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CHATELS AND FIXTURES: PUT IT IN WRITING BEFORE YOU SELL

If you are thinking of selling your home, have you given much thought to what you plan to leave with the home and what you would like to take with you, such as the washer and dryer, the fridge and stove, or even that heirloom chandelier in the dining room?

While these may not seem like important concerns right now, your failure to address them in your listing and the contract of purchase and sale could lead to a major misunderstanding with a potential buyer. The last thing you would want is the loss of a sale of your home due to a dispute or misunderstanding over a relatively minor item.

A REALTOR will guide you through the listing process and will ask you what you want to include in the sale. It is a good idea, however, to make up a list before meeting with your REALTOR to ensure you do not forget something.

Chattels are normally removed

When chattels are included in the agreement, they must be listed in the contract of purchase and sale. It is fairly common practice for sellers to include items, which would normally be considered as chattels, such as appliances and window coverings, in the selling price.

Fixtures normally stay

A REALTOR will explain that fixtures are permanent improvements to a property which normally stay with the property as part of the sale. For example, if you have upgraded your wiring or heating system, these are considered to be permanent fixtures. Keep in mind, however, that the law is not always crystal clear about what constitutes a fixture. There are circumstances where you may plan to remove something that might ordinarily be considered a fixture — like your chandelier.

Other items to consider are lawn ornaments, smoke alarms, and built-in vacuum cleaners. These types of items are generally left with the home, but some people still like to take things with them. If you tend to be one of these people, clearly state in writing what WILL NOT be included in the sale. Most buyers would assume that these types of fixtures will be included in the sale unless you specify the contrary in the listing. It is absolutely necessary that you set out these stipulations in the contract of purchase and sale.

If in doubt?

If there is any doubt about a particular item, your REALTOR will include it in the list of items to be included or excluded from the purchase price. That way, if there is any question, the situation has already been addressed.

If you have any concerns, talk to your REALTOR. As a trained professional, he or she will be able to guide you smoothly through the selling process and answer any questions you may have.