

**DECLARATIONS BY THE SELLER OF THE IMMOVABLE
(LAND AND BUILDINGS, APPURTENANCES AND DEPENDENCIES)**

Form developed in cooperation with the Québec Association of Building Inspectors

NOTE – This form is to be used to complete a mandatory brokerage contract form for the sale of a residential immovable.

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 must **INCLUDE** all available documents pertaining to his declarations such as any documents related to work, warranties, invoices, receipts, plans, permits, letters, reports, notices, etc., **AND PROVIDE** details regarding any positive answers under section D14.

This form is an annex to brokerage contract: BC -

D1. IDENTIFICATION OF THE IMMOVABLE

D1.1 The declarations herein pertain to the immovable located at:

ADDRESS OR CADASTRAL DESCRIPTION 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, identify the leasing periods: _____

D2.4 In the case of a leased immovable:

a) The leases detailed in Annex _____ bring in rents of at least _____ dollars (\$) _____ annually.

b) Have you received any notice from a lessee or from the spouse of a lessee to the effect that the immovable or part thereof is used as a family residence? yes no

c) Have you received any notice liable to amend the existing leases? yes no

d) Are there lessees who benefit from special advantages from you that are not specifically indicated in writing in the leases? yes no

e) Are there any proceedings pending before the Régie du logement or any other tribunal? yes no

f) Is the immovable part of a housing complex within the meaning of the Act respecting the Régie du logement (R.S.Q., c. R-8.1)? yes no

g) Does the immovable constitute a portion that has been detached from a housing complex within the meaning of the Act respecting the Régie du logement (R.S.Q., c. R-8.1) following an alienation without first having obtained the authorization of the court? yes no

D2.5 What is the year of construction of the building? _____ don't know

D2.6 To your knowledge and subject to what the verifications to be done by the BROKER or a potential buyer may reveal:

a) Is the immovable affected by hypothecs, servitudes, other real rights or other charges? yes no

b) Is the immovable affected by restrictions of public law that are exceptions to ordinary law (e.g. flood risk area, municipal zoning and subdivision by-laws, Cultural Heritage Act, Act to preserve agricultural land, Environment Protection Act, and related regulations)? yes no

D2.7 To your knowledge, has the immovable ever been the subject of a notice of non-compliance from a competent authority or from an insurer with which you have not complied? yes no

D2.8 To your knowledge, does the immovable conform to the laws and regulations relating to environment protection? yes no

D2.9 Is the immovable covered by a new home warranty? yes no

If so, is a document available attesting that the immovable is registered in the warranty plan? (e.g. certificate or letter confirming registration)? yes no

D2.10 What telecommunications company(ies) service the immovable (e.g. Bell, Videotron, Cogeco, Shaw Direct, Telus, etc.)? _____

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D2.11 Is the immovable serviced solely by the telecommunications company identified in clause D2.10?

yes no don't know

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, solarium, 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, oil, lead, mercury, etc. spill or leak)?

yes no

D4.4 soil work (e.g. 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 deposit in the soil?

yes no

D5. BUILDING BASEMENT (INCLUDING CRAWL SPACE)

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

D5.1 liquid spill in the basement (e.g. water, fuel oil, oil, mercury, etc.)?

yes no

D5.2 foundation crack, 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, solariums, patio doors, walls, ceilings or other?

yes no

D6.2 odour (e.g.: sewer, dampness, gas, fuel oil, etc.)?

yes no

D6.3 evidence of mould or rot?

yes no

D6.4 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

D8. PLUMBING AND DRAINAGE

D8.1 To your knowledge, are there or have there ever been plumbing-related problems (e.g. marked variations in water pressure or flow when using fixtures, freezing pipe, water leak, rusty water, odour, plumbing drainage or backup problem, abnormal noise 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 sump pump operate? _____

n/a don't know

b) Have you ever been aware of the presence of "rusty" water or yellowish or reddish deposit 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 don't know

D8.4 In what year was the water heater installed? _____

don't know

D8.5 Is there a water softener?

yes no

D8.6 Water supply system

- a) Does the municipality supply water services? yes no
- b) Is the immovable connected to the municipal water supply? yes no
- If not,**
- c) What is the source of the water supply? tubular (artesian) well surface well well point (point) spring tapping
 other: _____ don't know
- d) Does this source supply your drinking water? yes no
- e) To your knowledge, are there or have there ever been problems with the quality or quantity of water? yes no

D8.7 Sewage disposal system

- a) Does the municipality provide sewer services? yes no
- b) Is the immovable connected to the municipal sewer system? yes no
- If not,**
- c) What type of system does this immovable have?
 septic tank with weeping field sealed septic tank septic tank with leaching field other: _____ don't know
- d) In what year was this system installed? _____ don't know
- e) Do you have documents indicating the features, compliance status and year of installation of the system? yes no
- f) When was the system last emptied (date)? _____ don't know
- g) Do you have documents evidencing the frequency at which the system is emptied or maintained, including the date the system was last emptied? yes no
- h) To your knowledge, have there ever been problems with the system (e.g. odour, overflowing, etc.)? yes no

D9. ENERGY

- D9.1** Is the immovable serviced by power utilities? yes no
- D9.2** Is the immovable connected to power utilities? yes no
- D9.3** To your knowledge, are there or have there ever been electrical problems (e.g. light blinking abnormally, fuse or circuit breaker that blows or trips repeatedly, defective outlet or switch, etc.)? yes no
- D9.4** Is the immovable serviced by natural gas services? yes no don't know
- D9.5** Is the immovable connected to natural gas services? yes no
- D9.6** To your knowledge, have there ever been gas-related problems (e.g. yellow or orange flame, leak, irregular supply, odours)? yes no
- D9.7** Does the immovable have a generator? yes no
- D9.8** To your knowledge, have there ever been problems related to the generator? yes no

D10. HEATING, AIR CONDITIONING AND VENTILATION

D10.1 Main heating system

To your knowledge:

- a) What type of energy does the main heating system use (e.g. oil, electricity, natural gas, solar, geothermal, other)? _____
- b) Are there or have there ever been problems with the heating system? yes no
- c) Are certain rooms difficult to heat? yes no
- d) Is there foil heating in the ceiling (radiant heat)? yes no
- e) In what year was the furnace installed? _____ n/a don't know
- f) If the heating system does not use a furnace, what is the year of installation of the main components of the system? _____ n/a don't know

- g) Do you have a maintenance contract for the heating system? yes no
- h) In what year was the oil tank installed? _____ n/a don't know
- i) Is there or has there ever been an underground oil tank? yes no
- j) How often is the chimney swept? _____ n/a don't know
- k) When was the chimney last swept (date)? _____ n/a don't know

D10.2 Heat pump (air conditioning and heating)

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

To your knowledge:

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

If so:

- a) To your knowledge, have there ever been problems with the air exchanger? yes no
- b) In what year was the air exchanger installed? _____ don't know

D10.5 Geothermal system

To your knowledge:

- a) Is there or have there ever been problems with the geothermal system? yes no
- b) In what year was the geothermal system installed? _____ don't know
- c) Is the geothermal system certified by the CCGE (Canadian Coalition of Geothermal Energy)? yes no
- If so, what is the system's certification number? _____ don't know

D10.6 Supplemental heat (stove, fireplace, chimney)

To your knowledge:

- a) Are there or have there ever been problems with the supplemental heating device and its components? yes no
- b) In what year was the device installed? _____ don't know
- c) Do you have documents evidencing the features and year of installation of the device? yes no
- d) How often is the device used? _____ don't know
- 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 pests (e.g. carpenter ants, bats)? yes no
- D11.2** Have you ever used the services of a professional exterminator? yes no

D12. EXISTING INSPECTION OR OTHER EXPERT REPORTS

- D12.1** To your knowledge, are there or have there ever been one or more inspection reports written on the immovable? yes no

D12.2 To your knowledge, are there or have there ever been any other tests or expert evaluations done on the immovable (ex.: pyrite, pyrrhotite, radon, ochre deposits, UFFI, asbestos, air quality, water quality or flow, foundation drain)? yes no

D12.3 Are these inspection reports, tests or expert evaluations available? yes no

D13. OTHER INFORMATION

D13.1 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

D13.2 To your knowledge, has major work or renovations ever been done to the immovable other than those already mentioned (e.g. modifications to the structure of the immovable)? yes no

Any major work or renovation done to this immovable and not specifically covered by a question on this form must be reported in section D14.

D13.3 Did you obtain the necessary permits to carry out such work? don't know yes no

D13.4 Do you have drawings and specifications pertaining to this work? yes no

D13.5 To your knowledge, has an insurance company ever refused to insure the immovable in whole or in part? yes no

D13.6 To your knowledge, has an insurance company ever refused a claim for damages sustained to the immovable? yes no

D13.7 To your knowledge, has cannabis ever been grown or any other drug, chemical or hazardous material ever been produced inside the immovable? yes no

D13.8 To your knowledge, has there ever been a suicide or violent death in the immovable? yes no

D13.9 To your knowledge, are there any other factors relating to the immovable and not mentioned in these declarations that are liable to significantly reduce the value or restrict the use thereof, reduce the income generated thereby or increase the expenses relating thereto (e.g. development or construction project, environmental problems [e.g. radon], abnormally high noise level, unpleasant odour, etc.)? yes no

D14. DETAILS AND MAJOR IMPROVEMENTS TO THE IMMOVABLE

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

If space is insufficient, the provisions contained in Annex _____ are an integral part of this form.

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

D15. SIGNATURES (ALL COPIES MUST BEAR ORIGINAL SIGNATURES)

The SELLER hereby declares that all the information contained in this document was provided in good faith and to the best of his knowledge and hereby recognizes that a copy of this document may be submitted to any prospective buyer, agency or broker or to any building inspector or other individual involved in the transaction. He shall provide, in writing, to the agency or broker representing him and, if applicable, to the buyer, any additional information pertaining to the immovable as soon as he has knowledge of it.

Signed in _____, Signed in _____,

on _____, at _____: _____ . on _____, at _____: _____ .
DATE DATE

IDENTIFICATION OF SELLER 1 (PLEASE PRINT)

IDENTIFICATION OF SELLER 2 (PLEASE PRINT)

SIGNATURE OF SELLER 1

SIGNATURE OF SELLER 2

WITNESS

WITNESS

ACKNOWLEDGEMENT OF RECEIPT

The buyer hereby acknowledges having received a copy of these declarations from the seller.

Signed in _____, Signed in _____,

on _____, at _____: _____ . on _____, at _____: _____ .
DATE DATE

IDENTIFICATION OF BUYER 1 (PLEASE PRINT)

IDENTIFICATION OF BUYER 2 (PLEASE PRINT)

SIGNATURE OF BUYER 1

SIGNATURE OF BUYER 2

WITNESS

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Unusable for a transaction
Specimens