

PROPERTY DISCLOSURE STATEMENT FARMS AND ACREAGE

(TO BE USED IN CONJUNCTION WITH THE RESIDENTIAL
DISCLOSURE STATEMENT, IF REQUIRED.)

Date of disclosure: _____

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

ADDRESS ▶

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
1. IMPROVEMENTS OTHER THAN RESIDENCE(S)				
A. Are the improvements connected to a sewer system? (Please explain below in space provided.)				
B. Are the improvements (outbuildings, sheds, etc.) connected to a water supply? (Please explain below in space provided.)				
C. Do your improvements conform to current zoning and building regulations?				
D. Are you aware of any current or pending local improvement taxes, levies, maintenance fees or other charges? (Please explain below in space provided.)				
E. Are you aware of any of your improvements being non-conforming?				
F. Are you aware of any fuel storage past or present?				
G. Are you aware of any problems with the heating and/or central air conditioning system?				
H. Are you aware of any chemical storage past or present?				
2. LAND				
A. Are you aware of any encroachments, unregistered easements or unregistered rights-of-way?				
B. Have you received any other notice or claim affecting the property from any person or public body?				
C. Are you aware of any water licences affecting the property?				
D. Has the property been logged in the last five years?				
(i) If yes, was a timber mark/licence in place?				
(ii) If yes, were taxes or fees paid?				
E. Is the property managed forest lands?				
F. Is the property in the Agricultural Land Reserve?				
G. Is there a plot plan available showing the location of wells, septic systems, crops and improvements?				
H. Is there a survey certificate available?				
I. Are you aware of any fill materials on the property?				
J. Are you aware of any waste sites past or present?				

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INITIALS

ADDRESS ▶

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

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 INFORMATION ON THE REVERSE SIDE OF THIS FORM_____
SELLER(S)_____
SELLER(S)

The buyer acknowledges that the buyer has received, read and understood a signed copy of this property disclosure statement from the seller or the seller's brokerage on the _____ day of _____ yr. _____. 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, if desired, to have the property 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 brokerages or their managing brokers, associate brokers or representatives warrant or guarantee the information provided about the property.

INFORMATION ABOUT THE PROPERTY DISCLOSURE STATEMENT

FARMS AND ACREAGE

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.