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TRUSTED ADVISOR, MASTER MARKETER & SKILLFUL NEGOTIATOR!™

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BONUS REPORT: Ghost, Guns and Gang Members

Sometimes when dealing in real estate **the onus is on you, the buyer to ask questions regarding issues of specific importance** to you and your family, rather than relying on a real estate licensee to try to anticipate all of your needs.

When selecting a property to buy, most often the physical appearance of a property and the location will be obvious. If, as a potential buyer, you are concerned about the less obvious structural and mechanical aspects of a property, you can have a property inspection done. However, **some buyers have other areas of concern that would cause them to avoid a property**. Certain events may cause a property to be described as a **"stigmatized property"**, or a **"psychologically impacted property"**. These terms are sometimes applied to a property that has had some circumstance occur in or near it, but which does not specifically affect the appearance or function of the property itself.

Examples of a property being labelled as stigmatized are:

1. a **death** occurred in the property
2. the property was **robbed** or vandalised
3. there are reports that the property is **haunted**
4. The property was used as a **gun arsenal**
5. a **sexual offender** is reported to live in the neighbourhood
6. a former resident was suspected of being an organized crime **gang member**

Your Rights as a Buyer

You as a buyer are ultimately responsible to satisfy yourself that the property you are purchasing is suitable for your purposes. Many buyers look to the seller to provide them with information about the property. In British Columbia, it is important for you to know that while sellers and realtors representing sellers are required by law to disclose material latent* defects affecting a property **they are not required by law to disclose the existence of possible stigmas** that might be of concern to specific buyers.

If you are concerned about any possible stigmas you can ask the Seller of the possible existence of stigmas. **The seller however, does not have to answer the question directly** and can advise you to conduct your own investigation (ie go to the police for serious concerns).

Sellers who are concerned that some circumstance may cause the seller's property to be considered stigmatized will face a **dilemma - do they disclose and risk harming their property value, or do they not disclose and risk the buyer learning the information later and pursuing them for damages?**

Keep in mind **a seller may have no knowledge of events that occurred before their ownership** or the property may have been rented out and the seller may not know of events that occurred during the rental period.

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British Columbia law does not define stigmatized properties and in the event of a lawsuit resulting from an undisclosed stigma, **you, the buyer, would have to prove what harmful effect the stigma had** because these issues are often personal ones that do not affect the appearance, function or use of the property.

* **Material Latent Defect:** A defect **not generally visible during a reasonable inspection**, such as a serious crack in the foundation that has been covered over with paneling or improper wiring covered by dry-wall

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Nancy Beaton

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wait till you hire an amateur." ~Red Adair**

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