

Cottage ownership: Know what you're buying



(NC) There are few traditions more Canadian than weekends at the cottage. For many families, a cottage property provides the setting for both summer and winter holidays, and allows multiple generations to spend time together.

To ensure that your time at the cottage is filled with relaxation instead of drama, be aware that cottage properties can differ from urban ones in important ways. Consulting a lawyer before you buy can protect you from unexpected problems.

Limited road access

Some cottages can be reached only by crossing a neighbour's property. Others have easements registered on title that allow neighbouring residents, or even members of the general public, to travel across the land.

Even where a cottage is accessed by a municipal road, its use might be seasonal only. This might mean the municipality won't provide garbage collection, snow removal or emergency services in winter.

A lawyer can determine whether a cottage is subject to easements, and can tell you whether the access road is public or private.

Shoreline rules

Where a cottage is located on the water, there is often a shoreline road allowance along the water's edge that is owned by the local municipality. Unless the municipality has transferred the rights to this allowance to the individual property owners, members of the public are entitled to walk, or in some cases even drive, along it. A lawyer can conduct searches to reveal whether there is an allowance and who owns it.

There may also be rules about construction at the edge of, or extending into, the water. These rules can prevent you from building a dock or boathouse. It's not possible to tell whether you can build a boathouse just because some neighbours have them. In many locations, existing structures have been "grandfathered," while new ones are prohibited.

Working with a real estate lawyer familiar with rural properties can help you know what you're getting – and whether it includes peace of mind – when you buy a cottage.

This article is from the TitlePLUS Real Simple Real Estate Guide™. Visit titleplus.ca/rsreg for more information for homebuyers.

© 2016 Lawyers' Professional Indemnity Company
® Registered trademark of Lawyers' Professional Indemnity Company.