Real Estate Council Alberta

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Access to Property - Home Inspections

RECA Resource
Information Bulletins

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Purpose

This bulletin applies to real estate licensees. It explains a licensee's obligations and responsibilities when they request and give access to residential property for home inspections.

Regulatory status: Information Bulletins provide guidance on how RECA interprets and applies existing legislative requirements. They do not create new legal requirements or amend the *Real Estate Act* or the *Real Estate Act* Rules.

Why this matters

Real estate licensees must obtain the seller's timely and informed consent, provide access for home inspections, remain on the property during the inspection, and secure the property once the inspection is complete. Most often, the buyer's licensee takes responsibility, with the seller's consent obtained through the seller's licensee.

Some Alberta real estate boards accept home inspectors as affiliate members and may grant them access to the board's lockbox system. This does not relieve the licensee of their responsibility for the 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 licensees accept certain fiduciary obligations. A home inspector conducting an inspection is not a fiduciary. The inspector has no relationship with the seller and only a service relationship with the buyer.

Common complaints RECA receives

RECA's Professional Conduct Review unit receives complaints about home inspections from sellers. Common complaints include:

- the inspection took much longer to complete than the seller agreed to;
- 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 licensee;
- the seller arrived home and found a service provider other than the inspector they gave consent for; or
- the seller arrived home and found the door unlocked.

A disconnect between the seller's expectations and what happens during a home inspection is a common thread running through these complaints.

What the Rules require

Real estate licensees must obtain timely and informed consent from the seller. The seller must understand all the details of granting access to their home for an inspection, and the licensee must ensure the seller understands the implications of those choices and that the inspection complies with the permission granted. Simply requesting access for a home inspection on a specific date for a set period is insufficient.

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

Best Practices

Best practices go beyond the minimum requirements above. They are not mandatory but reflect the level of service RECA encourages licensees to provide. Licensees should document all access to any property, and the record of access should be kept in the brokerage file. When you request and grant access to property for inspections, ensure the seller receives full particulars of the event, use an example consent checklist like the one below, and obtain the seller's consent before proceeding.

Example property inspection consent checklist

PROPERTY INSPECTION CONSENT CHECKLIST	**Consent**
DETAILS of APPOINTMENT	
• Appointment for _____ inspection	☐
• Date: _____	☐
• Inspection begins at _____ am/pm and ends at _____ am/pm	☐
WHO WILL BE PRESENT AT THE INSPECTION?	
• Real estate professional _____ Either, will be present for the entire inspection _____	☐

Or, will NOT be present for the entire inspection _____ • Inspector _____ • Buyer(s) _____ • Other _____ Why? _____ • Other _____ Why? _____ • Other _____ Why? _____ • Other _____ Why? _____ • Other _____ Why? _____ • Other _____ Why? _____ • Other _____ Why? _____	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
RESPONSIBILITY TO MANAGE AND PROTECT PROPERTY • Real estate professionals commonly request access to property for service providers acting at the request of buyers. • They must give the seller full particulars of the access for inspection. • Real estate professionals accept responsibility to manage and protect the property. • If not present during the inspection, real estate professionals remain accountable to manage and protect the property. Real Estate Professional _____ Brokerage _____	 ☐ ☐ ☐ ☐

Related Information

Legislation	Relevant Sections
Real Estate Act Rules	s. 41(b)
Additional Resource: Information Bulletins	Competent Service