



Jacques Robert
Real News
April 2012

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/Nepean)

Dear real estate professionals,

We hope this finds you well. On March 30th, 2012 we held our first *Jacques Robert Charity Draw* (for the period of January 1st - March 30th) and our office will be donating \$500.00 to "The Snowsuit Fund." For more about this initiative, please read below.

In this issue, we discuss chattels and fixtures and what you should know.

Did you know that we post all of our newsletters online? Yes, they are available on our website by clicking [here](#).

We also include a list of this month's community events for those of you interested in getting involved in the community.

We thank you for your ongoing support!

Sincerely,

Jacques & Sarah

Chattels & Fixtures What Are They?

You are likely familiar with paragraphs 4 of the Standard OREA form for an Agreement of Purchase and Sale (Residential) which states "Chattels Included" and 5 which states "Fixtures Excluded"

So what are they and how do you explain these clauses to your clients? Is a hot tub a fixture? What about a dishwasher? What about statues or fountains found in the backyard?

It is important to go over these clauses carefully with your clients, as any ambiguity or uncertainty will certainly result in disputes and dissatisfaction with services after the closing of the transaction.

Generally, determining whether something is a chattel or fixture is not as straightforward as it may seem.

A good rule of thumb can be that:

an object will be presumed a fixture if it is attached to the real property, even slightly, unless intention shows otherwise. Conversely, an object that is unattached will be presumed to be a chattel, unless the intention shows otherwise. When determining the intention, courts will consider, among others, the degree of annexation and reasoning for the attachment. Is it for the better use of the article? Or is it for the better use of the land?

Given the "intention test" it is best always to err on the side of caution. Where something is attached, even slightly, and your client intends on bringing the object with him/her, think of advising your client that it should be listed as an excluded fixture at paragraph 5.

For instance, on one occasion, a client revealed they had a TV mounted on the wall. Is the TV a fixture? Is the wall mount a fixture? Do they need to be listed as exclusions? Of course! While it may have been arguable that the TV was a chattel, why take the chance? In another matter, the client revealed they had a gas bbq attached to the residence (for the purpose of being supplied with gas). Again, while it's arguable that the bbq was a chattel, why not just exclude it from the sale and avoid any disagreement or debate? It is always best to clarify any uncertainty in the agreement to prevent any misunderstandings after the fact.

After explaining the difference between chattels and fixtures to your seller clients, it may also be useful for you to ask them to walk around their house and backyard to try to see if they've missed any fixtures to exclude in the agreement.

We hope that this article was useful to you, please note that the above is not an exhaustive list of considerations when dealing with chattels and fixtures. If you have any questions regarding the above or any other matter, please do not hesitate to contact us.

Jacques Robert Charity Draw: The Snowsuit Fund

By Sarah R. Morgan & Jacques Robert

Our first *Jacques Robert Charity Draw* occurred on March 30th, 2012. From the multitude of ballots submitted by our clients, "**The Snowsuit Fund**" was picked. Our office will be donating \$500.00 to them.

The Snowsuit Fund is an Ottawa-based charity that raises funds for the purchase and distribution of snowsuits to needy children, 15 years and under, in our community. For more about the Snowsuit Fund, please visit their website by [clicking here](#).

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

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

Four times this year, (in March, June, September and December 2012) our office will donate \$500 (CAN) to a local Canadian registered charity.

When our clients attend our office to sign for any legal services we've provided to them (whether buying, selling, refinancing, etc), they will have the opportunity to enter their favorite registered Canadian charity into our quarterly draw for \$500.

The charity must be one of the numerous registered charities appearing on the Canada Revenue Agency website.

The draw results will be announced on:

*Friday March 30th, 2012 (for the period of January 1-March 30th, 2012)

*Friday June 29th, 2012 (for the period of April 1st- June 30th, 2012)

*September 28th, 2012 (for the period of July 1st - September 31st, 2012)

*Friday December 21, 2012 (for the period of October 1 - December 31, 2012)

The draw results will be published on our website, newsletter, and posted in our office. The name of the individual who completed the ballot will not be shared publicly.

We will also contact the individual who completed the ballot and the charity directly.

For more information, please [contact us](#).

Community Events

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

- **Maple Sugar Fest:** March 28th - April 1st, 2012 @ 300 des Peres Blancs Avenue, Ottawa (Vanier). For more information click [here](#).
- **Juno Awards in Ottawa** April 1st, 2012 @ Scotiabank Place (Kanata). For more information click [here](#).
- **The Cottage Show and Big Backyard Show:** April 13-15th, 2012 @ CE Centre 4899 Uplands Drive. For more information, click [here](#).
- **Reliving Old Hollywood Gala:** April 14th, 2012 at 7pm @ Royal Ottawa Golf Club 1405 Aylmer Road, Gatineau. For more information click [here](#).
- **The National Women's Show:** April 14 & 15, 2012 @ the Ottawa Convention Centre 55 Colonel By Drive, Ottawa (Downtown). For more information click [here](#).
- **Ottawa Wedding Show:** April 21 & 22, 2012 @ CE Centre, 4899 Uplands Drive, Ottawa. For more information click [here](#).
- **Spring Clean Up:** April 21, 2012 @ Blackburn Community Hall, 190 Glenpark Drive (Blackburn Hamlet). For more information click [here](#).
- **Writer's Festival:** April 26-April 30th, 2012 @ Know Presbyterian Church 120 Listgar Street (Downtown). For more information click [here](#).
- **Ottawa Veg Fest '12:** April 29th, 2012 @ the Glebe Community Centre (downtown) from 10am - 5pm. For more information click [here](#).
- **New Temporary Exhibition: From the Farm to the Freeway:** Biocomposite Plastics: December 8, 2011 until June 10, 2012 Tuesday to Sunday until 5pm @ Canada Science and Technology Museum. For more information click [here](#).
- **10 ans: Gatineau se raconte:** October 4, 2011 until August 24, 2012 various times @ Outaouais Archives Centre, 855 de la Gappe Blvd, Gatineau. For more information click [here](#).

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 *on leave* (law clerk), Melanie Lemire (law clerk), Eva Mooers (office administrator/receptionist), Cecile Boyer (receptionist) and Milva Caruso (office manager and law clerk) 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 Defence, 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 three (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 Orléans 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.

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.

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