

REALCOVER'S MOST COMMON CLAIM FOR SALES AGENT RELATES TO LAND SIZE

Of late there have been a large number of claims in relation to misleading and deceptive conduct arising from the incorrect advertising of land size of properties for sale.

In all cases the Agents have relied on information that has been provided to them via third parties and on-line portals which has proven to be incorrect and the Agents have not adequately protected themselves against claims via the use of suitable disclaimers.

Although the basic principal of property law is "buyers beware", there is little doubt that an Agent will be held responsible for any loss arising from the misrepresentation of land size. Agents must always use caution when making reference to land sizes and dimensions and any other information regarding the property which may impact on the sale. Agents must verify the accuracy of the information provided.

The advice we give to agents to help avoid a claim;



Use disclaimers that reflect more clearly the information that has been obtained from third party sources. Suggested wording is:

"We have obtained all information in this document from sources we believe to be reliable; however, we cannot guarantee its accuracy. Prospective purchasers are advised to carry out their own investigations..."



Disclaimers should be printed in the same font size and should also be included on all documents such as brochures, flyers, sign boards and on any online advertising of a property.



Always have the vendor or their solicitor verify the details of the property in writing prior to the marketing campaign and obtain vendor sign off on all marketing material.

These simple measures will greatly reduce the risk of a claim against your agency.

Any advice in this document is general advice and does not take into account your objectives, financial situation or needs. You should consider the relevant Policy Wording and your objectives, financial situation or needs before acting on this advice. Please visit www.realcover.com.au. Current as at January 2017.

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