

Should the Buyer's Agent Attend the Property Inspection?

When I represent a Buyer-client in the purchase of Real Estate, whether it is a place to live or an investment, I would never want to miss an inspection. Here is why. Buyer agency creates *expectations* from *and* for both parties. Agents need clients to represent (that is how we get paid) and most Buyers need guidance to complete a Real Estate purchase. Agents and Buyers seek a *mutually* beneficial relationship. This could be the start of a beautiful relationship!

Agency "representation" involves "give and take": *what* does each side expect and *what* are they willing to do to get what they want and need? Agents expect to provide their experience, knowledge, resources and time to Buyers who are willing to do what they need to do to buy Real Estate. The Buyer wants to hire someone who knows what they are doing, will do what it takes to get them into their next home or acquire an investment property, will work in *their* best interests (identifying properties to consider, negotiating the best "terms" and so on) and will promote and protect *their* interests every step of the way. **Both want and deserve loyalty.**

Once a purchase offer is fully executed/ signed, the Buyer's agent assumes the role of *director*: keeping track of what needs to be done when and providing whatever guidance is needed to complete the tasks required to reach settlement. The process typically focuses on two major aspects: *inspecting* the property to make sure that there are minimal surprises (*unexpected* maintenance can be costly!) and obtaining the *financing* so that the Buyer can complete the purchase. These are the most likely "deal killers" as sales are "contingent" on their successful completion. Contingencies are "known events" that may occur during the buying process which must be satisfied *or* waived to keep a sale moving forward, meaning they allow both sides to *reconsider* their original agreement. I *respectfully* suggest that a Buyer's agent must be fully *engaged* in resolving all contingencies. **This is where we prove our value and earn our fee!**

The **property inspection** involves hiring one or more competent professionals focused on identifying "*material* defects" (rather than cosmetic *or* update issues) with the major systems and structure. Depending on the executed contract, the Buyer's response/ reply to the inspection findings may include requiring the seller to make repairs or the right to terminate a sale. Although broker policy may differ, **I believe that a Buyer's agent MUST attend the property inspection to ensure that the inspector *clearly* explains what he or she is doing and what he or she sees to the Buyer and to ensure that the Buyer understands the process.**

Inspections of "resale" properties usually reveal a list of *recommendations* that could appear far worse than they really are and frankly, I would never assume that even the best inspector can properly portray their findings to most Buyers. *Any* list can make the average Buyer very nervous. The Buyer's agent is not the inspector and is not expected to act like one — *nor should they*. A Buyer's agent *needs* "first-hand" knowledge to best represent a Buyer-client when discussing the inspection findings with a listing agent if repairs are being requested.

I have heard a variety of reasons (or *excuses*) regarding why a Buyer's agent would not attend an inspection. *Avoiding liability* is big one (*whose* "interest" is more important?). Does the Buyer agent's absence *really* manage or limit their potential *liability*? I am not sure that *avoiding* an inspection accomplishes that, *especially* if something goes wrong after settlement. How does

this match with the essence of the Buyer agent's *fiduciary* responsibility to their client? I can only wonder how a Buyer feels being left on his or her own — *especially* if problems are found. They may be with an inspector they never met and not know how to respond to what they are told. I have personally seen inspectors not notice something I saw in a house or submit a final report that failed to mention something they discussed during the inspection. They are human! Is the agent too busy? Does he or she feel that they would be in the way? At the very least, the Buyer should be told up front that their agent will not be there rather than face a surprise later. That should be known *before* a Buyer agent is hired.

Here is what I do know: some Buyers feel abandoned, especially if they do not know the inspector and/ or are not familiar with construction and house-related matters. Negotiating repairs, both with a concerned Buyer and the listing agent, can be more difficult if the Buyer's agent was not there to see what the issues are and what the inspector had to say about them. Given the *importance* of this contingency, **I would never want to miss an inspection.** A Buyer may terminate a sale out of fear. Not only could they miss out on a nice house, the inspection costs several hundred dollars!

As a listing agent, I *fully expect* the Buyer's agent to be on-site as an inspection is really a long showing (it is unacceptable to provide access to others without the listing agent's permission). I cannot control how involved they are but they need to be in the property during the inspection.

Bottom line: What is in the Buyer's best interest?