



**Jacques Robert
Real News
November 2011**

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Dear real estate professionals,

We thank those that provided us with some issues/questions that they wanted to see addressed in our next newsletter.

Our team is growing! If you know a qualified bilingual receptionist that would be a good fit to our team, please have them send us their resume.

In this issue, we discuss radon as well as the "completion date" clause contained in OREA agreements of purchase and sale.

We hope that in each upcoming newsletter we will continue to address issues which you find relevant 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 share with your new clients moving to Ottawa and interested in getting involved in the community.

We thank you for your ongoing support.

Sincerely,

Jacques & Sarah

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Radon: Food for Thought

Radon is a radioactive colourless gas that is formed by the breakdown of naturally occurring uranium in our soils.

Usually radon escapes from the ground into the outdoors without any effect as it is diluted to low concentrations that are of no concern. However, radon can cause issues for homeowners when it enters an enclosed space, such as a home (usually basement), and it accumulates to high levels. CMHC describes the risk of radon as potentially causing lung cancer. (*CMHC Report*)



An important CMHC report "[Radon: A Guide for Canadian Homeowners](#)" mentions that remedial measures should be undertaken in a dwelling whenever the average annual radon concentration exceeds 200 Bq/m³ in the normal occupancy area. This report also outlines what is radon, measuring radon levels, reducing radon levels and dealing with contractors.

In the Q/A section of the report, CMHC indicates that when purchasing or selling a property your options regarding radon testing may include the following:

- Disregard or ignore any potential problem.
- When listing the home for sale, the seller could indicate to their broker whether the home has been tested for radon and, if it has, what the test results were.
- The purchaser could make the offer conditional on testing by an approved contractor to indicate whether the radon levels are acceptable (the purchaser would pay for the testing). If the levels are too high, the offer becomes null and void.
- The purchaser could make an offer that includes a holdback of a specified amount of money pending test results. If the test results are above an acceptable level, the holdback can be used to compensate the purchaser for expenses to reduce the radon levels.
- The purchaser could make an offer lower than would be normal because of high test results.

We raise this issue for you this month because it is more prevalent than most people think. In fact, another CMHC report ("[Fixing Houses with High Radon- A Canadian Demonstration](#)") mentions a Kanata homeowner contacting CMHC and Health Canada for advice on high radon. Definitely food for thought!

Did You Know?

OREA: Completion Date

You are probably familiar with the OREA Agreement of Purchase and Sale provision on "Completion Date" that states:

"This Agreement shall be completed by no later than (time) on the (date). Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for in this Agreement."

It is important to note the "no later than" contained in this clause.



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

Common questions clients may ask their agents are: "by when do my things need to be moved out?" or "when will I get the keys?"

It is important to advise your clients that closing can occur at *any time* on the closing date before the time specified in the agreement.

For example, even though the agreement may state "*This Agreement shall be completed by no later than 5:00pm on the 5th day of November, 2011*" closing can happen at 3pm on this day. This means that at 3pm the property has been transferred to the buyer(s) and the seller(s) and their things are no longer allowed on the property ("vacant possession").

The actual closing time in fact depends on a number of factors and is practically impossible to predict.

If you require additional information, please do not hesitate to contact our office.

In the Community

Hendrix

Melanie's dog "Hendrix" has been entered in the Fido Casting Call™ contest to be the next pooch to appear in an upcoming Fido ad.

If you would like to support Hendrix's nomination, please [click 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 free of charge.

If your office is interested in receiving an informational seminar, please [contact us](#).

Client Quarterly Newsletter

Next Issue: December.

If you would like to automatically receive our client newsletter, please send us an [email](#).

To access previous issues, click [here](#).

Some Article of Interest

Investment Properties

[Landlords, look out! In search of the few, the good, the proud: screening for reliable tenants](#), *The Canadian Real Estate Magazine*

Condominiums: [New condo buyers beware](#), *The Toronto Sun*

Community Events

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

- **Craft Fair:** November 5, 2011 from 10 am - 3 pm @ Richmond Public School (3499 McBean Street, Richmond). For more information click [here](#).
- **Feast of Flavour:** November 5, 2011 @ National Arts Center (Downtown). For more information click [here](#).
- **Ottawa Tea Festival:** From November 5 to 6, 2011 @ Ottawa City Hall 110 Laurier avenue (Downtown). For more information click [here](#).
- **Ottawa Wine and Food Show:** from November 9 to 13, 2011 @ Ottawa Convention Centre (Downtown). For more information click [here](#).
- **Remembrance Day:** November 11, 2011 @ Confederation Square (Downtown). For more information click [here](#).
- **Ottawa Cat Show:** From November 12-13, 2011 @ Nepean Sportsplex (West end). For more information click [here](#).

For a list of Santa and holiday parades taking place in Ottawa, please visit our [website](#).

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), Eva Mooers (office administrator/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.

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