

Residential Real Estate: Representing Sellers

Put a checkmark beside each item as they are completed

Done

Discuss the implications of unhealthy concentrations of radon gas with the seller

- Explain what radon gas is and its health implications to the seller
- Ask if the sellers have tested their home for the presence of radon gas and whether they used a reliable radon test

If the seller has tested for radon

- Ask for a copy of the certified test results.

The results show less than 150 Bq/m³

- If the results were 150 Bq/m³ and below, this may be a selling feature as no remediation is required at these levels.

The results show 200 Bq/m³ or higher

- Ask the seller if they remediated the home and used certified C-NRPP professionals.
- If the seller has done nothing to mitigate the radon gas, this is a material latent defect and you must disclose the defect to potential buyers.
- Discuss with the seller the potential for them to obtain a remediation estimate or remediate the defect.

If the seller has not tested for radon

- Inform them of the different approaches buyers may take
- If the home was built after November 1, 2015, look for the rough-in installation for a radon sub-slab depressurization system
- Provide the sellers with radon related links or publications.

Residential Real Estate: Representing Buyers

Check off each item as they are completed	Done
Educate the buyer about radon	
<ul style="list-style-type: none"> • Discuss the implications of unhealthy concentrations of radon gas 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Provide the buyers with radon related links or publications. 	<input type="checkbox"/>
Has the seller tested for radon?	
<ul style="list-style-type: none"> • Ask the seller's representative if the sellers have tested for radon gas concentrations in the home and whether they used a reliable radon test 	<input type="checkbox"/>
<ul style="list-style-type: none"> • If the sellers have tested, ask for a copy of the certified test results 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Do a thorough search of the basement to search for rough-in radon remediation installations 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Inform the buyer that the previous radon test results will no longer be valid if substantial renovations are done to the property. 	<input type="checkbox"/>
If the property was tested:	
<ul style="list-style-type: none"> • If the results are significantly (150 Bq/m³ and below) less than 200 Bq/m³, this may be a desirable feature to the buyers, as no remediation is required at these levels. 	<input type="checkbox"/>
<ul style="list-style-type: none"> • If the results were just slightly less than 200 Bq/m³, discuss the implications with the buyers and seek their direction. 	<input type="checkbox"/>
<ul style="list-style-type: none"> • If results show 200 Bq/m³ or higher, and the property was remediated by a certified C-NRPP professional, ask about the type of remediation and request evidence the work was completed (i.e. names of service providers, receipts, details of any follow up radon gas testing, etc.) 	<input type="checkbox"/>
<ul style="list-style-type: none"> • If results show 200 Bq/m³ or higher, and the seller has done nothing to mitigate the radon gas, provide this information to the buyers and ask for further instruction. 	<input type="checkbox"/>
If the property was not tested	
<ul style="list-style-type: none"> • If the sellers have not tested, inform the buyers of different approaches they may consider. Ask the buyers for further instruction and ensure you carry out their instruction, if any. 	<input type="checkbox"/>

Property Managers: Managing Residential Real Estate

Check off each item as they are completed	Done
Discuss the implications of unhealthy concentrations of radon gas with the landlord	
• Explain what radon gas is and its health implications	<input type="checkbox"/>
• Provide the landlord with radon related links or publications.	<input type="checkbox"/>
• Property managers must discuss radon with their landlord clients as tenant health is a legal matter under the <i>Public Health Act</i> and <i>Residential Tenancies Act</i> .	<input type="checkbox"/>
• Ask if the landlord has tested their property for the presence of radon gas and whether they used a reliable radon test.	<input type="checkbox"/>
If the landlord has tested for radon	
• Ask if the property was tested by a professional.	<input type="checkbox"/>
• Ask for a copy of the certified test results.	<input type="checkbox"/>
The results show less than 200 Bq/m³	
• Health Canada states that if radon gas is 200 Bq/m ³ or less, no remediation has to be done.	<input type="checkbox"/>
The results show 200 Bq/m³ or higher	
• If the landlord has remediated the home and hired a professional to remediate the property. Ask the landlord about the type of remediation, and request evidence the work was completed	<input type="checkbox"/>
• If the landlord has done nothing to mitigate the unhealthy concentration of radon gas, this is a material latent defect and you must disclose the defect to tenants. If the landlord instructs you not to disclose, then you must refuse to provide further services to or on behalf of the landlord, as they have asked you to withhold a required disclosure.	<input type="checkbox"/>
If the landlord has not tested for radon	
• The landlord is knowingly contravening the Public Health Act and Residential Tenancies Act. Inform them of the different approaches they may take to testing for radon and if necessary, mitigation.	<input type="checkbox"/>
If the landlord has not tested for radon, but the tenant has done their own testing and levels over 200 Bq/m³ are found, the tenant could:	
• File a complaint under the Public Health Act	<input type="checkbox"/>
• Sue for damages associated with the failure to providing a safe living environment	<input type="checkbox"/>
• Make an application for the termination of the tenancy under section 37 of the Residential Tenancies Act	<input type="checkbox"/>

Real Estate Professionals Representing Residential Tenants

Check off each item as they are completed	Done
Representatives should provide tenants with radon-related information.	<input type="checkbox"/>
Some of the topics representatives should discuss with tenants are:	
<ul style="list-style-type: none"> Tenants should ask the landlord or the landlord’s representative if they have tested their property for the presence of radon gas and whether they used a reliable radon test 	<input type="checkbox"/>
If the landlord has tested for radon	
<ul style="list-style-type: none"> Ask for a copy of the certified test results. 	<input type="checkbox"/>
The results show less than 200 Bq/m³	
<ul style="list-style-type: none"> Health Canada states that if radon gas is 200 Bq/m³ or less, no remediation has to be done. 	<input type="checkbox"/>
Results showing more than 200 Bq/m³ are above Health Canada’s standard for radon gas	
If the landlord has not remediated the property using certified professionals then the tenant may:	
<ul style="list-style-type: none"> Tell you that they are not interested in this property. 	<input type="checkbox"/>
<ul style="list-style-type: none"> Proceed with an offer to lease. 	<input type="checkbox"/>
<ul style="list-style-type: none"> Insert a term related to radon testing, reporting the results to the tenant, and performing remediation if required. 	<input type="checkbox"/>
<ul style="list-style-type: none"> The tenant may do their own radon testing. 	<input type="checkbox"/>
If the tenant asks you questions beyond the information that has been provided in this course refer them to the CARST member directory so that they can seek the advice of a radon expert. If the tenants concern relates to a specific purchase transaction, you need to be part of the discussion so that you can provide the tenant with the implications of the options being considered from a trade perspective.	<input type="checkbox"/>

Commercial Real Estate: Representing Sellers

Check off each item as they are completed

Done

Discuss the implications of unhealthy concentrations of radon gas with the seller

- Explain what radon gas is and its health implications to the seller
- Ask if the sellers have tested their building for the presence of radon gas and whether they used a reliable radon test

If the seller has tested for radon

- Ask for a copy of the certified test results.
- Were these test results provided by a certified C-NRPP professional or licensed testing laboratory?

The results show less than 200 Bq/m³

- If the results were significantly (150 Bq/m³ and below) less than 200 Bq/m³, this may be a selling feature as no remediation is required at these levels.

The results show 200 Bq/m³ or higher

- If the seller has remediated the building and used certified C-NRPP professionals to remediate the building, this will likely appeal to the prospective buyer.
- If the seller has done nothing to mitigate the radon gas, this is a material latent defect and you must disclose the defect to potential buyers.
- When the results are 200 Bq/m³ or higher, discuss with the seller the potential for them to obtain a remediation estimate or remediate the defect.

If the seller has not tested for radon

- Inform them of the different approaches buyers may take; prepare them in advance of any offers.
- Provide the sellers with radon related links or publications.

Commercial Real Estate: Landlord

Check off each item as they are completed

Done

Discuss the implications of unhealthy concentrations of radon gas with the landlord

- Explain what radon gas is and its health implications
- Provide the landlord with radon related links or publications.
- Ask if the landlord if they have tested their building for the presence of radon gas and whether they used a reliable radon test

If the landlord has tested for radon

- Ask for a copy of the certified test results.

The results show less than 200 Bq/m³

- Health Canada considers results at, or less than 200 Bq/m³, to be the maximum acceptable level.

The results show 200 Bq/m³ or higher

- If the results show 200 Bq/m³ or higher, and the landlord hired professional to remediate the properties, this will likely appeal to tenants.
- If the results show 200 Bq/m³ or higher, and the landlord has done nothing to mitigate the unhealthy concentration of radon gas, this is a material latent defect and you must disclose it to the commercial tenants.

If the landlord has not tested for radon, but their tenant does their own testing and levels over 200 Bq/m³ are found, the tenant could:

- File a complaint under the Public Health Act
- Sue for damages associated with the failure to providing an environment devoid of nuisances
- Terminate the tenancy

Radon Checklist—Commercial Real Estate (Buyer)

Check off each item as they are completed	Done
Discuss the implications of unhealthy concentrations of radon gas with the buyer	
<ul style="list-style-type: none">• Provide the buyer with radon-related links or publications.	<input type="checkbox"/>
If the seller has tested for radon	
<ul style="list-style-type: none">• Ask for a copy of the certified test results.• If a buyer is planning to do substantial renovation to the property after buying it, it is important to tell them that a previous radon test result will no longer be valid following the renovations.	<input type="checkbox"/> <input type="checkbox"/>
If the property was tested	
<ul style="list-style-type: none">• If the results were significantly (150 Bq/m^3 and below) less than 200 Bq/m^3, this may be a desirable feature to the buyers, as no remediation is required at these levels.• If the results were just slightly less than 200 Bq/m^3, discuss the implications with the buyers and seek their direction.• If the results were 200 Bq/m^3 or higher, but the property was remediated by a C-NRPP certified professional, ask the seller's representative about the type of remediation, and request evidence the work was completed.• If the results were 200 Bq/m^3 or higher, and the seller has done nothing to mitigate the unhealthy concentration of radon gas, you must give this information to the buyers and ask for further instruction.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
If the property was not tested	
<ul style="list-style-type: none">• Inform the buyers that they should seek an expert in radon remediation to provide advice as to whether testing should be pursued. After the expert advice is provided, ask the buyers for further instruction. Among other options, they may:<ul style="list-style-type: none">- Tell you they are not interested in this particular property and they wish to seek alternative properties.- Proceed with an offer to purchase, subject to radon testing.- Proceed with an offer to purchase with radon-related terms, such as testing and immediate remediation if levels are above 200 Bq/m^3.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
If the property is to be used as a childcare facility	
<ul style="list-style-type: none">• The real estate professional should advise their buyer of the impending <i>Child Care Licensing Act</i> legislation.	<input type="checkbox"/>

Radon Checklist—Representing Commercial Tenants

Check off each item as they are completed

Done

Discuss the implications of unhealthy concentrations of radon gas with the tenant

- Provide the tenant with radon-related links or publications.
- Tenants should ask the landlord or the landlord's representative if the landlord has tested for radon gas concentrations in the property.

If the landlord has tested for radon

- Ask for a copy of the certified test results.

The results show 200 Bq/m³ or higher

- If the results show 200 Bq/m³ or higher, they are above the Health Canada standard for radon gas and indicate a dangerous concentration of radon gas. The tenant should consider other properties.
- They should alert the real estate professional representing the landlord, or the landlord if unrepresented, of the need to comply with the *Public Health Act*. If the landlord has not tested for radon, talk to the tenants about their options. They may:
 - Tell you they are not interested in this property.
 - Proceed with an application or an offer to lease.
 - Insert a term related to radon testing, reporting the results to the tenant, and doing remediation if required.

The tenant may do their own radon testing

- If the radon gas concentrations in the rental premises exceed 200 Bq/m³, the tenant can pursue provisions under the *Public Health Act*, Nuisance and General Sanitation Regulations.

If the property is to be used as a childcare facility

- The real estate professional should advise their tenant of the impending *Child Care Licensing Act* legislation.