

## Documents for the Purchaser



**By Brian Madigan LL.B.**

If you have just sold your house, what should you be leaving for the purchaser?

### **Title Documents**

I am assuming that you have already delivered copies of these documents to your lawyer. However, in cleaning up, it's possible that you might have extra copies of the title deed, statutory declarations, survey, committee of adjustment application and so on.

### **Building Plans**

Although not quite title documents, plans for the building drawn up by an architect, or even the copies of the model home from the builder may have some value to the new owner. This might also include any new additions to the building or plans for the swimming pool.

### **Contact Information Municipality**

Each year most municipalities will send around a yearbook. While it may not be at your fingertips while you live in the house, you may come across it before you move. Perhaps the most useful information might be garbage day and the rules related to recycling etc. This is extremely useful to someone who has just moved in.

### **Utilities**

You might have some contact information for the utilities and this could be helpful to the new owner. The amount of the service and related costs may assist the new owner setting up an account. This would include hydro, gas, telephone and cable systems and of course, don't forget the internet.

## **Guarantees and Warranties**

You may have installed a new furnace, a new air conditioner, air filter, septic system or replaced the roof etc. Most of the time, these items are under warranty, sometimes just for a year or two, but often for 15 or 20 years in the case of windows, doors and roofing. Oftentimes, these warranties are transferable. So, leave them in the folder for the new owner.

## **Operational Handbooks**

There are a lot of appliances and devices that come with installation instructions and operational handbooks. There are also unused materials that will be helpful if a repair becomes necessary. Leave them behind. You don't need them anymore.

Here's a quick list that might be of some help:

### **Appliances**

- Refrigerator
- Stove
- Oven
- Cooktop
- Microwave
- Dishwasher
- Garburator
- Barbecue
- Smoke alarms
- CO2 alarms

### **Systems**

- Furnace
- Air conditioner
- Hot water tank
- Water softener
- Air cleaner
- Central vacuum system
- Hydraulic pump
- Garage door openers
- Remotes control for fireplace
- Swimming Pool equipment and accessories
- Any other motors or pumps

### **Extras**

- Wood boards for fence
- Wood strips for floor

Tiles for flooring  
Bricks for patio  
Shingles for roof  
Paint and wallpaper

The test should be whether you, if you were the new owner might find the item useful in some way. So, junk is still junk and garbage is still garbage! Throw out and dispose of the stuff that you should have gotten rid of a long time ago.

### **Protecting Yourself against Claims**

Alright, now that you have decided to be the Good Samaritan, you don't want to end up being sued. So, what can go wrong here? Well, permits that you did not comply with, setbacks that were not adhered to, items that you know for sure are defective and will not measure up to the representation in the agreement. Here, look at the terms of the agreement, and if you are uncertain, then speak with your realtor, or your lawyer.

Another, way to protect yourself against possible claims by a new purchaser is to document the condition of the premises on closing. Get yourself a video camera and tape everything. It should take less than 30 minutes. Go through the entire house, turn on all the taps, the appliances, show that the doors and windows don't stick. Videotape hallways, floors and particularly high risk areas. Do your taping when the house is vacant. This will clearly demonstrate that your movers didn't do any damage. Or, maybe it will show that they did, in which case, they are responsible for the repair, not you. However, on closing day, the purchaser will be looking for you to take responsibility. You'll need this tape, to prove your claim to your own movers.

Now, let's assume that the new purchasers are moving themselves in after closing. This is the time when walls get banged and bumped and it is more likely to happen if their friends are helping rather than professional movers. And, the friends won't have insurance or handymen on staff to repair the damage. So, you will often hear "...no, it was like that when I got here....".

An excellent defence to any claim is a videotape of the condition of the house when you left.

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