

ARTICLES FROM THE BEAR'S DEN - COMPLIMENTS OF PETER LINDSAY



CHATELS AND FIXTURES

There is a difference between items that a buyer would normally expect to be included in the sale of a home and those items that a seller would consider to be their personal possessions.

Knowing the difference between the two is extremely important.

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Put it in Writing

Purchasing a home for a great many buyers can be a somewhat daunting process. In addition to deciding on the price, possession date, terms, conditions, and other important factors it is not uncommon for a buyer to have to decide if they want certain items such as the fridge, stove, washer or dryer, to be included in the purchase price.

These sorts of items are, however, usually considered to be a seller's personal possessions, or chattels, since they can in most cases simply be unplugged and removed from the home in the same way for example as a television set, lamp, or computer.

As such it is important for a buyer to remember to ask for any items that may be considered as chattels in writing, since a seller would not normally be obligated to leave them behind unless they had previously been specified in writing in the Contract of Purchase and Sale that the buyer and seller had signed.

Fixtures on the other hand are those items that are considered to be a permanent improvement to the property in question, for example, ceiling light fixtures, doors, fixed carpeting or a built in dishwasher. These types of items would under normal circumstances be expected to remain with the home and to be in substantially the same condition on the completion date as when they were first viewed by a buyer.

Many of the items deemed to be fixtures will often, because of their nature, already be specified in the pre-printed portion of the Contract of Purchase and Sale that your Realtor will prepare, but if there is any doubt about the nature of a particular item that you would like to have remain with the home, then it is always advisable to be sure and put your request in writing.

Doing so at the time your offer is first presented by your Realtor to the seller is often the best course of action, since clearly stating your particular request early on in the negotiation process usually goes a long way to lessening the possibility of a misunderstanding or dispute prior when it comes time to getting the keys and taking possession of your new home.

Clarity is important in all matters and it is especially so when it comes to chattels and fixtures.

For information on homes currently for sale in the Greater Victoria area please contact me at your convenience at peterb@vreb.bc.ca if I can be of service to you and your family.