

## **INFORMATION ABOUT THE PROPERTY DISCLOSURE STATEMENT**

### **RURAL PROPERTY - LAND AND STRUCTURE**

THIS INFORMATION IS INCLUDED FOR THE ASSISTANCE OF THE PARTIES ONLY. IT DOES NOT FORM PART OF THE PROPERTY DISCLOSURE STATEMENT.

#### **EFFECT OF THE PROPERTY DISCLOSURE STATEMENT:**

The property disclosure statement will not form part of the Contract of Purchase and Sale unless so agreed by the buyer and the seller. This can be accomplished by inserting the following wording in the Contract of Purchase and Sale:

“The attached Property Disclosure Statement dated

\_\_\_\_\_ yr. \_\_\_\_\_ is incorporated into

and forms part of this contract.”

#### **ANSWERS MUST BE COMPLETE AND ACCURATE:**

The property disclosure statement is designed, in part, to protect the seller by establishing that all relevant information concerning the property has been provided to the buyer. It is important that the seller not answer “do not know” or “does not apply” if, in fact, the seller knows the answer. An answer must provide all relevant information known to the seller. In deciding what requires disclosure, the seller should consider whether the seller would want the information if the seller was a potential buyer of the property.

#### **BUYER MUST STILL MAKE THE BUYER'S OWN INQUIRIES:**

The buyer must still make the buyer's own inquiries after receiving the property disclosure statement. Each question and answer must be considered, keeping in mind that the seller's knowledge of the property may be incomplete. Additional information can be requested from the seller or from an independent source such as the Municipality or Regional District. The buyer can hire an independent inspector to examine the property and/or improvements to determine whether defects exist and to provide an estimate of the cost of repairing problems that have been identified on the disclosure statement or on an inspection report.

#### **FOUR IMPORTANT CONSIDERATIONS:**

1. The seller is legally responsible for the accuracy of the information which appears on the property disclosure statement. Not only must the answers be correct, but they must be complete. The buyer will rely on this information when the buyer contracts to purchase the property. Even if the property disclosure statement is not incorporated into the Contract of Purchase and Sale, the seller will still be responsible for the accuracy of the information on the property disclosure statement if it caused the buyer to agree to buy the property.
2. The buyer must still make the buyer's own inquiries concerning a property in addition to reviewing a property disclosure statement, recognizing that, in some cases, it may not be possible to claim against the seller, if the seller cannot be found or is insolvent. The buyer should determine the farm or acreage size (i.e., hectares) by survey or other means.
3. Anyone who is assisting the seller to complete a property disclosure statement should take care to see that the seller understands each question and that the seller's answer is complete. It is recommended that the seller complete the property disclosure statement in the seller's own writing to avoid any misunderstanding.
4. If any party to the transaction does not understand the English language, consider obtaining competent translation assistance to avoid any misunderstanding.

#### **ALTERNATE DISPUTE RESOLUTION:**

Parties to this contract (or PDS) may pursue alternate dispute resolution if a dispute arises after completion of the transaction.

It is recommended that the parties first mediate the dispute. Failing agreement to mediate, or if the mediation fails, then disputes can be submitted to an arbitration under the *Commercial Arbitration Act*.

BCREA member boards can provide guidance on the selection of mediation and arbitration services in your area.



# PROPERTY DISCLOSURE STATEMENT

## RURAL PROPERTY - LAND AND STRUCTURE



Date of Disclosure: September 21, 2009

PAGE 1 of 3 PAGES

The following is a statement made by the seller concerning the property located at:

**ADDRESS** ► 1082 Mt. Newton Cross Road Saanichton, BC V8M 1S2

**THE PROPERTY CONTAINS THE FOLLOWING STRUCTURES:**

1 Principal Residence         Residence(s)         Barn(s)    3 Shed(s)  
1 Other Structure(s) Please describe STUDIO / GUEST COTTAGE

THE SELLER IS RESPONSIBLE for the accuracy of the answers on this property disclosure statement and where uncertain should reply "do not know." This property disclosure statement constitutes a representation under any Contract of Purchase and Sale if so agreed, in writing, by the seller and the buyer.

THE SELLER SHOULD INITIAL THE APPROPRIATE REPLIES.

	YES	NO	DO NOT KNOW	DOES NOT APPLY
<b>1. PROPERTY</b> - This property disclosure statement is in respect of the land and the _____ (describe <b>one structure only</b> , for all other structures use the Rural Property Land and Structure Addendum)				
A. Indicate the water system(s) the structure uses: Well <input checked="" type="checkbox"/> Community <input type="checkbox"/> Private <input type="checkbox"/> Municipal <input type="checkbox"/> Other _____ <input type="checkbox"/> Not Connected <input type="checkbox"/>	MC			
B. Are you aware of any problems with the water system?		MC	/ / / /	
C. Are records available regarding the quantity and quality of the water available?	MC			
D. Are you aware of any uncapped or unclosed water wells on the property?		MC	/ / / /	
E. Are you aware of any water licences affecting the property?		MC	/ / / /	
F. Indicate the waste disposal system the structure uses: Septic <input checked="" type="checkbox"/> Lagoon <input type="checkbox"/> Holding Tank <input type="checkbox"/> Community <input type="checkbox"/> Municipal <input type="checkbox"/> Other: _____ <input type="checkbox"/>	MC			
G. Are you aware of any problems with the waste system?		MC	/ / / /	
H. If the system is septic or lagoon and installed after May 31, 2005, are maintenance records available?				MC
I. Are there any equipment leases or service contracts (i.e. septic removal)?		MC	/ / / /	
J. Are you aware of any underground oil storage tanks anywhere on the property?		MC	/ / / /	
K. Are you aware of any fuel storage anywhere on the property, past or present?		MC	/ / / /	
L. Are you aware of any chemical storage anywhere on the property, past or present?		MC	/ / / /	
M. Are you aware of any fill materials anywhere on the property?		MC	/ / / /	
N. Are you aware of any waste sites, past or present, excluding manure storage anywhere on the property?		MC	/ / / /	

Initials

ADDRESS **▶** 1082 Mt. Newton Cross Road

Saanichton, BC

V8M 1S2

1. PROPERTY (continued)		YES	NO	DO NOT KNOW	DOES NOT APPLY
O.	Are you aware of any encroachments, unregistered easements or unregistered rights-of-way?		MC		
P.	Are you aware of any current or pending local improvement levies/charges?		MC		
* Q.	Have you received any other notice or claim affecting the property from any person or public body?	MC			
R.	Has the property been logged in the last five years?		MC		
	(i) If yes, was a timber mark/licence in place?				
	(ii) If yes, were taxes or fees paid?				
S.	Is the property managed forest lands?		MC		
T.	Is the property in the Agricultural Land Reserve?		MC		
U.	Is there a plot plan available showing the location of wells, septic systems, crops and building improvements?		MC		
V.	Is there a survey certificate available?	MC			
W.	Are you aware if the property has been used as a marijuana grow operation or to manufacture illegal drugs?		MC		
X.	Are you aware of any material latent defect as defined in Real Estate Council of British Columbia Rule 5-13(1)(a)(i) in respect of the property?		MC		
Y.	Are you aware of any material latent defect as defined in Real Estate Council of British Columbia Rule 5-13(1)(a)(ii) in respect of the property?		MC		
2. STRUCTURE		YES	NO	DO NOT KNOW	DOES NOT APPLY
A.	Does the structure contain unauthorized accomodation?		MC		
B.	To the best of your knowledge, are the exterior walls insulated?	MC			
C.	To the best of your knowledge, is the ceiling insulated?	MC			
D.	To the best of your knowledge, has the structure ever contained asbestos products?		MC		
E.	Has a final building inspection been approved or a final occupancy permit been obtained?	MC			
* F.	Has any wood-burning device been installed, e.g., wood stove, wood fireplace, fireplace insert, wood furnace?	MC			
	(i) If yes, has it been approved by local authorities?				MC
G.	Are you aware of any additions or alterations made without a required permit and final inspection?		MC		
H.	Are you aware of any additions or alterations made in the last sixty days?		MC		
I.	Are you aware of any structural problems with the structure?		MC		
J.	Are you aware of any moisture and/or water problems in the walls, basement or crawl space?		MC		
K.	Are you aware of any damage due to wind, fire or water?		MC		
L.	Are you aware of any infestation or unrepaired damage by insects or rodents?		MC		
M.	Are you aware of any roof leakage or unrepaired damage? (Age of roof if known: <u>12</u> years)		MC		
N.	Are you aware of any problems with the electrical system? <u>UPDATED</u>		MC		
O.	Are you aware of any problems with the plumbing system?		MC		

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2. STRUCTURE: (continued)	YES	NO	DO NOT KNOW	DOES NOT APPLY
P. Are there any equipment leases or service contracts, i.e., security systems, water purification, etc.?		NE		
Q. Are you aware of any problems with the heating and/or central air conditioning system?		NE		
R. Are you aware of any problems with the swimming pool and/or hot tub?		NE		
S. Are you aware if the structure has been used as a marijuana grow operation or to manufacture illegal drugs?		NE		
T. Was this structure constructed by an "owner builder," as defined in the <i>Homeowner Protection Act</i> , with construction commencing, or a building permit applied for, after July 1, 1999? (If so, attach required Owner Builder Declaration and Disclosure Notice.)		NE		
U. Is this structure covered by home warranty insurance under the <i>Homeowner Protection Act</i> ?		NE		
V. Are you aware of any material latent defect as defined in Real Estate Council of British Columbia Rule 5-13(1)(a)(i) in respect of the structure?		NE		
W. Are you aware of any material latent defect as defined in Real Estate Council of British Columbia Rule 5-13(1)(a)(ii) in respect of the structure?		NE		

For the purposes of Clauses 1.X. and 1.Y. and 2.V. and 2.W. of this form, Council Rule 5-13(1)(a)(i) and (ii) is set out below.

**5-13 Disclosure of latent defects**

(1) For the purposes of this section:

Material latent defect means a material defect that cannot be discerned through a reasonable inspection of the property, including any of the following:

- (a) a defect that renders the real estate
  - (i) dangerous or potentially dangerous to the occupants
  - (ii) unfit for habitation

**3. ADDITIONAL COMMENTS AND/OR EXPLANATIONS: (Use additional pages if necessary.)**

1./Q THERE IS SOME DISCUSSION RE A WATER LINE (MUNICIPAL) BEING BUILT ALONG MT. NEWTON XROAD, BUT NOTHING HAS BEEN FINALIZED  
 2./E IN THE PAST, A WOOD STOVE WAS IN PLACE, PIPE IS STILL IN PLACE IN CHIMNEY, READY FOR RE-INSTALLMENT

The seller states that the information provided is true, based on the seller's current actual knowledge as of the date on page 1. Any important changes to this information made known to the seller will be disclosed by the seller to the buyer prior to closing. The seller acknowledges receipt of a copy of this property disclosure statement and agrees that a copy may be given to a prospective buyer.

**PLEASE READ THE INFORMATION PAGE BEFORE SIGNING.**

Merie Christoff  
 SELLER(S) \_\_\_\_\_ SELLER(S) \_\_\_\_\_

The buyer acknowledges that the buyer has received, read and understood a signed copy of this disclosure statement from the seller or the seller's brokerage on the 21 day of September yr. 2009. The prudent buyer will use this property disclosure statement as the starting point for the buyer's own inquiries.

**The buyer is urged to carefully inspect the property and structure and, if desired, to have the property and structure inspected by an inspection service of the buyer's choice.**

BUYER(S) \_\_\_\_\_ BUYER(S) \_\_\_\_\_

The seller and the buyer understand that neither the listing nor selling agencies or their representatives warrant or guarantee the information provided about the property and structure.