



REAL ESTATE LAW

Managing expectations when purchasing a home



Jacques Robert
**REAL ESTATE
LAW**

Whether you are buying a resale home or a new build, purchasers must consciously manage their expectations.

Resale Homes

Often real estate agents will include a clause in the Agreement of Purchase and Sale for the property to be left in a broom-swept condition. However, there is a lot of room for interpretation in the clause. One person's definition of broom-swept and clean may not be nearly the same as another person's definition. For example, the oven has not been cleaned or the hardwood floors are not gleaming. This is not enough to ask the seller for compensation. However, if the home is very dirty, with stains in the flooring or mold and mildew in the bathroom as a result of neglect, then this is something that the law-

yer can assist you in seeking compensation for.

The same theory applies to damage at the home on the closing date. Small nail holes where pictures had been and small scuffs on the wall from moving in and out are expected on a resale home, and no compensation will be sought. If a piece of furniture broke the dry wall or if a window was cracked when the previous owner was moving out, then the lawyer can assist you in seeking compensation for damages.

When purchasing a resale home, expect to make some paint touch ups, fill a few nail holes, or do a more thorough clean of the property before you move into the home. If your timeline allows, it may be best to delay moving in your possessions for a couple of days so that you can go through the home and do a thorough clean or make any

minor repairs before having to work around your furniture.

New Construction Homes

When purchasing a new construction, sometimes the home will not be 100% finished on the closing date. If the builder has obtained an occupancy permit from the City of Ottawa, the purchaser will have to close the transaction and the balance of the work will be finished after closing. The purchaser does not have the right to delay closing for minor fixes. The purchaser can only delay closing when an occupancy permit cannot be obtained from the City.

For a new home, the home's construction is warranted through the Tarrion New Home Warranty Program. Before the closing date, purchasers walk around the property with an inspector and mark down all the inconsistencies in the construction. Typical examples include a grout line that is thicker than the rest, nail pops, or cabinet doors that do not close properly. The items listed on the pre-delivery inspection form may not all be resolved by the closing date, as the inspection might have been only a day or two before the closing date. Purchasers also have a 30 day form to complete with Tarrion after the first month they become the owner of the property. In the first month, the purchasers might find other items to mark on the form that they did not notice before or that developed as the home settled over time.

co-authored with Robin Goski,
associate lawyer

Jacques Robert is an Ottawa
real estate lawyer. For more
information, visit www.jacquesrobert.com



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