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Seller Property Information Statement

Residential

Form 220

for use in the Province of Ontario

GENERAL USE: This Form gives a Realtor® the opportunity to discuss and document many aspects of a property to help ensure the information on an MLS® Listing or any information provided to a Co-operating Brokerage or a Buyer is accurate. A Realtor® is obligated to verify any information and to work in the best interests of their client. Obtaining the information from a Seller and identifying areas which need additional research and investigation prior to marketing the property helps Members comply with their fiduciary obligations as well as their obligations under TRESA.

ANSWERS MUST BE COMPLETE AND ACCURATE: This statement is designed in part to protect Sellers by establishing that correct information concerning the property is being provided to buyers. All of the information contained herein is provided by the Sellers to the brokerage/broker/salesperson. Any person who is in receipt of and utilizes this Statement acknowledges and agrees that **the information is being provided for information purposes only and is not a warranty as to the matters recited hereinafter even if attached to an Agreement of Purchase and Sale.** The brokerage/broker/salesperson shall not be held responsible for the accuracy of any information contained herein.

BUYERS MUST STILL MAKE THEIR OWN ENQUIRIES: Buyers must still make their own enquiries notwithstanding the information contained on this statement. Each question and answer must be considered and where necessary, keeping in mind that the Sellers' knowledge of the property may be inaccurate or incomplete, additional information can be requested from the Sellers or from an independent source such as the municipality. Buyers can hire an independent inspector to examine the property to determine whether defects exist and to provide an estimate of the cost of repairing problems that have been identified. **This statement does not provide information on psychological stigmas that may be associated with a property.**

For the purposes of this Seller Property Information Statement, a "Seller" includes a landlord or a prospective landlord and a "buyer" includes a tenant or a prospective tenant

The first section identifies the Property, and the Seller.

PROPERTY: SELLER(S):	SELLER(S) TO INITIAL EACH APPLICABLE BOX			
	YES	NO	UNKNOWN	NOT APPLICABLE
GENERAL I: (Provide Applicable ADDITIONAL COMMENTS)				
1. I have occupied the property from.....to..... <i>The second question must be answered to ensure any sale has the required consent in order for the transaction to be completed.</i>				
2. Does any other party have an ownership or spousal interest in the property? <i>The third question must be answered as there are specific aspects of a condominium property that will be required for any agreement of purchase and sale.</i>				
3. Is the property a condominium or a freehold property that includes an interest in a common elements condominium, (POTL)? (If yes, Schedule 221 to be completed.) <i>The fourth question affects the title to the property and a buyer should be aware of these issues prior to entering into an APS as some restrictions registered on title must be accepted by the buyer, regardless of whether they have been informed. Where a seller responds Unknown or Not Applicable, a Realtor® is required to take further steps to verify this information. Members could ask the seller for any closing documents they received when they purchased it as the information is typically provided to them by their lawyer.</i>				
4. Are there any encroachments, registered easements, or rights-of-way?				
5. Are there any restrictive covenants that run with the land? <i>This question relates to any taxes over and above the property taxes. For example, there could be a local improvement tax for the installation of new sidewalks or curbs which is added to a property's tax bill and payment is extended over several years. When sold, a buyer would be responsible to take over these payments if the seller does not pay out the balance owing. This section can also be used to identify any Vacant Home Tax applicable.</i>				
6. Are there any local levies or unusual taxes being charged at the present time or contemplated? If so, at what cost? Expiry date.....				
7. Will the sale of this property be subject to HST? <i>This question may require the seller to obtain professional advice. The status of HST on the sale of the property should be known prior to any Agreement of Purchase and Sale. Typically, HST is identified as "included in" the purchase price which results in the seller being responsible for any HST payable on the sale.</i>				
8. Do you make any monthly or other payments on any conditional sales contracts, leases, rental agreements or service contracts? eg: furnace, alarm system, hot water tank, propane tank, etc. Specify..... Are they assignable or will they be discharged?.....				

INITIALS OF BUYER(S): 

GENERAL I: (CONT'D) (Provide Applicable ADDITIONAL COMMENTS)	YES	NO	UNKNOWN	NOT APPLICABLE
<p><i>The final question in this section requires the seller to identify any insurance on the property. As the property remains at the risk of the seller up to closing, instances where there is no insurance should be disclosed to a buyer. This question allows sellers to acquire any insurance as needed as OREA's listing agreements obtain a warranty from the seller that there is insurance.</i></p> <p>9. Is the property insured, including personal liability insurance, against any claims or lawsuits resulting from bodily injury or property damage to others caused in any way on or at the Property?</p>				

The comments section can be used to clarify any of the information obtained regarding the questions above.

ADDITIONAL COMMENTS:.....
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The questions within the General II section relate to the ownership/title to the property. The first two questions inquire about owner obligations which may not always be evident. For example, a home owner's association could maintain certain areas where owners pay for this maintenance or a party has certain rights to the property.

GENERAL II: (Provide Applicable ADDITIONAL COMMENTS)	YES	NO	UNKNOWN	NOT APPLICABLE
1. Does ownership of this property require membership in an Association and payment of Association fees? If yes, specify.....				
2. Is the property subject to first right of refusal, option, lease, rental agreement or other listing?				
<p><i>The next two questions allow Realtors® to confirm information about the property lines. If a survey is old, it may not reflect any improvements made since that time. Disputes can occur where a neighbouring property owner has built a fence not within their own property or on the property line.</i></p> <p>3. Is there a plan of survey? Date of survey.....</p>				
4. Are there any disputes concerning the boundaries of the property?				
<p><i>These next questions relate to zoning and potential changes in the neighbourhood. If the property does not comply with zoning, the existing use may not be permitted to continue after a sale. Any development taking place can impact the value of a property.</i></p> <p>5. Are you aware of any non-compliance with zoning regulations?</p>				
6. Are you aware of any pending developments, projects or rezoning applications in the neighbourhood?				
7. Are there any public projects planned for the neighbourhood? eg: road widenings, new highways, expropriations, etc.				
8. Have you received any notice, claim, work order or deficiency notice affecting the property from any person or any public body?				
9. Are there any current or pending Heritage restrictions for the property or the area?				
<p><i>Where a property is not connected to one or both of these municipal services, additional information should be obtained from the seller. There are many instances where a property is assumed to be connected to municipal services as the surrounding properties are, but this property has not been connected.</i></p> <p>10. (a) Is the property connected to municipal water? (If not, Schedule 222 to be completed.)</p>				
(b) Is the property connected to municipal sewer? (If not, Schedule 222 to be completed.)				

The comments section can be used to clarify any of the information obtained regarding the questions above.

ADDITIONAL COMMENTS:.....
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INITIALS OF BUYER(S): 

The next series of questions relate to various environmental concerns that could affect the property. Any question answered Yes or Unknown should be further investigated by Realtors® to ensure the property is accurately described in a listing agreement.

ENVIRONMENTAL: (Provide Applicable ADDITIONAL COMMENTS)	YES	NO	UNKNOWN	NOT APPLICABLE
1. Are you aware of possible environmental problems or soil contamination of any kind on the property or in the immediate area? eg: radon gas, toxic waste, underground gasoline or fuel tanks, etc.				
2. Are there any existing or proposed waste dumps, disposal sites or land fills in the immediate area?				
3. Are there any hydro generating projects planned for the immediate area? eg: Wind Turbines				
4. Is the property subject to flooding?				
5. Is the property under the jurisdiction of any Conservation Authority or Commission?				
6. Are you aware of any excessive erosion, settling, slippage, sliding or other soil problems?				
7. Are there any drainage restrictions?				
<i>The next two questions are regarding previous uses on the property which are now not being used or have been dealt with as their use was discontinued. Any fuel tank must comply with the requirements under the legislation with guidance and oversight being provided by the TSSA.</i>				
8. Does the property have any abandoned or de-commissioned <input type="checkbox"/> well <input type="checkbox"/> septic system <input type="checkbox"/> swimming pool <input type="checkbox"/> foundation <input type="checkbox"/> other, specify				
9. (a) Is there a fuel oil tank on the property? If yes, complete the following: <input type="checkbox"/> Underground. Date for required upgrading or removal..... <input type="checkbox"/> Aboveground. Age of tank..... Date of last inspection.....				
(b) Does the fuel oil tank comply with the Technical Standards and Safety Authority requirements and any other requirements for fuel to be delivered?				
<i>The next question asks for previous use of the property by any owner, not just the current owner.</i>				
10. Has the use of the property ever been for the growth or manufacture of illegal substances?				

The comments section can be used to clarify any of the information obtained regarding the questions above.

ADDITIONAL COMMENTS:.....

The next section details information about the structure or any other improvement to the property. The first question is a general question about any structural problems. If answered Yes, details should be provided by the seller. The second question requires information be provided should there have been any building or renovations completed.

IMPROVEMENTS AND STRUCTURAL: (Provide Applicable ADDITIONAL COMMENTS)	YES	NO	UNKNOWN	NOT APPLICABLE
1. Are you aware of any structural problems?				
2. (a) Have you made any renovations, additions or improvements to the property?				
(b) Was a building permit obtained?				
(c) Has the final building inspection been approved or has a final occupancy permit been obtained?				
<i>The next two questions ask about two different types of insulation which are or could have been installed in any building. An Agreement of Purchase and Sale contains a statement regarding UFFI which should be reviewed if a seller answers Yes. Certain types of vermiculite insulation contain asbestos and have been banned from use in Ontario. If answered Yes, further investigation is warranted.</i>				
3. To the best of your knowledge have the building(s) ever contained urea formaldehyde insulation?				
4. Is there vermiculite insulation on the property? If yes, has it been tested for asbestos?.....				
<i>The Ontario Fire Code must be complied with. Any known deficiencies or non non-compliance can result in an insurance claim being denied.</i>				
5. (a) Are you aware of any deficiencies or non-compliance with the Ontario Fire Code?				
(b) Is your property equipped with operational smoke detectors?				
(c) Is the property equipped with operational carbon monoxide detectors?				

INITIALS OF BUYER(S): 

IMPROVEMENTS AND STRUCTURAL: (CONT'D) (Provide Applicable ADDITIONAL COMMENTS)	YES	NO	UNKNOWN	NOT APPLICABLE
<i>Any wood burning appliance must be inspected for compliance. These include a natural fireplace, a wood-burning stove, or a wood-burning furnace, etc.</i>				
6. (a) Is the woodstove(s)/chimney(s)/fireplace(s)/insert(s) in good working order?				
(b) Has the wood energy system been WETT inspected? (Wood Energy Technology Transfer)				
<i>The condition of the heating and cooling system should be identified as during certain times of the year, one or the other may not be in use when a buyer views the property.</i>				
7. Are you aware of any problems with the central air conditioning system?				
8. Are you aware of any problems with the heating system?				
<i>The next question is about any moisture or water problems. This includes any area of the home, including the roof, the basement, windows, doors, etc.</i>				
9. (a) Are you aware of any moisture and/or water problems?				
(b) Are you aware of any roof leakage or unrepaired damage? Age of roof covering				
(c) Are you aware of any damage due to wind, fire, flood, insects, termites, rodents, pets or wood rot?				
(d) Have any repairs been carried out to correct any past or present problems related to (a), (b) and/or (c)? If yes, explain in additional comments below.				
<i>The next set of questions obtains details about the electrical and plumbing. Both of these topics can impact the ability of a buyer to obtain financing or insurance.</i>				
10. (a) Are you aware of any problems with the electrical system? Size of service.....				
(b) Type of wiring: <input type="checkbox"/> copper <input type="checkbox"/> aluminium <input type="checkbox"/> knob-and-tube <input type="checkbox"/> other.....				
11. Are you aware of any problems with the plumbing system?				
12. Is there any lead, galvanized metal, cast iron or Kitec plumbing on the property?				
13. Are you aware of any problems with the swimming pool, sauna, hot tub, jet bathtub or lawn sprinkler system?				
<i>The next set of questions generally relate to the home and can assist Realtors® in identifying any additional areas of concern a buyer may have.</i>				
14. Are there any defects in any appliances or equipment included with the property?				
15. Do you know the approximate age of the building(s)? Age..... Any additions: Age.....				
16. Are you aware of any past or pending claims under the Taron Warranty Corporation (formerly ONHWP)? Taron Warranty Corporation/ONHWP Registration No.....				

The comments section can be used to clarify any of the information obtained regarding the questions above.

ADDITIONAL COMMENTS:

Based on the answers provided, Schedules may be included to assist in ensuring the Seller's information is complete and accurate. Any Schedule attached should be identified here.

Schedule(s) attached hereto and forming part of this Statement include:.....

The bolded statement below identifies the Sellers have provided the information based on their knowledge of the property as of this date. Sellers should be made aware that any changes to the information provided should be communicated to their REALTOR® as soon as possible. The statement provides an indemnification for the Brokerage should the information be inaccurate and permits the Brokerage to share a copy of the Form with any buyer. Under TRESA, Members are required to provide a copy of the Form to every buyer who expresses an interest in the property as soon as possible after a request has been made. Members can also use OREA Form 225 Seller Property Information Statement - Important Information for Sellers prior to completing any SPIS or similar form. Members should obtain the Seller's signature identifying they have received a copy of the complete Form.

The Sellers state that the above information is true, based on their current actual knowledge as of the date below. Any important changes to this information known to the Sellers will be disclosed by the Sellers prior to closing. Sellers are responsible for the accuracy of all answers. Sellers further agree to indemnify and hold the Brokerage/Broker/Salesperson harmless from any liability incurred as a result of any buyer relying on this information. The Sellers hereby authorize the Brokerage to post a copy of this Seller Property Information Statement into the database(s) of the appropriate MLS® System and that a copy of this Seller Property Information Statement be delivered by their agent or representative to prospective buyers or their agents or representatives. The Sellers hereby acknowledge receipt of a true copy of this statement.

.....
(Signature of Seller) (Date) (Signature of Seller) (Date)

The signing area below is completed when a REALTOR® provides a copy of a completed Form to a Buyer. Buyers should be advised to seek professional assistance regarding any of the information completed by the Seller.

I acknowledge that the information provided herein is not warranted and hereby acknowledge receipt of a copy of the above information including any applicable Schedule(s).

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(Signature of Buyer) (Date)
.....
(Signature of Buyer) (Date)