

THE DIVORCE REAL ESTATE CHECKLIST

A Step-by-Step Guide to Selling Your Matrimonial Home in Toronto

By Bram Sandow, CDS® & Author of "The Divorce Real Estate Playbook"



Selling a home is stressful. Selling a home during a separation is a different game entirely. Use this checklist to protect your equity, minimize conflict, and ensure you are legally prepared.

PHASE 1: LEGAL & FINANCIAL PREP

Do not list the home until these boxes are checked.

- Verify Title Status:** Confirm whose name is on the deed. In Ontario, if it is a "Matrimonial Home," both spouses have possessory rights regardless of title.
- Consult Family Law Counsel:** Have a preliminary discussion with your lawyer. Are you selling now, or is there a court order preventing the sale?
- Determine "Status Quo" Payments:** Agree in writing on who will pay the mortgage, utilities, and insurance while the home is listed.
- Check for Liens:** Ensure there are no outstanding debts or liens on the property that could derail a closing.

PRO TIP: Never assume your spouse is paying the mortgage just because they moved out. Missed payments ruin credit scores for *both* parties. Verify everything.

PHASE 2: SELECTING THE RIGHT AGENT

You need a neutral third party, not a referee.

- Interview Jointly:** Both spouses should be present (or on the same Zoom call) when interviewing the agent to ensure neutrality.
- Confirm "Joint Retainer":** Ensure the agent understands they represent *both* parties equally. There are no secrets.
- Check Qualifications:** Does the agent have specific training (like the CDS® designation) in handling high-conflict sales?

PHASE 3: PREPARING THE PROPERTY

- Depersonalize the Space:** Remove family photos and portraits to create a neutral canvas.
- Agree on Repair Budget:** Agree *beforehand* on who pays for repairs and how reimbursement works from final proceeds.
- Secure Valuables:** Lock up jewelry, financial documents, and personal journals before showings begin.

PRO TIP: If you cannot agree on a repair budget (e.g., painting the hallway), skip it. It is better to sell "as-is" than to fight for three months and miss the market peak.

PHASE 4 & 5: SHOWINGS & CLOSING

- Set the Schedule:** Agree on blackout times (e.g., "No showings after 8 PM").
- Vacate the Property:** Both spouses should be gone during showings. Buyers can sense tension.
- Pre-Agree on Price:** Set a minimum "Acceptable Sale Price" before you hit the market to prevent future arguments.
- Direction of Funds:** Instruct your lawyer on how proceeds should be held (usually in trust) until separation is finalized.

NEED HELP NAVIGATING THIS LIST?



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DISCLAIMER: This checklist is for informational purposes only and does not constitute legal advice. Real Estate Agents cannot provide legal counsel regarding family law matters. Please consult a qualified Family Law Lawyer regarding your specific situation.