



Jacques Robert
Real News
July 2011

Jacques Robert & Sarah R. Morgan
Tel. (613) 837-7880
Fax. (613) 837-7664

2788 St. Joseph Blvd. (Orleans)
300 March Road, Fourth Floor (Kanata)
9 Antares Drive (Hunt Club)

Dear real estate professionals,

We thank those that provided us with some issues/questions that they wanted to see addressed in our next newsletter. In this issue we address Sensitive Marine Clay and restrictive covenants.

We hope that in each upcoming newsletter we will address relevant issues that arise in our day-to-day and provide you with useful information and tools to continue providing the best service to our clients.

We also include a list of this month's community events for you to pass on to your new clients moving to Ottawa and interested in getting involved within the community.

We thank you for your ongoing support.

Sincerely,

Jacques



In this Issue

- “No Clotheslines” and Other Restrictive Covenants
- Sensitive Marine Clay
- Status Certificates Now Online
- Community Events
- In the Community
- Real fact: City of Ottawa Resources
- Informational Seminar
- Want to receive our client newsletter

“No Clotheslines” and other Restrictive Covenants

By Jacques Robert

You may be familiar with the term "restrictive covenant" from the OREA form paragraph 11 which asks sellers "[a]re there any restrictive covenants that run with the land?"

A restrictive covenant is a contract in which a party agrees to be restricted in some regards as to future conduct.

Restrictive covenants give a development a more standard appearance as well, they control some of the activities that take place within its boundaries. When enforced, covenants protect property values. Common restrictive covenants relate to grading, double fencing and planting of trees.

It is important to note that restrictive covenants bind every subsequent buyer.

You may be familiar with the restrictive covenant providing that there be no clotheslines. Fortunately, as a result of the [2009 Green Energy Act](#), this covenant no longer has any force and effect in Ontario. The McGuinty government passed this law as a result of the energy benefits perceived from the use of clotheslines which reduce greenhouse gas emissions, reduce demand on the power grid and also save residents on their electricity bills.

If your clients are purchasing a property it is a good idea to ask the seller or the seller's real estate agent for details of any restrictive covenants that may be registered on title as these may impede your clients' future plans.

For example, in the 2002 case *National Capital Commission v. Belanger* case, the Belangers had constructed part of their home at [432 Lochaber Avenue](#) in Ottawa, within the lands protected by a restrictive covenant. The restrictive covenant provided for a minimum setback of 9 meters from the parkway boundary while the Belangers had built their main wall approximately 4.8 meters from the parkway.

The rationale for the setback being that the NCC wanted buildings to be less visible from the parkway and thus less intrusive to those making use of the parkway.

As a result of the owners' construction, the NCC brought an application in the Superior Court of Ontario and was successful in having the Belangers remove the addition and conform with the restrictive covenant.

Presumably, the NCC was also awarded its costs.

Sensitive Marine Clay

By Sarah R. Morgan

Did you know that leda clay (also known as sensitive marine clay or quick clay) is found in the city of Ottawa. Fortunately, leda clay is not found everywhere in the city. In fact, currently its presence cannot be accurately determined without conducting geotechnical investigations and obtaining a soils report.

If your client is buying a newly constructed home from a builder however, many of them are including provisions in Agreements of Purchase and Sale highlighting the presence of leda clay below the structure.

Leda clay is a marine clay whose structure is characterized by tiny, flat particles of mineral matter which are arranged like a house of cards; the spaces between the particles are water filled. Generally speaking, the "house of cards" structure is in danger of collapsing when it is disturbed or the water is removed. The practical effect being that the "house of cards" falls together flat thus reducing the volume of the soil significantly. This phenomenon is known as "soil shrinkage."



Soil shrinkage can occur among others, as a result of drought, prolonged periods of low rainfall, excavation, and the presence of vegetation and trees.

If you know or suspect the residence to be built on leda clay, we suggest that you consult with a professional regarding options to potentially alleviate its impacts on the home. For example, consult with a certified arborist or landscape architect concerning low water-demand species of trees and vegetation that you can plant on your property and their most optimal location on your property; consult with an engineer regarding the installing of a watering system to recharge the water in the soil (a watering system may include installing watering tubes, a drip or sprinkler system); or, if the home has not yet been built, consult with engineers regarding the option of building the home on piles.

Other options may also include installing a root barrier between any trees and the foundation and/or pruning the crown and/or roots of trees and vegetation.

For more information on this subject, you can visit the CMHC article [Understanding and Dealing with Interactions Between Trees, Sensitive Clay Soils and Foundations](#).

Status Certificates available online

Lets reduce our carbon footprint

In an effort to reduce Ottawa's carbon footprint and facilitate condominium transactions, an Ottawa-based company has established "CondoStatus.com". We can now search and request status certificates online as well as download them as pdf.

Please note that not all condominium corporations and properties are registered with CondoStatus at this time and that there is a processing fee.

To visit the website, please click [here](#).

IF YOU WOULD LIKE TO RECEIVE OUR NEWSLETTER PLEASE EMAIL: mail@jacquesrobert.com

Disclaimer: *The foregoing articles are for information purposes and do not constitute legal advice.*

Community Events

A list of community events taking place in Ottawa this July:

- **Canada Day**- July 1st, 2011 (Ottawa). For more information click [here](#).
- **Cisco Ottawa Bluesfest**- July 6-18, 2011 (War Museum). For more information click [here](#).
- **The Kingdom of Osgoode Medieval Festival**- July 8-10, 2011 (Osgoode). For more information click [here](#).
- **Fete Haitienne** - July 22-24, 2011 (Orleans, Petrie Island). For more information click [here](#).

In the community

Sarah @ The Orleans Soap Box Derby

Last month Sarah volunteered at the Orleans Soap Box Derby, giving young children rides in soap box cars and selling t-shirts.

The event was a great success!

MP Royal Galipeau, MPP Phil McNeely, Mayor Jim Watson and municipal councillors Mathieu Fleury, Rainer Bloess, Bob Monette and Stephen Blais were among the participants. Join in the fun next year on Saturday, June 9, 2012. For more information please visit their website by clicking [here](#).

Co-Operative Education Program

Last month our co-op student from St. Peter Catholic High School, Ethel Muhumuza, completed her term with us. Ethel joined our office in February 2011 and assisted us with administrative tasks.

Ethel will be starting her studies at Carleton University in psychology in the fall. We wish her great success in her future endeavours.

In appreciation and recognition of our participation in the Co-Operative Education Program, Milva Caruso was awarded with a Certificate of Recognition.

City of Ottawa Resources

REAL FACT:

Did you know that the City of Ottawa has valuable resources for homeowners free of charge?

For example, the City of Ottawa has the following information pamphlets available at their [client services centres](#):

- How Well is Your Well: Homeowner's Guide to Safe Wells and Septic Systems
- Urban Tree Conservation By-Law: Your community has strong roots - keep them growing
- How do you Grade? Good Drainage Makes for Good Neighbours

IF YOU WOULD LIKE TO RECEIVE OUR NEWSLETTER PLEASE EMAIL: mail@jacquesrobert.com

***Disclaimer:** The foregoing articles are for information purposes and do not constitute legal advice.*

Further, the City of Ottawa addresses the following subjects on its website:

- [Wells and septic systems](#)
- [Grading](#)
- [Pool requirements](#)
- [Fire retrofit](#)
- [Property taxes](#)

For more information please visit the City of Ottawa website by clicking [here](#).

Interested in attending an informational seminar?

Both Jacques and Sarah are teachers at heart and offer various seminars on real estate, wills and estates matters. If your office is interested in receiving an informational seminar, please [contact us](#).

Client Newsletter

Every month we also send a newsletter to our clients.

If you would like to automatically receive our client newsletter every month, please [contact us](#).

About our law firm

With the dynamic vision of its key player, Jacques Robert, our firm has grown to be one of the largest real estate law firms in the Ottawa area. To meet the changing face of Real Estate Law we are continually upgrading our systems and competitively adjusting our pricing structures.

Our highly trained legal team, consisting of Sarah Morgan (associate lawyer), Adriana Caruso (law clerk), Melanie Soubliere (law clerk), Tracy Banville (administrative assistant), Michelle Soubliere (receptionist), and Milva Caruso (office manager) are all well versed in the areas of real estate law, wills and estates.

We offer a fully bilingual service to our clientele - nos services sont également disponibles en français.

Our firm is on the recommended rosters for the Department of National Defense, RCMP as well as many corporate relocation firms. We are on the recommended list for all of the major builders in the region.

We have 3 locations for our clients signing convenience: the East, West, and South parts of the city. Our Central Administration is conducted at the East office which is located in Orleans just minutes from the Queensway, the main freeway through Ottawa from West to East. We are open daily from 8:30 am until 5:00 pm.

IF YOU WOULD LIKE TO RECEIVE OUR NEWSLETTER PLEASE EMAIL: mail@jacquesrobert.com

Disclaimer: *The foregoing articles are for information purposes and do not constitute legal advice.*

East Central Administration
2788 St. Joseph Blvd.
Orleans, ON K1C 1G5

South Capital Corporate Centre
9 Antares Drive
Ottawa, ON K2E 7V5

West Gateway Executive Office
Fourth Floor
300 March Road
Kanata, ON K2K 2E2

Tel. : (613) 837-7880

Fax.: (613) 837-7664

Visit our website at www.jacquesrobert.com for more information.



Disclaimer

The foregoing articles are for information purposes only and are not intended to replace advice from a qualified legal professional. The information contained herein must not be relied upon to make any decisions whatsoever. Any use of this document does not create or constitute a lawyer-client relationship.

In all cases, contact your legal professional immediately for any advice on any matter referenced in this document before making any decision whatsoever.