

ACCESS TO PROPERTY – HOME INSPECTIONS

Purpose: This bulletin explains a real estate professional's obligations and responsibilities when they request and give access to residential property for home inspections.

This bulletin applies to real estate professionals.

Real estate professionals must seek the seller's timely and informed consent, provide access for home inspections, remain on the property during the inspection, and properly secure the property once the inspection is complete. Most often, the buyer's representative takes responsibility with consent from the seller through the seller's representative.

Buyers don't always choose a licensed home inspector for this service. Examples of other inspectors and service providers include:

- structural engineer
- roofer
- heating, plumbing, electrical service provider
- relative or friend of buyer with house construction knowledge

Some Alberta real estate boards (Boards) accept home inspectors as affiliate members. The Board may provide those home inspectors with access to the Board's lockbox system. This does not relieve the real estate professional of their responsibility for care and control of the property.

A fiduciary is an individual in whom another places utmost trust and confidence to manage and protect property or money. Real estate professionals accept certain obligations as fiduciaries. A home inspector conducting a home inspection service is not a fiduciary. The inspector has no relationship with the seller, and has a service relationship with the buyer.

RECA's Professional Conduct Review unit receives complaints about home inspections from sellers. Examples of some common complaints include:

- the inspection took much longer to complete than the seller agreed
- the property was damaged during the inspection
- something was stolen from the property during the inspection
- the seller arrived home and found the home inspector alone with no supervision

- the seller arrived home and found the buyers with family members and friends alone with no supervision from the real estate professional
- the seller arrived home and found a service provider other than the inspector for whom the seller gave consent
- the seller arrived home and found the door unlocked

A disconnect between seller expectations and what actually occurs in a home inspection is a common thread. Real estate professionals must seek timely and informed consent from the seller. The seller must understand all the particulars of granting access to their home for an inspection. The real estate professional must ensure the seller understands the implications of those choices and ensure compliance with the seller's permission. To simply request access for a home inspection for a period of time on a specific date is insufficient. You will find an example consent checklist under the Practice tip heading below.

Summary

Real estate professionals are not typically qualified to interpret the results of a home inspection. Your presence at the property is to give access, supervise the event, ensure compliance with the permission granted, provide follow up service and alternatives to the buyer to deal with issues found during the inspection, and ensure the property is secure when finished.

Related information

Legislation

- *Real Estate Act* Rules – section 41(b)

Information Bulletins

- Competent Service

Practice tip

Industry professionals should document all access to any property. The record of access should be placed in the brokerage file. When you request and give access to property for inspections, you must ensure the seller receives full particulars of the event. You will find an example consent checklist below. It contains a list of the particulars you must give to the seller. You must receive consent from the seller to proceed.

Example property inspection consent checklist

PROPERTY INSPECTION CONSENT CHECKLIST	Consent
<p>DETAILS of APPOINTMENT</p> <ul style="list-style-type: none"> • Appointment for _____ inspection <input type="checkbox"/> • Date: _____ <input type="checkbox"/> • Inspection begins at _____ am/pm and ends at _____ am/pm <input type="checkbox"/> 	
<p>WHO WILL BE PRESENT AT THE INSPECTION?</p> <ul style="list-style-type: none"> • Real estate professional _____ Either, will be present for the entire inspection _____ <input type="checkbox"/> Or, will NOT be present for the entire inspection _____ <input type="checkbox"/> • Inspector _____ <input type="checkbox"/> • Buyer(s) _____ <input type="checkbox"/> • Other _____ Why? _____ <input type="checkbox"/> • Other _____ Why? _____ <input type="checkbox"/> • Other _____ Why? _____ <input type="checkbox"/> • Other _____ Why? _____ <input type="checkbox"/> • Other _____ Why? _____ <input type="checkbox"/> • Other _____ Why? _____ <input type="checkbox"/> • Other _____ Why? _____ <input type="checkbox"/> • Other _____ Why? _____ <input type="checkbox"/> 	
<p>RESPONSIBILITY TO MANAGE AND PROTECT PROPERTY</p> <ul style="list-style-type: none"> • Real estate professionals commonly request access to property for service providers acting at the request of buyers. <input type="checkbox"/> • They must give the seller full particulars of the access for inspection. <input type="checkbox"/> • Real estate professionals accept responsibility to manage and protect the property. <input type="checkbox"/> • If not present during the inspection, real estate professionals remain accountable to manage and protect the property. <input type="checkbox"/> <p>Real Estate Professional _____</p> <p>Brokerage _____</p>	

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