



Declarations by the seller of the immovable (Land and buildings, appurtenances and dependencies)

Recommended form

CAUTION: This form has been amended following a review by the Forms Committee of the Association des courtiers et agents immobiliers du Québec, in cooperation with the Quebec Association of Building Inspectors.

General

The form is called "Declarations by the seller of the immovable (Land and buildings, appurtenances and dependencies)". The purpose is to avoid limiting its use to transactions pertaining to immovables containing less than five dwellings.

In this form, the seller's declarations are divided into 15 clauses instead of 16. Each clause contains a set of questions, most of which require a "yes" or "no" answer, with the provision that details regarding any positive answers are to be provided under clause D15 (Major improvements to the immovable and details). The addition of clause D15 allows for the removal of all the empty lines that used to follow each question.

Clause D2 – General information

This clause includes the questions asked in former clause D2, plus new questions regarding the leasing of the immovable. It also includes the question on the new home warranty that used to be in question D16.3 of the old form.

Clause D3 – Infiltration

Clause D3 includes the questions on this topic that used to be under D4.1 and D6.1 of the old form.

Clause D4 – Land (Soil)

Clause D4 includes questions D3.1, D3.2, D3.3 and D3.5 from the old form, plus new questions D4.5 to D4.7 on iron ochre and water accumulation on the property. Question D3.4 from the old form is now included under clause D10.

Clause D5 – Building basement (including crawl space)

Clause D5 replaces questions D4.1 (regarding liquid spills) and D4.2 (foundation cracks, rot or other) from the old form.

Clause D6 – Interior air quality

Clause D6 replaces former clause D5. Question D6.4 asks whether the seller is aware of the presence of any insulation product that may contain asbestos, whereas question D5.3 of the old form simply asked whether any testing had ever been done to detect the presence of such a product.

Clause D7 – Roof

Clause D7 replaces former clause D6 (Roof and structures). It contains former question D6.2 as well as new questions regarding the year of installation of the roof covering and any supporting documentation. The other questions under former clause D6 are included under clauses D3 and D14 of the new form.

Clause D8 – Plumbing and drainage

Former clauses D12 (Private water supply system), D13 (Private sewage disposal system) and D7 (Plumbing) are now included in more specific terms under the new clause D8 (Plumbing and drainage).

Among other things, clause D8 asks the seller about the date of installation of the water heater and about the sump, well, drain, sump pumps and water softener.

Clause D9 – Electricity

Clause D9 corresponds to clause D8 of the old form.

Clause D10 – Heating and air conditioning

Clause D10 replaces clause D9 and now includes former question D3.4 concerning the underground oil tank. It also includes several new questions. The questions are grouped under four topics, i.e. main heating system, heat pump (air conditioning and heating), permanent air conditioning system and supplemental heat (stove, fireplace, chimney).

Clause D11 – Insects and pest control

Clause D11 replaces former clause D10. It now requires the seller to declare whether to his knowledge there are or have ever been insects or other pest, without limiting this declaration to the last five years as in the old form. The seller must also declare whether he has used the services of a professional exterminator.

Clause D12 – Debts related to equipment and fixtures

Clause D12 corresponds to clause D14 of the old form.

Clause D13 – Existing inspection or other expert reports

Clause D13 includes the questions regarding any testing done for pyrite, asbestos or any other existing report, which used to be divided among clauses D5 (Interior air quality), D11 (Pyrite and other expanding materials) and D15 (Existing inspection reports).

Clause D14 – Other information

Clause D14 (Other information) is for any other information that could be relevant to a prospective buyer. It includes questions D16.1, D16.2 and D16.4 of the old form. It also contains new questions concerning the permits required to carry out work on the immovable as well as drawings and specifications. The seller is also asked to declare whether, to his knowledge, an insurance company has ever refused to insure the immovable in whole or in part, or has ever refused a claim for damages sustained by the immovable. The seller must also declare whether to his knowledge cannabis has ever been grown or any drug, chemical or hazardous product ever been produced inside the immovable, or whether a suicide or violent death has ever occurred there.

Clause D.15 – Major improvements to the immovable and details

Clause D15 was added to provide details regarding any positive answers to the questions on the form and any major work or renovations performed other than those covered by a specific question. If space is insufficient to include all details or other major work, additional pages may be attached.

Signatures

The signature block still authorizes the form to be given to any prospective buyer as well as to the building inspector, but also given to any real estate agent or other individual involved in the transaction. The signature block in the new form also contains an acknowledgement receipt to be completed by the buyer. This allows the seller to obtain proof that the information contained in the form was indeed provided to the buyer.





GENERAL

Given the importance of the declarations that follow, the seller must provide the information to the best of his knowledge, adding details as needed.

THE SELLER PROVIDES all available documents pertaining to his declarations such as any documents related to work, warranties, invoices, receipts, plans, permits, letters, reports, notices, etc., and provides **DETAILS** regarding any positive answers under clause D15.

If this form is an annex to another document, please indicate number: BC - [] [] [] [] [] [] PP - [] [] [] [] [] [] Other: _____ .

D1 IDENTIFICATION OF IMMOVABLE

D1.1 The declarations herein pertain to the immovable located at _____
ADDRESS OR CADASTRAL DESIGNATION IF A VACANT LOT

D2. GENERAL INFORMATION

- D2.1** In what year did you acquire the immovable? _____
- D2.2** Do you occupy the immovable and, if so, since when? yes, since _____ no
- D2.3** Was the immovable ever leased? yes no
If so, leasing periods: _____
- D2.4** What is the year of construction of the building? _____ don't know
- D2.5** Is the immovable covered by a new home warranty? yes no

Any major work or renovations made to the immovable other than those covered by a specific question in this form must be declared under clause D15 of this form.

D3. INFILTRATION

D3.1 To your knowledge, are there or have there ever been water infiltrations in the basement or elsewhere (e.g. roof, patio, balcony, greenhouse, skylight, door, window, chimney or other)? yes no

D4. LAND (SOIL)

To your knowledge, are there or have there ever been:

- D4.1** problems concerning the soil such as sliding, subsidence, movement or instability affecting the immovable? yes no
- D4.2** foundation stabilization work (e.g. piles, below-grade work, etc.)? yes no
- D4.3** soil contamination (e.g.: fuel oil or oil spill or leak, lead, mercury, etc.)? yes no
- D4.4** soil work (backfill, pool fill, retaining wall, etc.)? yes no
- D4.5** periodical accumulation of water on the property? yes no
- D4.6** yellowish or reddish water in the ditch? n/a yes no
- D4.7** iron ochre in the soil? yes no

D5. BUILDING BASEMENT (INCLUDING CRAWL SPACE)

To your knowledge, are there or have there ever been:

- D5.1** liquid spills in the basement (e.g. water, fuel oil, oil, mercury, etc.)? yes no
- D5.2** foundation cracks, rot or other problem with the basement structure? yes no

D6. INTERIOR AIR QUALITY

To your knowledge, are there or have there ever been:

- D6.1** major and regular condensation in winter, including on windows, greenhouse, patio door, walls, ceilings or other? yes no
- D6.2** odours (e.g.: sewer, dampness, gas, fuel oil, etc.)? yes no
- D6.3** evidence of mould or rot? yes no
- D6.4** the presence of an insulation product that may contain asbestos (e.g.: vermiculite)? yes no

D7. ROOF

- D7.1** In what year was the roof covering installed? _____ don't know
- D7.2** Do you have documents evidencing the replacement of the roof covering? yes no
- D7.3** To your knowledge, is there or has there ever been ice accumulation or icicles hanging from the roof in winter? yes no

Given the importance of the declarations that follow, the seller must provide the information to the best of his knowledge, adding details as needed.

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D8. PLUMBING AND DRAINAGE

- D8.1** To your knowledge, are there or have there ever been plumbing-related problems such as marked variations in water pressure or flow when using fixtures, freezing pipes, water leaks, rusty water, odours, plumbing drainage or backup problems, abnormal noises or other? yes no
- D8.2** Does the immovable have a sump or drainage well with or without a pump? yes no
- a) How often does the pump operate? n/a _____ don't know
- b) Have you ever been aware of the presence of "rusty" water or yellowish or reddish deposits in the sump or drainage well? yes no
- D8.3** To your knowledge, have modifications been made to plumbing drains, including the foundation drain (tile drain or French drain)? yes no
- D8.4** In what year was the water heater installed? _____ don't know
- D8.5** Is there a water softener? yes no
- D8.6** Private water supply system (well) n/a
- a) What is the source of the water supply? artesian well surface well other: _____ don't know
- b) Does this source supply your drinking water? yes no
- c) To your knowledge, are there or have there ever been problems with the quality or quantity of water? yes no
- D8.7** Private sewage disposal system n/a
- a) What type of system does this immovable have? septic tank with weeping field other: _____ don't know
- b) In what year was this system installed? _____ don't know
- c) Do you have documents indicating the features, compliance status and year of installation of the system? yes no
- d) When was the system last emptied (date)? _____ don't know
- e) Do you have documents evidencing the frequency at which the system is emptied or maintained, including the last date the system was emptied? yes no
- f) To your knowledge, have there ever been problems with the system (e.g. odours, overflowing, etc.)? yes no

D9. ELECTRICITY

- D9.1** To your knowledge, are there or have there ever been electrical problems (e.g. lights blinking abnormally, fuses or circuit breakers that blow or trip repeatedly, defective outlets or switches, etc.)? yes no

D10. HEATING AND AIR CONDITIONING

D10.1 Main heating system

To your knowledge:

- a) Are there or have there ever been problems with the heating system? yes no
- b) Are certain rooms difficult to heat? yes no
- c) Is there foil heating in the ceiling (radiant heat)? yes no
- d) In what year was the furnace installed? n/a _____ don't know
- e) Do you have a maintenance contract for the heating system? n/a yes no
- f) In what year was the oil tank installed? n/a _____ don't know
- g) Is there or has there ever been an underground oil tank? yes no
- h) How often is the chimney swept? n/a _____ don't know
- i) When was the chimney last swept (date)? n/a _____ don't know

D10.2 Heat pump (air conditioning and heating) n/a

To your knowledge:

- a) Are there or have there ever been problems with the heat pump? yes no
- b) What is the year of installation of the heat pump? _____ don't know
- c) Do you have a maintenance contract for the heat pump? yes no

D10.3 Permanent air conditioning system n/a

To your knowledge:

- a) Are there or have there ever been problems with the air conditioning system? yes no

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- b) In what year was the air conditioning system installed? _____ don't know
c) Do you have a maintenance contract for the air conditioning system? yes no

D10.4 Supplemental heat (stove, fireplace, chimney) n/a

To your knowledge:

- a) Are there or have there ever been problems with the supplemental heating device and its components? yes no
b) What is the year of installation of your device? _____ don't know
c) Do you have documents evidencing the features and year of installation of your device? yes no
d) How often is the device used? _____
e) Do you have documents evidencing the features and year of installation of the supplemental heat chimney? yes no
f) How often is this chimney swept? _____ don't know
g) When was the chimney last swept (date)? _____ don't know

D11. INSECT AND PEST CONTROL

D11.1 To your knowledge, are there or have there ever been insects or other pests? yes no

D11.2 Have you ever used the services of a professional exterminator? yes no

D12. DEBTS RELATED TO EQUIPMENT AND FIXTURES

D12.1 To your knowledge, are there fixtures and/or equipment attached to the immovable that are not completely paid for? yes no

D13. EXISTING INSPECTION OR OTHER EXPERT REPORTS

To your knowledge, are there or have there ever been:

D13.1 one or more inspection reports written on the immovable? yes no

D13.2 any other test or expert evaluation done on the immovable
(ex.: pyrite, pyrotite, UFFI, asbestos, air quality, water quality and flow, foundation drain)? yes no

D13.3 Are these inspection reports, tests or expert evaluations available? yes no

D14. OTHER INFORMATION

D14.1 Apart from what has already been mentioned, to your knowledge has the immovable ever sustained damage due to one or more events such as ice storm, wind storm, flood, fire, or other? yes no

D14.2 Have you done any major work or renovations to the immovable other than those already mentioned? yes no

D14.3 Did you obtain the necessary permits to carry out such work? don't know yes no

D14.4 Do you have drawings and specifications pertaining to this work? yes no

D14.5 To your knowledge, has an insurance company ever refused to insure the immovable in whole or in part? yes no

D14.6 To your knowledge, has an insurance company ever refused a claim for damages sustained by the immovable? yes no

D14.7 To your knowledge, has cannabis ever been grown or any other drug, chemical or hazardous material ever been produced inside the immovable? yes no

D14.8 To your knowledge, has there ever been a suicide or violent death in the immovable? yes no

D14.9 To your knowledge, is there any other factor that you have not mentioned in these declarations (e.g.: development or construction project, environmental problems [radon, for example], abnormally high noise level, unpleasant odours, etc.)? yes no

D15. MAJOR IMPROVEMENTS TO THE IMMOVABLE AND DETAILS

Indicate the number of the clause to which the details apply:

Given the importance of the declarations that follow, the seller must provide the information to the best of his knowledge, adding details as needed.

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Unusable for a transaction

Specimen

If space is insufficient, attach as many pages as necessary.

SIGNATURES (ALL COPIES MUST BEAR ORIGINAL SIGNATURES)

The seller hereby declares that all information provided in this questionnaire was given in good faith and to **the best of his knowledge** and hereby authorizes a copy of this document to be submitted to any prospective buyer as well as to the building inspector or any other individual involved in the transaction.

Signed at _____, on _____.

ADDRESS OF SIGNING

DATE

IDENTIFICATION: SELLER 1 (PLEASE PRINT)

IDENTIFICATION: SELLER 2 (PLEASE PRINT)

SIGNATURE: VENDEUR 1

SIGNATURE: SELLER 2

WITNESS

WITNESS

ACKNOWLEDGEMENT OF RECEIPT The BUYER hereby acknowledges having received a copy of these declarations from the SELLER.

Signed at _____, on _____.

ADDRESS OF SIGNING

DATE

SIGNATURE: BUYER 1

SIGNATURE: BUYER 2

WITNESS

WITNESS

* REMINDER: PROVIDE ALL DOCUMENTS AVAILABLE IN SUPPORT OF THE DECLARATIONS