal is not to diminish those books, but rather to provide legal information to the public with greater accessibility.

THE MAGAZINE will employ a list of licensed lawyers, paralegals and immigration consultants in a user-friendly directory for people to find the right professional for their legal needs. Following this, all publications produced by the professionals and relevant legal information that can be of use to the public will be easily accessible within the magazine. The magazine can be accessed through our website as a download both in written and audio form or the printed version the magazine can be delivered to your home and/or workplace.





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▶ Ali Ahmari Moghaddam

We believe that clients should feel welcome and comfortable every time they walk into our office. Our law firm also works hard to make sure that clients are involved in all aspects of their case and takes the time to educate clients about their legal matter so that they are well informed about all aspects of their particular case.

Why Choose Us?

- ▶ CLIENT-FOCUSED SOLUTIONS AND RESULTS
- ▶ FLEXIBLE, VALUE-DRIVEN APPROACH
- ▶ BEYOND THE BILLABLE HOUR
- ▶ DIVERSITY & INCLUSION
- ▶ WOMEN'S EMPOWERMENT AND SUCCESS
- ▶ PROVEN ADVOCACY. PROVEN RESULTS.
- ▶ A MULTIDISCIPLINARY, COLLABORATIVE APPROACH
- ▶ HEAR FROM OUR CLIENTS.
- ▶ COMPASSION AND RESPECT
- ▶ BILINGUAL SERVICES



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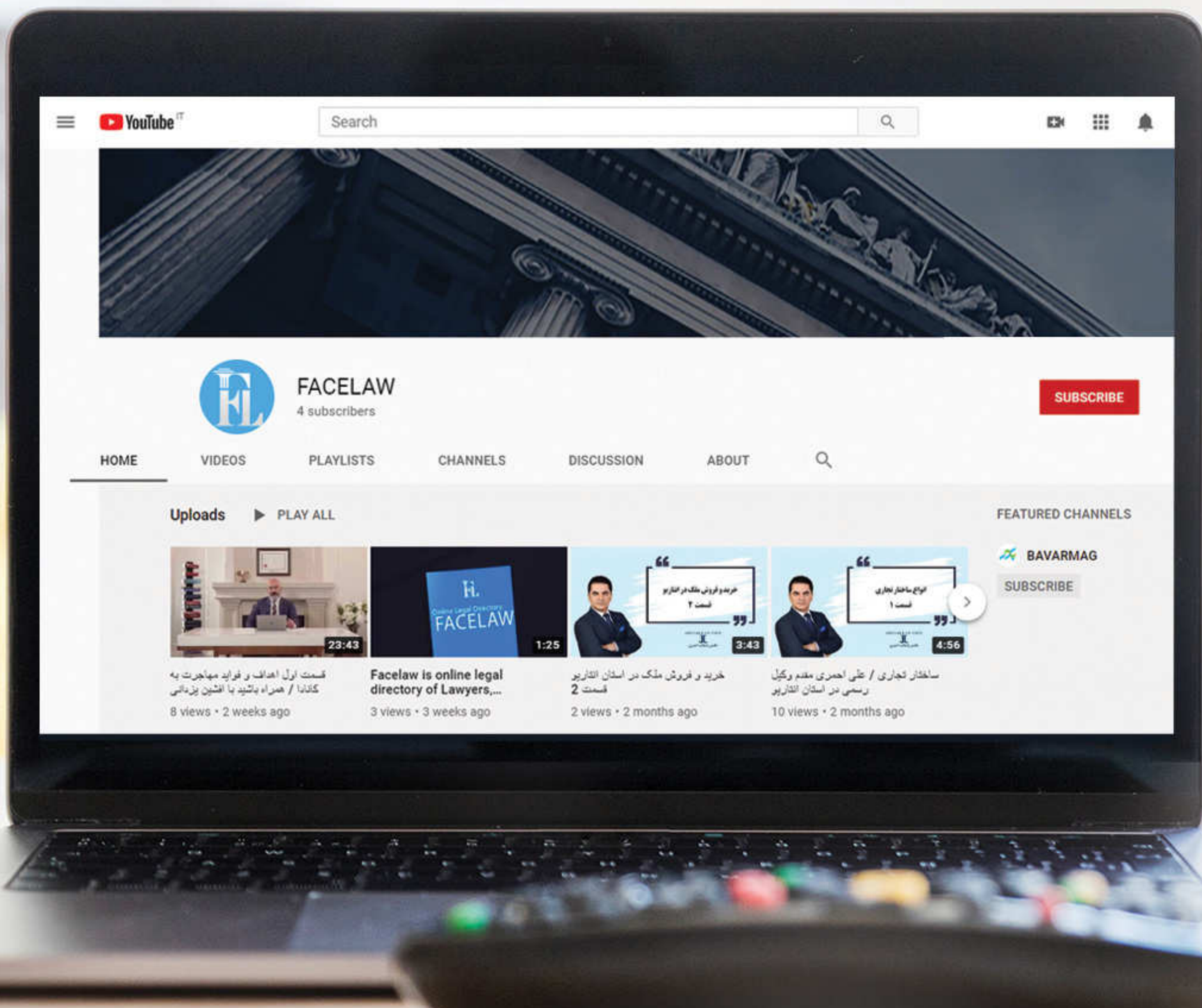


In today's technologically advanced world, social media has become the new phenomenon to connect the world on all levels. The world has technologically moved forward in a way that people no longer just rely on radio or TV to access their favorite program.

Now more than ever, smartphones, tablets, laptops, computers, and any device that connects to the internet have the ability to provide us with the latest information on a given topic within seconds. Likewise, social media platforms, such as internet, TV and radio, are now instrumental for businesses to advertise their services to the public. This process is not only much cheaper than conventional methods of advertising such as radio or TV, but also provides an opportunity for businesses to maintain direct relationship with their audience.

FACELAW INTERNET TV

Radio FACELAW



In this regard, Facelaw has launched its online TV and radio, with the objective of providing reliable legal information, prepared by our members who are trained legal professionals. Information will be provided via video, audio and podcasts to the public on a timely basis.

If connecting with legal professionals in divergent fields and learning more about their services is of interest to you, you are encouraged to follow our social media, website, and YouTube channel to have access to our professional programs.

Facelaw is excited to introduce this new medium for legal professionals to educate and connect with their audiences.



IRCA WEB

Web Design & Development



CRM



Photo &
Videography



Digital
Marketing



Social Media
Management



SEO

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How Lawyers & Accountants Can Work Together For The Betterment Of Their Clients

Having the expertise, guidance and input of a professional in any field can help clients feel more comfortable and safeguarded in protecting their interests as they navigate various business matters and transactions.

However, it must be emphasized that certain matters and transactions can be complex, which may in turn require the involvement of more than one professional to properly and professionally address the matter at hand for the client. This speaks to the importance of professionals in different fields following specific guidelines to best represent and serve the interests of their clients.

This article will discuss the importance of lawyers and accountants working collaboratively to provide clients with the best possible service and support for their business affairs. There are guidelines that can be followed to ensure the process can be conducted as smoothly, efficiently and effectively as possible.

First, the client must consent to the release of all corresponding information that is relevant to the business affair at hand between the professionals retained by the client. This will allow both the lawyer and the accountant to be made aware of all relevant facts and information pertaining to the business affairs. In turn, by having shared all relevant information the professionals will have the ability to collaborate and work together to provide the best possible advice and guidance for the client to achieve their desired outcome. It is through this sharing of relevant information that the professionals can present different options to address and resolve the issue that the client is faced with.

Second, having the lawyer and the accountant establish a common level of trust and respect will allow for deeper and meaningful conversations to take place that will in turn both serve and protect the client's interests. Additionally, it is important to recognize that each professional possess distinct skill sets and knowledge that when combined can be used to address the client's matter. The element of trust comes into play because the lawyer must understand that they may not possess the necessary accounting skills to fully address an issue, and may therefore not completely have the perspective that an accountant has with respect to matters such as taxation ramifications of a particular course of action. Therefore, the collaboration between both professions allows for the merging of these two perspectives to broaden the scope of analysis for the business affair in question and to combine their respective areas of expertise to effectively advise the client on a specific matter having regard to both the legal and the financial/accounting implications of a specific course of action.

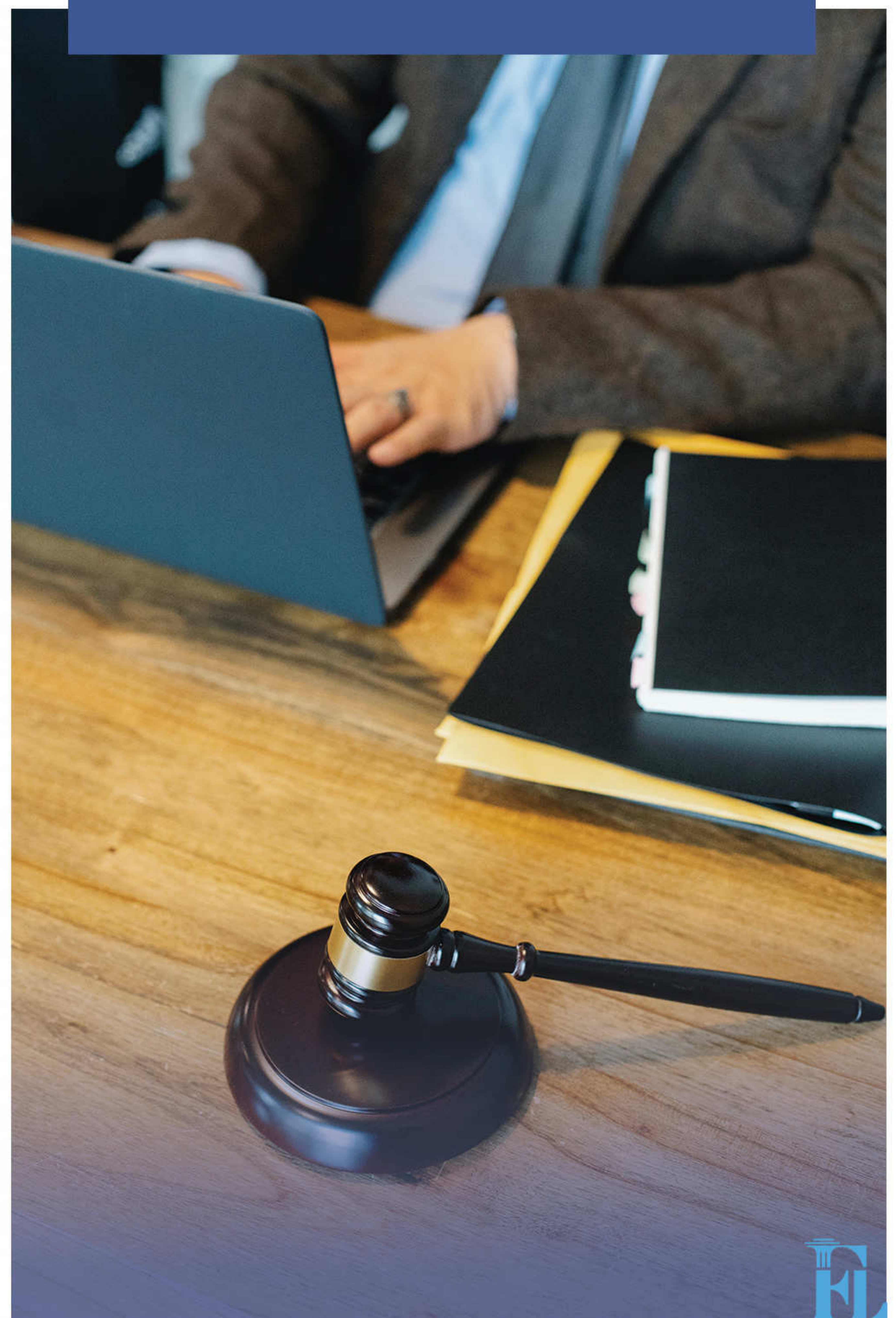
Third, the professionals should create a plan of action to follow which can be amended from time to time by both where they see fit to do so depending on the circumstances. Having a tentative plan to follow will help diminish any confusion as to the approaches to be taken in resolving the issue. It will also help outline the areas of work that each professional can contribute to subject to their level of experience and expertise.

The argument that potential issues and conflict may arise between the respective professionals can in fact be properly managed by adhering to the guidelines set out above. For instance, a lawyer is required to maintain strict confidentiality with their client, however, having the client voluntarily share information with the accountant or authorizing the lawyer to release the relevant information to the accountant will solve this particular issue.

Among the professionals themselves, it is inevitable that conflict may occur given the different areas of expertise and perspectives; however, establishing a working plan and maintaining a professional attitude by respecting and trusting one another in the process can adequately address this concern.

The respective professionals should always ensure that the client's interests are considered a priority in any and all discussions. The collaboration of lawyers and accountants can pose more benefits than drawbacks to the overall outcome that the client is seeking.

Having a lawyer and accountant work together benefits the client by having their expertise combined to execute a more unified and multidimensional approach in resolving an issue.



ONLINE SEMINARS



Facelaw has the technological ability to conduct various seminars for the community in order to increase awareness in the legal field. As well, Facelaw produces private seminars for businesses to educate them in the different areas of law. This has the power to inspire businesses to tackle new projects and to advance their level of knowledge within the law. For these seminars, the speakers will be the direct members of Facelaw who are licensed professionals like that of lawyers, paralegals and immigration consultants.

Depending on the nature of discussion, the seminar may be led by one or more professional.

These seminars will take place in North America. Some will be provided for free and others will require the purchase of a ticket. Facelaw will have all the details including prices, dates, and topics of discussion among other details available on our website for your ease of reference.





Facelaw provides the opportunity for the public to read about the member's legal experience, their desired field of law and their current contact information.

This unique feature will allow people to learn more about the background and professional work of the members who have joined Facelaw.

Within the seminars, you will have a direct connection with the speakers by having the ability to ask questions during the seminars. The speakers will also provide their contact information so that you can contact them for further legal information and clarification. In doing so, Facelaw will provide a special discount to those who attend the seminars. Please visit our website for further details regarding the discounts. The highlights of each seminar will be displayed on Facelaw's website so that the public can determine if the topics, location, professionals among other details are of interest to them.

Facelaw values education and community and maintains these values at the core of all of its efforts.

As a result, Facelaw will have business-networking events in which all Facelaw members who are experienced professionals in the legal field will have the opportunity to meet and learn from one another. This will allow them to advance their current expertise and to better serve the public as their legal knowledge will be up to date and expanded.



AFSHIN YAZDANI

YLG – Yazdani Law Group is a leading Toronto law firm practicing primarily in the area of immigration, business and Property law for Canada.

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He is the founder of Yazdani & Associates Immigration Firm as well as YLG – Yazdani Law Group.

He studied a professional Master's degree in Canadian Common Law at York University, graduated from Osgoode Hall Law School in 2016. He obtained his Certificate of Qualification from the National Committee on Accreditation (NCA).

Helping our clients cross borders for over 15 years. We are a full-service Canadian immigration and business law firm. Mr. Yazdani began his career as a lawyer & a law professor in Iran in 2004. He became a legal advisor and a law professor in Dubai in 2008.

He previously studied an Immigration Consultant Program at Lasalle College in Montreal as well as Civil Law and International Law. He became a member of "ICCRC (Immigration Consultants of Canada Regulatory Council)" in 2016. He was called to the Ontario Bar in 2019 and has been practicing Canada immigration law since establishing his immigration firm in Toronto. Mr. Yazdani is the only lawyer in Canada with an immigration consultant diploma and three law degrees. His high-profile and celebrated cases have attracted international attention, and he is frequently consulted as an immigration expert by televisions, journalists, government and non-governmental organizations (NGOs) on matters pertaining to immigration law and policy. He recently was a television host in a biweekly show known as "Canadian Immigration from Law's Point of View".

He is the author of several articles on matters pertaining to Public International Law, Dubai Property, Arbitration Law, and Canada Immigration Law.



Immigration Lawyers Should Prepare For Busy 20 21

As people look forward to 2021 after this unsettling pandemic year, Canadians will notice the extra steps we are taking as a country to build for the future through immigration. It's almost unprecedented.

For lawyers who practise immigration law, that means: get ready. We're going to be busy, and our specialist skills are going to be more important than ever.

Unlike many countries that are retreating and restricting immigration, Canada is opening its doors. Our official goal is to attract 401,000 new immigrants in 2021, followed by 411,000 the next year and 421,000 in 2023.

This is an invitation that we haven't seen in Canada since before the First World War.

These official targets were tabled in October in the annual report to Parliament by Marco Mendicino, minister of Immigration, Refugees and Citizenship Canada (IRCC).

One reason for the boost is that Canada had hoped to attract some 341,000 permanent residents in 2019, but it didn't happen because of COVID-19. The increased numbers for the next three years are a recognition that our economy needs the new energy that skilled, educated immigrants can bring.

Significantly, in 2021, more than 50 percent of the newcomers that Canada hopes to welcome — some 232,500 people — will be economic immigrants. Their help will be instrumental to growing existing Canadian business as well as to setting up new businesses here.





The opportunities for talented immigration lawyers in Canada will be both endless and demanding. Skilled practitioners know that immigration law is more than filling out forms.

In fact, good service requires a wide range of imagination, attention to detail as well as “soft skills” that can help clients as they navigate the immigration process and begin to call Canada home.

My own experience as an immigrant to Canada is instructive.

I arrived in Canada in 2012 after being educated and practising and teaching law in the Middle East. I became interested in Canadian immigration practice as I worked through my own application file.

Even with my legal experience, as an immigrant I had to start over. I worked as a regulated Canadian immigration consultant, and after living and working in Montreal and Vancouver and earning my LLM at Osgoode Hall Law School in Toronto, I was called to the bar in Ontario in 2019 at 40 — a fresh start.

This kind of fresh start has challenges. But for newcomers a new start in Canada is also a gift that must be cared for and nurtured. Law firms aren't always seen by everyone as support services the way social service agencies or health clinics are regarded, but a good, strong relationship between newcomers who are clients and their lawyers can be just as important.

In fact, immigration practitioners are integral to the support that new economic immigrants need. Business and enterprise immigrants to Canada understand the significance of the opportunity to establish roots here, and this is where the soft skills can combine with strong practice skills and knowledge to make a big difference for clients and their businesses.

What then, is the extra dimension that good immigration lawyers can bring to the table to help them stand out in an area of specialty where there is lots of demand, but also lots of competition. Here are a few ideas:

■ **Go beyond** — A good immigration lawyer will be thorough and meticulous, of course, meeting deadlines, preparing and filing applications and documents and following through to ensure that applicants are successful. A great lawyer does more though — service begins with outreach and understanding of the client’s perspective. Immigration law is different than almost every other area of practice. Prospective clients seek a specific outcome — they want to immigrate to Canada — but they don’t necessarily know how to navigate the system to get there. This is where a great immigration lawyer can go above and beyond. Find out what motivates your client to want to set up in Canada. Is it sheer economic opportunity, hardship or duress in the home country, friendship with others from the old country who have already come to Canada or a combination of these? The more you understand your client, the better you can apply your expertise to find the most effective legal pathway. A good immigration lawyer knows not only what clients need in terms of paperwork, but where their dreams are heading. Helping clients is a bit like chess — you have to be creative and think several moves ahead.

■ **Be culturally sensitive and empathetic** — Even for those arriving with skills or investment funds to a friendly, relatively welcoming country like Canada, immigration can still be hard. Lawyers need a good “desk-side manner” as much as doctors and nurses need bedside manner. Put yourself in the clients’ shoes.

Take time to understand how issues are discussed and business is done in their culture, and be direct and clear in how you communicate with clients. For example, it’s particularly important to be transparent and upfront about how clients are billed and what services they are receiving. Be aware of religious and cultural holidays, sensitive subjects, etiquette and protocol too.

■ **Go the extra distance too**— Twice a week, for example, I conduct a live (online) question-and-answer session at no charge for people who need general information about immigrating to Canada. Regardless of whether all become clients, all will appreciate the help.

■ **Play the long game** — Helping people move to Canada and set up business can be just the start of a long and positive professional relationship. Businesses need help growing and expanding markets, building networks and relationships. Think of the immigration law work you do for clients as a start, not the finish.

Great immigration lawyers understand their clients’ whole picture — their challenges and obstacles and also their hopes and dreams. It’s the way to do best for clients, your firm and ultimately for Canada too.

Afshin Yazdani LLB, LLM, LLMCL
is founder of Yazdani Law Group,
based in Thornhill, Ont.





PROFESSIONAL CORPORATION



ROSS MIRIAN, ESQ

Ross Mirian, Esq. Ross Mirian is the managing lawyer at Mirian Law Firm. He is a member of the State Bar of California and the Law Society of Ontario.

Ross practices in the field of personal injury representing injured victims. He has handled and successfully resolved a number of serious personal injury cases involving catastrophic injuries, death, brain injury, fractures, orthopedic injuries, chronic pain syndrome, car accidents, long term disability, slip and fall, dog bite and psychological disability.

Furthermore, Ross also acts on behalf of clients with real estate transactions.

Mr. Mirian takes a personal interest in all of the firm's cases to ensure the highest standards of service and excellence are consistently met.

Prior to establishing Mirian Law Firm, Ross Mirian worked at a large personal injury law firm in Ontario.

tasadof.ca

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ARTICLE
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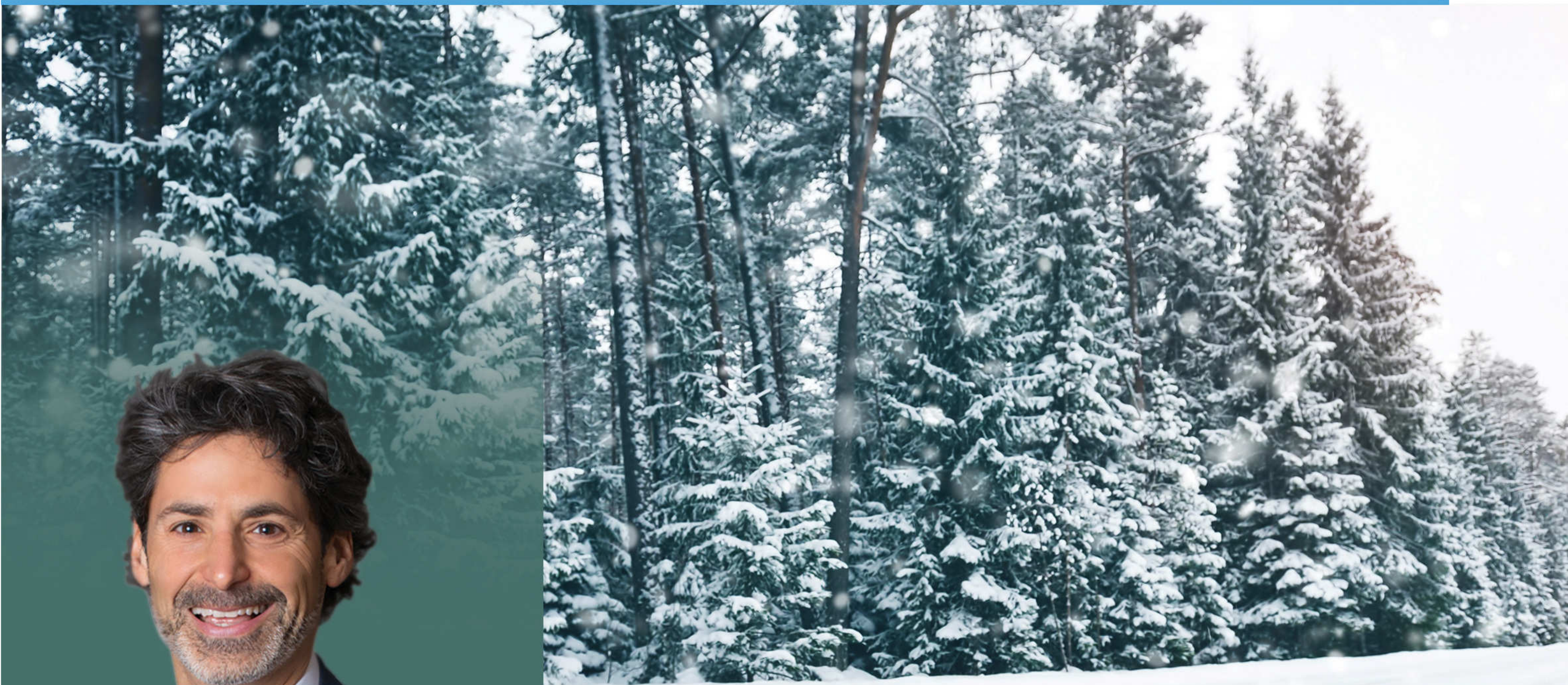
In this section of Facelaw you can access useful legal information, and articles you may wish to read that have been published by our members, comprised of lawyers, paralegals and immigration consultants.

The intent of Facelaw is to provide a platform to educate the public and to provide a medium for legal needs to be properly addressed pursuant to the laws of Ontario.

The blog is sectioned into different legal topics in which information is provided from different professionals. Facelaw strives to provide you with a wholesome perspective so that you can be guided by different professionals in order to make the best possible decisions involving your legal matters. In doing so, if you have questions you can directly contact the professionals with their information provided on Facelaw. The professionals can help answer your legal questions and guide you in the right direction with respect to your legal matter.

Facelaw has provided an easy access search function that with a simple keyword search you can locate useful information on the legal topic you require. We are grateful that we have connected with these professionals to compile valuable resources to share with the public to ensure that you are provided proper guidance and information for all your legal needs.





WINTER

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R D R I V I N G

SAFETY TIPS!

With the change in season, we find ourselves battling not only the frigid temperatures and darkness but severe weather conditions. Even though we know that the snow and ice will come along with the winter months, preparing to drive in these conditions may be an afterthought. Winter driving is more complicated, and when the snow hits the ground, we all have to be more aware of the road conditions.

WRITTEN BY: GLUCKSTEIN LAWYERS



Drivers should remember to follow safe driving procedures every time they set out in their car because we all know that it just takes a slight miscalculation for an accident to occur. To help you get into the spirit of the season safely, here are a few of our Winter Safety Driving Tips:

Essential Winter Maintenance:

- 1** Top up your windshield washer fluid and ensure your windshield wipers are in good working order
- 2** Check your car battery condition
- 3** In the event of the unexpected, be prepared and store emergency items such as a scraper, a flashlight, a small shovel, a blanket, and an extra layer of clothing in case you get stuck
- 4** Be sure to clear all car windows, mirrors, and roof of snow and frost before leaving

Stay Alert When Visibility is Low:

- 1** Be extra careful
- 2** Be vigilant during lousy weather
- 3** Drive with confidence and know your next move
- 4** Expect what other drivers may do around you



Winter tires for Winter Driving:

Winter tires are designed with cold weather in mind and stay supple in temperatures well below freezing. Winter tires translate to better braking and grip on snowy, icy roads.

Take Your Time:

- 1** Drive at a slower pace
- 2** Do not tailgate
- 3** Always leave yourself more time and space to slow down and turn
- 4** Avoid sudden moves as much as possible
- 5** If you have anti-lock brakes, apply constant pressure rather than pump the breaks – the system will do the rest.

Stay Cool, Calm, and In Control:

Do not use cruise control in icy, snowy, or wet conditions. You want to have complete control of the car rather than automatically accelerate the system.



DEFINING STIGMATIZED PROPERTIES

A stigmatized property is a property that buyers or tenants avoid for reasons unrelated to its physical condition or features. These usually include a murder or a suicide that took place inside the property, often accompanied by a belief that the house may be haunted — which is, of course, a very controversial concept.

What types of stigmatized properties exist?

Several kinds of stigmatized properties are recognized by various jurisdictions that have passed resolutions or statutes to deal with them. They are usually separated by disclosure — the amount of information required to be disclosed by the seller depends both on the local law and the type of stigma.

The most common types are:

66 PUBLIC STIGMA

- known to a wide range of the population
- must always be disclosed in almost all jurisdictions
- examples: Amityville Horror house, home of the Menendez brothers
- biggest turn-offs: unwanted attention, bad reputations, psychological effects

66 CRIMINAL STIGMA

- ongoing commission of a crime that took place within the property
- full disclosure required by most jurisdictions
- examples: a chop shop, drug den, or brothel
- Biggest turn-offs: bad reputation, unexpected visits — for example, uninformed drug addicts may come to your house expecting to purchase illegal drugs

66 MURDER/SUICIDE STIGMA

- murder/suicide took place inside the property
- realtors required to disclose the information by most jurisdictions
- biggest turn-offs: psychological effects, fear of possible paranormal phenomena

Laws are unclear in Ontario

Let's say you are planning to buy a house in Toronto and you want to learn as much as you can about the property. Unfortunately, Ontario has no laws that require disclosure if a house is stigmatized.

A seller is not obliged to disclose any information about murders, suicides, or anything else untoward that might have happened in the home.

Realtors, on the other hand, should disclose any factor that may have an impact on property value, including psychological factors. Nevertheless, they still have to be careful to avoid error, misrepresentation, and concealment of these facts.



SUBRAMANYAM NARASIMHAN

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There have already been many calls for clearer legislation in this matter, but this area of the housing market remains tricky. Drawing a clear line between important and unimportant information can be difficult. A house having been the scene of a crime is a fact, but can the presence of an apparition be a fact? If the neighbourhood believes that the property is a former drug den, though it has never been proven, does it make the house stigmatized?

There has been an obvious tendency in the Canadian real estate industry recently to embrace full disclosure of all the information. It is probably based on the assumption that the more that is told, the lower the probability of being sued for having concealed some fact. In any case, if you're a buyer, the best idea would be to simply ask for as much information as you can. You have the right to know everything you need to make a choice.

Is stigma always a bad thing?



Though the label "stigmatized" carries negative connotations, there have been cases when a stigmatized property was sold more easily than usual. Some realtors even reported buyers actually "battling" for an allegedly haunted house. There are houses that even benefit from the notoriety. For instance, the Lizzie Borden residence in Fall River, Massachusetts is now a successful Bed & Breakfast that allows guests to sleep in the rooms where the infamous axe murders took place. There is gift shop in the house as well.

Stigma often affects price of a property in a negative way. On the other hand, research shows that time will usually soften most stigmas. Although they have the ability to discourage buyers and therefore decrease the value of the property, it is typically much easier to sell the house again for a much better price after some time has passed.

STIGMATIZED PROPERTIES IN TORONTO



Though the Toronto police maintain a list of marijuana grow operations, there's no publicly available list of the local homes that have been the sites of suicides, murders, or other crimes. However, you can still keep an eye out for any "haunted" properties in Ontario by simply visiting this website: <http://torontoghosts.org/>.

HOW ABOUT YOU? Would you buy a house that is reported to be haunted?

A few years ago, I purchased my home. It was an Estate Sale. As part of the negotiations, I inevitably asked my Realtor to enquire to the vendor's Realtor, "did the deceased pass away in the home?" The Realtor for the vendor confirmed that as far as she knew, the deceased passed away in a hospice care facility. After closing, I briefly met with the executor of the estate to discuss minor maintenance tips associated with the home. During the course of our discussions and without my prompting, he confirmed that the deceased did indeed pass away in hospice care.

At some level, asking the question, "has anyone ever died in the home?", seems juvenile or trifling. Many resale homes are decades old. In older communities, rural areas and more established neighborhoods, some homes can trace their history back to the early years of Confederation. It is entirely possible that someone could have passed away in a home long before a current seller took title. That said, it could be very important for some buyers to know whether a property was the site of a death. For example, a colleague of mine once acted on a purchase where the sellers voluntarily disclosed that the home was the site of a murder-suicide in the early 1980's. The vendors even included an old newspaper article summarizing the affair with the amended offer to purchase.



So the question arises: in Ontario - is there a positive duty on a Seller to disclose his or her knowledge of a death, murder or suicide in the home? The answer at this stage is “No.”

In the recent Ontario case of 1784773 Ont. Inc. v K-W Labour Association et al.,^[1] a corporate purchaser of a commercial property sued the vendor for failing to disclose that the property was haunted.

The basis for the claim was a newspaper article where a director of the defendant vendor acknowledged that the subject property was haunted. Relying on the article, the purchaser claimed that the property's haunted nature was a latent defect that ought to have been disclosed.

Justice James W. Sloan found no case law or other authority that obligates a vendor to disclose that someone has died in a building, how they died or a rumour that the building might be haunted or stigmatized as a result of the death.^[2] The court found no evidence to suggest that the building was unfit for habitation or commercial use.^[3]

Further, no evidence was put forward to prove that the property was the site of a death or that in fact a ghost existed on the lands.^[4] The claim was dismissed with costs awarded against the claimant.

In the 2006 Quebec case of Knight v. Dionne,^[5] the purchaser of a house sued the vendor for failing to disclose that the vendor's son committed suicide in the house.

The purchaser was very disturbed when a neighbour informed her that the vendor's son had hung himself in the basement of the property some ten years prior to completion of the purchase.^[6]

The purchaser claimed that she would never have bought the house had she known of the suicide. In this case, the court found that personal fears, phobias, sentiments or sensitivity to such matters based on purely subjective apprehensions is not a valid reason to sue.^[7]

The court went on to say that it would be an “impossible burden” to require vendors to assess whether some personal events that occurred on a given property should be disclosed to a prospective purchaser.^[8]

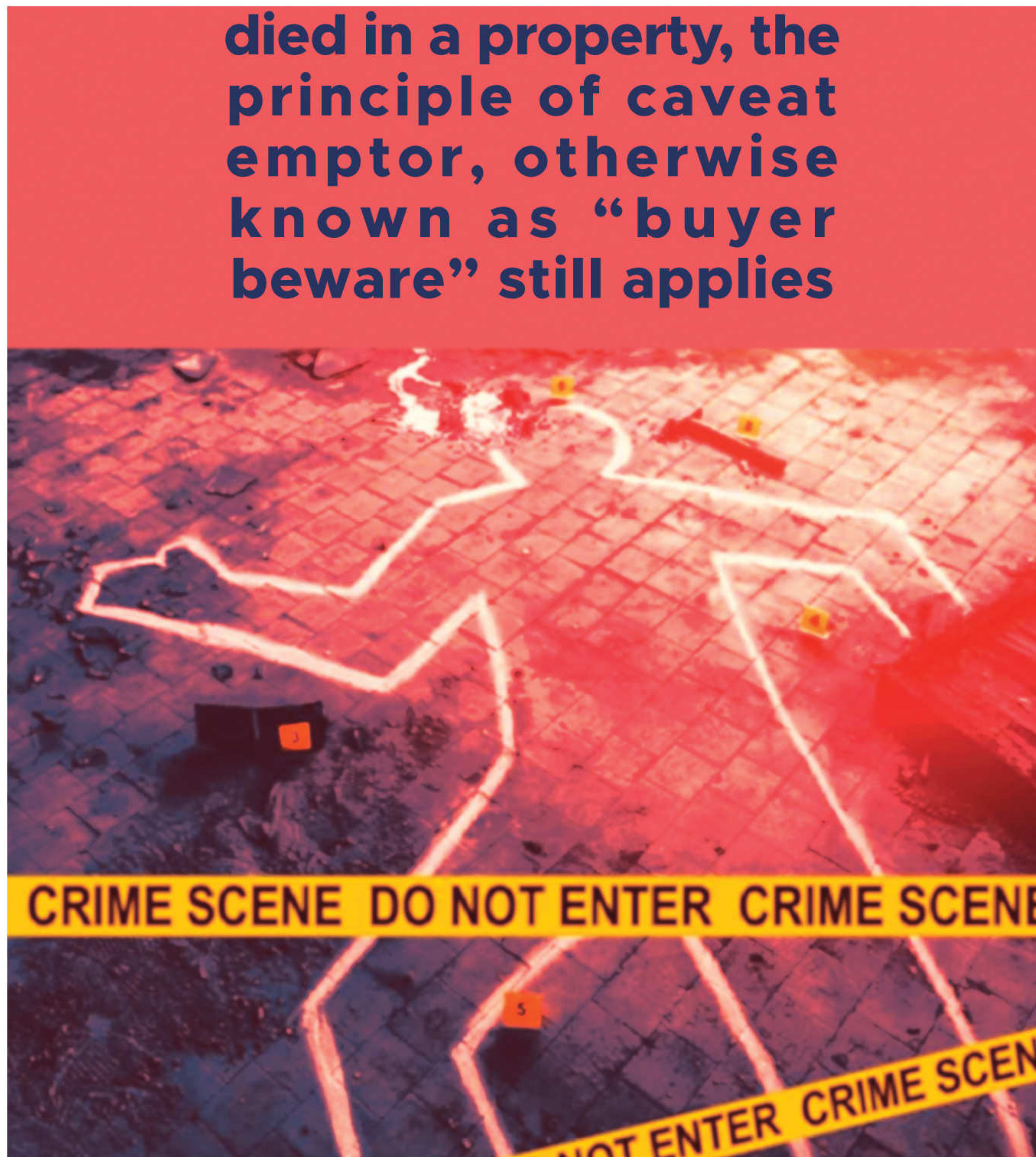
It is salient to note that in this case the court found that the purchaser's knowledge of the suicide did not render the building in any way uninhabitable.^[9]

The Realtors who acted on the matter also noted in their testimony that it is not common practice to ask a vendor if someone has died in the home.^[10]

The court noted that the best solution is for buyers to ask questions up front about what is important to them with respect to a given property and its history.^[11]

The claim was dismissed.

Based on the above decisions, in situations where someone has died in a property, the principle of caveat emptor, otherwise known as “buyer beware” still applies



There are certain steps buyers can take if they are concerned about purchasing a “murder house” or a haunted property.

One of the advantages of using a realtor in Ontario is that real estate agents can take steps to determine and obtain disclosure of facts relating to the property that may be relevant or material considerations for their respective clients.[12]

If a buyer is particularly sensitive to the possibility that a property is a site of a past murder, suicide or if it is haunted – then they should instruct their realtor to make such enquiries of the seller’s realtor to such effect. It is difficult to draw a line between what should be disclosed and what should not when it comes to murder, suicides or the haunting/stigmatization of a property. What is considered material may depend on the nature, timing and proximity of the event. Ultimately, a buyer should ask the questions that are important to them.

[1] 1784773 Ont. Inc. v K-W Labour Association et al, 2013 ONSC 5401. | [2] Ibid. at paras. 12, 14, 15 and 16. | [3] Ibid. at para. 18. | [4] Ibid. at para. 19. | [5] Knight v. Dionne, 2006 QCCQ 1260. | [6] Ibid. at paras. 9, 17 and 19. | [7] Ibid. at para. 51. | [8] Ibid. at para. 52. | [9] Ibid. at para. 56. | [10] Ibid. at para. 23. | [11] Ibid. at paras. 45, 46 and 53. | [12] See: CREA Realtors Code of Ethics at: <http://www.crea.ca/sites/default/files/files/REALTOR%20Code.pdf>



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HOW DOES LONG TERM DISABILITY WORK IN ONTARIO? →



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Throughout our working careers, we pay into social benefits that create safety nets for people in our society. Before their implementation, people who had unfortunate accidents or life-altering medical problems were left out on their own to fend for themselves. This is the reason that we have disability payments. You have helped support the system your whole working life, and now that you are in need, you should be supported. Many people ask us “how does long term disability work in Ontario?” With this article, we will attempt to give you a basic overview.

“ FIRST OFF, WHAT IS LONG TERM DISABILITY?

In the event that you are seriously injured or come down with an illness that means you can no longer work, your long term disability insurance will protect you. This means that it will pay you at least a portion of your income for a specified length of time. Those who are affected by these hardships often wouldn't be able to support themselves without it. The insurance will give you the money that you need to cover basic care, bills, expenses, and other things that you need.

“ HOW LONG DOES IT LAST?

This will depend on your condition. Most plans will pay at least the first two years for you while you recover from your injuries if you are not able to even perform the basic tasks involved with your job. From there, you will need to find a new occupation that you are capable of performing within reason with your skillset and education level. We know that it isn't always easy to switch careers and adjust to a new life under new circumstances, but in the event of a major issue, you may have to.

“ WHAT IF I CAN'T PERFORM ANY BASIC TASKS?

If after a set length of time you are still not able to even perform any duties of a reasonable job, then you will be entitled to continuous long term disability benefits. These will pay you a set portion of your wage. If you truly do have a medical condition that doesn't allow you to work, then long term disability will be a replacement for your income.

“ WHERE DO I GET IT?

Insurance is purchased privately through an insurance broker or company, by a group via the same means, or purchased through your employer. If you have it through your job, then you may either have it paid by your company, split between the two parties or paid entirely by you. If you pay it, then it is not taxable.

When you are faced with a life-altering illness or injury, the last thing that you need to be thinking about is where your next paycheck will come from. You have so much more to worry about. Having long term disability insurance means that in the unlikely event of a tragedy, you will be covered by a policy that will provide income to you if you are unable to work. Now that you know how long term disability insurance works in Ontario, you can contact our long term disability lawyers at Mirian Law Firm today to find out exactly what you are entitled to.



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