

DECLARATIONS BY THE SELLER OF THE IMMOVABLE  
DIVIDED CO-OWNERSHIP

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AMENDMENTS - HIGHLIGHTS

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The content of the *Declarations by the seller of the immovable – Divided co-ownership* (DSD) form has been greatly improved. **Several questions have been further detailed or reworded** to ensure better transparency between the parties and prevent misunderstandings regarding the scope of certain questions, which could be a source of dispute.

**New questions** have been added to take current trends and new legislation into account, including questions regarding short-term leasing, self-insurance fund, former dump, the system that improves energy efficiency, etc.

The comments below concern the **main changes** and refer to the new numbering of sections and questions.

To make it easier, we are including a **concordance table** between the amended form and its previous version.

**NOTE**

The note now contains a preamble that specifies the purpose of the seller's declarations. The collection of information from the seller using this form is an essential step in uncovering any unfavourable factors concerning the immovable.

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MAIN QUESTIONS ADDED OR REFORMULATED

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**D2 – GENERAL INFORMATION**

**D2.5** Addition of a question on the self-insurance fund to take into account the obligation of the syndicate of co-owners to establish a self-insurance fund:

*D2.5 Is there a self-insurance fund?*  yes  no

**D2.6** Clarification of the question on the asset management plan to include the maintenance log:

*D2.6 Does the syndicate of co-owners have an asset management plan (contingency fund survey and maintenance log)?*  yes  no

**D2.9 b)** Question added concerning short-term leasing:

*D2.9 b) Is it a short-term rental (less than 30 days)?*  yes  no

**D2.9 g)** Reformulation of the question concerning a tenant or the spouse of a tenant aged 70 or over to take into account article 1959.1 of the C.C.Q:

*D2.9 g) Do you have a tenant or a spouse of a tenant aged 70 or over AND who has been living in his dwelling for 10 years or more?*  yes  no

**NOTE: Some restrictions may apply to evict this tenant and his spouse or repossess his dwelling.**

## D4 – LAND (SOIL)

**D4.9** Question added concerning a former dump or landfill site:

*D4.9 Is there information indicating that your private portion is located on a former dump or landfill site?*

yes  no

*If so, indicate the source of this information: \_\_\_\_\_*

## D5 – BASEMENT AND FOUNDATION

**D5.1** Question added concerning the type of foundation:

*D5.1 What is the type of foundation?  stone  wood  concrete block  concrete  don't know  other*

## D7 – ROOF

**D7.4** Clarification of the question concerning the type of roof covering:

*D7.4 What type of roof covering is installed?  don't know  asphalt shingles  cedar shingles  bitumen and gravel  elastomeric membrane  sheet metal  other*

## D8 – PLUMBING AND DRAINAGE

**D8.3 b)** Question added regarding the year the sump pump was installed.

*D8.3 b) In what year was the sump pump installed? \_\_\_\_\_  don't know*

**D8.6 b) c)** Question added regarding the water heater leasing:

*D8.6 Water heater:*

*b) Is it or are they leased?  yes  no*

*c) What is the leasing cost? \$ \_\_\_\_\_  don't know*

## D9 – ENERGY

**D9.8** Question added regarding systems to improve energy efficiency:

*D9.8 Does the immovable have a system that improves energy efficiency?  yes  no*

*If so, which one?  wind turbine  solar panel  other*

## D10 – HEATING, AIR CONDITIONING AND VENTILATION

**D10.13 g)** Question added regarding the compliance of the supplemental heating device:

*D10.13 Does your private portion have a supplemental heating device?*

*g) Does it comply with applicable regulations?  yes  no*

**D10.14 e)** Question added regarding the compliance of the chimney:

*D10.14 Does the main or supplemental heating system include a chimney?*

*g) Does it comply with applicable regulations?  yes  no*

## D14– COMMON PORTIONS

**D14.1** Clarification of the question on the restrictions of public law to include airport zones and land movement risks:

*D14.1* Are the common portions affected by restrictions of public law that are exceptions to ordinary law apart from what is mentioned in the declaration of co-ownership?  don't know  yes  no

- The immovable is located in a flood risk area;  yes  no
- Urban planning by-laws limit the use that can be made of the immovable (zoning, subdivision, construction, conditions for obtaining a permit or other);  yes  no
- The immovable is located within an airport zone;  yes  no
- The immovable is subject to a heritage protection law or regulation;  yes  no
- The immovable is located in an agricultural zone;  yes  no
- Restrictions related to environment protection laws apply to the immovable;  yes  no
- The immovable is located in a land movement risk area;  yes  no
- If other, specify: \_\_\_\_\_;

## D15 – DETAILS

To draw attention to the importance of providing more concrete details in this section, examples have been added of documents and type of explanation to be provided.

## D16 – SIGNATURES

### **Box before the signatures – Role of the OACIQ**

In accordance with section 16.2 of the *Regulation respecting brokerage requirements, professional conduct of brokers and advertising* (c. C-73.2, r. 1), this box contains an informative text about the mission of the OACIQ. If the licensee provides the party with the revised DSD form containing this box, he complies with the obligation under section 16.2 and does not have to provide any other separate documents about the mission of the OACIQ.

### **New obligation for the seller in case of non-exclusive brokerage contract**

In the case of a non-exclusive brokerage contract to sell, the seller must make the DSD form, as well as any amendments and documentation related thereto, available to any other agency or broker with whom he has signed another brokerage contract. This new obligation is justified by the need to ensure consistency of the information provided by the seller. However, this obligation does not replace that of completing the DSD form each time the seller signs a new brokerage contract with another broker.

**OTHER CHANGES ARE STRUCTURAL OR TECHNICAL IN NATURE.**