

Radon Due Diligence Checklist: Representing Commercial Landlords

This checklist is not an exhaustive list of all radon matters in connection with a potential real estate transaction but is provided to assist real estate professionals perform their due diligence activities.

When representing a landlord:	Done
<p>Provide Radon Information</p> <ul style="list-style-type: none"> • Discuss what radon is and its health impacts. • Explain the landlord is obligated to provide a safe environment under the <i>Public Health Act</i> and, if applicable, the <i>Residential Tenancies Act</i>. • Educate the landlord about available resources: <ul style="list-style-type: none"> - Guide for Radon Measurements in Public Buildings, available on the Government of Canada website at canada.ca. - Radon in our Homes: The Science Behind the Danger, available on YouTube at youtube.com. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>Inquire About Radon Testing</p> <ul style="list-style-type: none"> • Ask the landlord if they have tested the property for radon. 	<input type="checkbox"/>
<p>Landlord Has Not Tested for Radon</p> <ul style="list-style-type: none"> • Advise the landlord not having radon testing done could create uncertainty in prospective tenants' minds. • Explain not having testing done could delay or jeopardize a potential transaction because testing takes at least three months to complete, not including the time required for measurements to be sent to and analyzed by a certified laboratory or to receive and review the resulting report. • Advise the landlord if a tenant conducts their own radon testing and discovers high radon levels they could: <ul style="list-style-type: none"> - File a complaint under the <i>Public Health Act</i>. - Sue for damages associated with the landlord's failure to provide an environment devoid of nuisances. - Terminate the tenancy. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>Landlord Has Tested for Radon</p> <ul style="list-style-type: none"> • Ask who performed the testing. • Ask what device(s) were used for testing. • Ask the length time over which testing was undertaken. • Ask for a copy of the certified test results. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>Radon Levels are 150 Bq/m³ or Less</p> <ul style="list-style-type: none"> • Ask the landlord if they want this information communicated. 	<input type="checkbox"/>

Radon Due Diligence Checklist: Representing Commercial Landlords

When representing a landlord:	Done
<p>Radon Levels are 200 Bq/m³ or Higher</p> <ul style="list-style-type: none"> • Discuss with the landlord their options to remediate or not and the advantages and disadvantages of each option. • Encourage the landlord to undertake remediation immediately to ensure compliance with the <i>Public Health Act</i>. • Advise the landlord that if a tenant conducts testing and discovers the high radon levels there could be significant costs (i.e. fines and/or damages) and/or premature termination of the tenancy. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>Landlord Has Not Performed Radon Remediation</p> <ul style="list-style-type: none"> • Inform the landlord the radon level is considered a material latent defect and must be disclosed to prospective tenants. 	<input type="checkbox"/>
<p>Landlord Has Performed Radon Remediation</p> <ul style="list-style-type: none"> • Ask the landlord for details about the remediation measures taken. • Request evidence of the work completed (e.g. names of service providers, receipts, details of any follow up testing). 	<input type="checkbox"/> <input type="checkbox"/>