



BROKERS' ACTIONS



LAKE ACCESS AND SERVITUDE OF PASSAGE

HOW TO AVOID THIS SITUATION

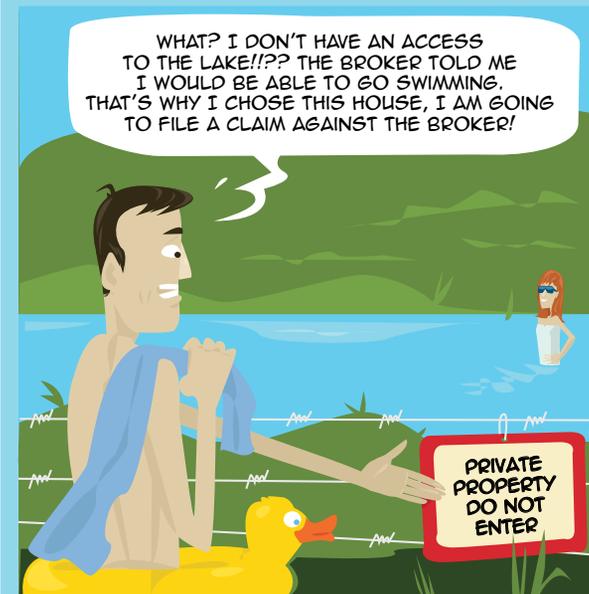
A **servitude of passage, or right of way to the lake**, is a right to pass over someone's property. Never assume that a servitude is legal: always do the necessary verifications and inform the prospective buyer of the situation. You should also know that in addition to finding out about the existence of a servitude, you must validate **its nature and scope**, e.g. whether the owner has made use of the servitude in the last ten (10) years, whether the servitude is only a personal one, etc. Poor understanding of a servitude could lead to unfortunate consequences. When in doubt, consult a professional such as a lawyer or notary.

THE PRO'S ADVICE

You must always validate the information, and never assume anything. Servitudes¹ (including rights of way) are usually documented in the **Québec Land Register** and on the **deed of sale**. You can also find information with the municipality as well as on an up-to-date **certificate of location**. In addition, a question pertaining to this is included in the document "Declarations by the seller", which is now mandatory. Don't forget to keep a copy of these documents on file!

CONSEQUENCES

In addition to exposing the client to an unpleasant situation, consider the consequences of this type of error for the broker. If you are held responsible and compensation is paid to the claimant, you will be liable for the deductible on your insurance. You should also know that a court action will have an impact on your personal credit record during the entire length of the dispute, not to mention **the loss of time** that this will cause you. You're always better safe than sorry.



Fonds d'assurance responsabilité professionnelle
du courtage immobilier du Québec

WWW.FARCIQ.COM

1. Article 1177 of the *Civil Code of Québec*.