

Sample Legal Language for Sales/Purchase Agreements

1. The CHBA Net Zero Home Labelling Program (the Program) recognizes builders and service professionals who commit to meet its Program requirements, and recognizes houses that these builders and service professionals attest to meeting the Program's Technical Requirements.
2. The Canadian Home Builders' Association (the CHBA) is a national not-for-profit organization with voluntary membership comprising new home builders, renovators, developers, trades, manufacturers, suppliers, lenders and other professionals. CHBA is not a construction company, warranty organization, certification or standards body in any way. The CHBA provides this Program to help interested homebuyers identify net zero builders, renovators and homes, and to support its members who are looking to provide these homes to homebuyers and homeowners.
3. The CHBA Net Zero Home Labelling Program Technical Requirements (the Technical Requirements) use the standards developed by the Department of Natural Resources Canada (NRCan), of the Government of Canada, that can be used to build to net zero or net zero ready performance under the following programs:

Issuing Agency	Document
NRCan	2012 R-2000 Standard
NRCan	ENERGY STAR® for New Homes (ESNH) Standard v12 or v17
NRCan	EnerGuide Rating System (ERS) v15.x
NRCan	ENERGY STAR® for New homes (ESNH) – Technical Procedures – v17.x
NRCan	EnerGuide Rating System (ERS) – HOT2000 User Guide - v15.x
CHBA	Net Zero Home Labelling Program Technical Requirements v1.x
CHBA	Net Zero Home Labelling Program Administrative Requirements v1.x
CHBA	Net Zero Home Labelling Program Technical Procedures Guidebook v1.x

4. Net Zero/Ready Homes shall comply with the applicable building codes and regulations, in addition to the requirements of this Program. This Program is not a substitute for local, provincial, or territorial building codes; it is an additional set of requirements that are intentionally more stringent in the areas of energy efficiency and net energy consumption.
5. A CHBA Qualified Net Zero Home and a CHBA Qualified Net Zero Ready Home that is labelled under the Program is a home that is recognized by CHBA, on the basis of the attestations (by the builder/renovator, its Qualified Net Zero Service Organization and a Qualified Net Zero Energy Advisor) to have met the Technical Requirements, including the energy performance rating using NRCan's EnerGuide Rating System (ERS).
6. A CHBA Qualified Net Zero Service Organization (the Service Organization) must meet the ongoing requirements of the Program, including being licensed through NRCan to deliver EnerGuide, and ENERGY STAR® or R-2000. See above for more information on the Service Organization requirements for qualification under the Program.
7. A CHBA Qualified Net Zero Energy Advisor (the Energy Advisor) must meet the ongoing requirements of the Program, including being registered through NRCan to deliver EnerGuide and ENERGY STAR® or R-2000. See above for more information on the Energy Advisor requirements for qualification under the Program.
8. A CHBA Qualified Net Zero Trainer (the Trainer) must meet the ongoing requirements of the Program, including being licensed through NRCan to deliver training for ENERGY STAR® and/or R-2000. See above for more information on the Trainer requirements for qualification under the Program.

9. A CHBA Qualified Net Zero Builder/Renovator (the Builder/Renovator) must meet the ongoing requirements of the Program, including being an EnerGuide registered Builder through NRCan. See above for more information on the Builder requirements for qualification under Program.
10. HOT2000 is an energy simulation and design tool for low-rise residential buildings developed and managed by the Office of Energy Efficiency at Natural Resources Canada. HOT2000 supports Natural Resources Canada's EnerGuide Rating System (ERS), ENERGY STAR for New Homes (ESNH) and R-2000 energy efficiency residential programs. The new v15 ERS scale gives a consumption-based rating measured in gigajoules (GJ) per year using version 11 of HOT2000, as compared to the 0-100 scale in the ESNH and R-2000 programs which still use version 10 of HOT2000.
11. The energy performance rating required for recognition under the Program means that the house has been rated to achieve a net zero energy consumption rating equal to or less than zero gigajoules (0 GJ) per year using version 11 of HOT2000, and other program requirements.
12. Service Professionals' Attestation: The Energy Advisor and Service Organization review the home design and construction and attest that it meets the Program's Technical Requirements. Any digressions from the design, testing, construction and evaluation procedures for a given house are the exclusive responsibility of the Energy Advisor and the Service Organization. CHBA in no way warrants the work of the Service Professionals on any given house.
13. It is the Builder's responsibility to ensure the house meets the Technical Requirements (including the energy performance rating using NRCan's ERS) on the basis of the work by the Service Professionals, and that the house meets any and all applicable local building codes and standards. The builder attests that the home has been built to meet the Program's Technical Requirements, and any digressions therefrom are the exclusive responsibility of the builder. The contract for the home's construction is exclusively between the builder and the Purchaser of the home or, in the case of a renovation, the homeowner.
14. Warranty: CHBA members are required to register all their homes with a warranty provider, including their Net Zero/Ready Homes.
15. CHBA is not a warranty organization and as such CHBA in no way warrants construction of the house or its energy performance. The Net Zero/Ready Home label is in no way a warranty. CHBA does not conduct its own construction, renovation or evaluation, and does not take responsibility for the performance or accuracy thereof, or for any responsibilities (contractual or otherwise) to the Purchaser of the home or in the case of a renovation, the homeowner.
16. Actual Energy Consumption will vary according to occupant behaviour, actual fluctuating yearly climatic conditions, and other factors. As such, the rating is specifically not a prediction of net zero energy consumption or zero energy cost in any given year. It is instead a rating of the net annual energy use of the home, in an average climatic year, based on assumed standard occupancy, occupant energy loads, and operating conditions according to NRCan's ERS. Occupant factors, such as the number of occupants, occupant behaviour, and occupant selected and controlled appliances and electronics, as well as climatic conditions (e.g. temperature, solar radiance) will vary and affect the actual annual energy consumption and production of the home.
17. Ongoing maintenance to ensure optimum performance is solely the responsibility of the homeowner(s).
18. The rating is predicated on the data and standards specifically at the time of the evaluation, and not at a later date.
19. Per all of the above, achieving net zero energy consumption in any given year is not, and cannot be guaranteed by the builder, Natural Resources Canada, the Service Organization, Energy Advisor, or CHBA. Under the varying conditions that will be experienced, the house may use more or less energy than the rating.