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# Property Disclosure Statements

The Property Disclosure Statement (PDS) provides a written record of representations made by the Seller regarding their home and property.

This form can cover general information regarding such services as the public sanitary sewer system but it also can cover more specific topics, which include questions regarding insulation, defects, structural damage, water problems, environmental issues, legal matters affecting the property, etc. Provincially these Statements differ in content and form and periodically change to reflect the ever changing views pertaining to problems that crop up in the marketplace. For example, in the Lower Mainland of Vancouver, the PD Statement just recently added a question regarding marijuana grow-ops – whether one had ever existed or not in that particular dwelling.

The Seller fills out, dates and signs the PDS form at the same time they sign a Listing Contract with their Realtor. Sellers should update the statement until the sale closes if new information becomes available. Prospective buyers will want to review the disclosure statement and/or will make an offer subject to their receiving and approving this form within a specified time. Often the listing sales representative will have the PDS readily available for viewing before any offer comes in. Once approved, the buyer will sign the PDS as well.

Such statements furnish buyers with information about the property that might not be readily discernible through a casual inspection. Misrepresentations regarding the physical condition or defects of property are a common source of litigation. If defects are disclosed, the disclosure statement can protect the seller if any litigation results because the buyer, if he signed the Statement, bought the property knowing about the defects.

Defects are either “latent” or “patent.” A latent defect is one that is not visible upon ordinary inspection, but which materially affects the property’s use or value (i.e. carpenter ants/termites). A patent defect is one that is readily visible to the untrained eye upon ordinary inspection and it too, may also materially affect the property’s use or value (aging roof with missing tiles).

PROPERTY DISCLOSURE STATEMENT  
RESIDENTIAL

INITIALS: [ ] [ ] [ ] [ ]

located at: \_\_\_\_\_

where uncertain should reply "Do Not Answer" if so agreed, in \_\_\_\_\_

THE SELLER TO THE APPROPRIATE

YES NO

PROPERTY DISCLOSURE STATEMENT  
STRATA TITLE PROPERTIES

INITIALS: [ ] [ ] [ ] [ ]

PAGE 1 of \_\_\_\_\_

located at: \_\_\_\_\_

where uncertain should reply "Do Not Answer" if so agreed, in \_\_\_\_\_

THE SELLER TO THE APPROPRIATE

YES NO

Do Not Answer? \_\_\_\_\_

Common Property? \_\_\_\_\_

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## Buyers Should Know:

In B.C. the PDS is not required by law. If a seller refuses to fill out and sign this form, the Buyer should exercise caution before purchasing the home in question. A seller is still obligated to disclose to the buyer any known latent defects regarding their home and property but in practice, this may not happen.

The PDS should be incorporated into and form part of the Contract of Purchase and Sale (if it is not already written into the pre-printed contracts, then write it in that this form is part of the contract) so that it becomes a legal document.



### Note:

Buyers are strongly advised to obtain an independent inspection of the home and property by a qualified house inspector.

Some sellers are not aware that their home has a defect and therefore, it would not be prudent to rely totally on the representations contained in this form.

These PDS forms are not a warranty for the future condition of the property. They simply acknowledge what the seller knows at the time of the sale. Relying on a claim for damages awarded by the courts based on the contents of a PDS form may prove to be frustrating and the outcome could be uncertain.

**The objective of the form is to give the Buyers full disclosure of the home's condition, divulge any known defects and to help prevent any future misunderstandings that could lead to a potential lawsuit.**