



Fastighetsmäklarnämnden  
Swedish Board of Supervision of Estate Agents

## USEFUL INFORMATION

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### The estate agent and the condition of the property when seller and buyer are consumers

This fact sheet contains brief information on the role of the estate agent with regard to the condition of the property. The information is aimed at persons intending to buy or sell property (houses) through the mediation of an estate agent.

#### **The estate agent and the condition of the property**

The estate agent is not responsible for the condition of the property, or for any faults in the property.

#### **The estate agent's inspection of the property**

The estate agent does not carry out a survey of the property and is under no obligation to examine the property in detail.

The estate agent receives information on the condition of the property from the seller.

The estate agent only makes an informal inspection of the property.

#### **The estate agent's obligation to provide information on defects**

The estate agent is obliged to provide information on any defects with regard to the condition of the property that the estate agent is aware of, or has reason to suspect, for instance, through previous sales of similar houses or his/her general knowledge of such properties.

The estate agent is not obliged to provide information on defects that are evident and visible during a visit to the property.

#### **The estate agent's responsibility for the seller providing information**

The estate agent should attempt to make the seller provide all information on the property considered important to the buyer prior to the signing of the purchase contract.

### **The estate agent's information regarding the buyer's obligation to inspect the property**

The estate agent should inform the buyer about the buyer's obligation to inspect the property. It is important that the estate agent explains what is included in this obligation and that it covers more than a structural examination of the building. This is particularly important when the seller has had a survey made to take out a "transfer of ownership insurance".

The estate agent should make the buyer aware that information on the property provided by the seller may entail the buyer needing to examine certain parts of the property with particular thoroughness.

The estate agent should try to persuade the buyer to fulfil his/her obligation to inspect the property. However, the estate agent is not responsible for ensuring that the buyer actually does so.

### **The buyer's obligation to inspect**

The buyer can not demand a deduction in the price of the property or cancel the purchase as a result of defects that the buyer should have detected in a thorough inspection of the property. The buyer should therefore inspect the property before the purchase or have someone else carry out an inspection.

The buyer's obligation to inspect the property covers the entire property, that is, the land, buildings and installations such as electricity, heating, water, drains, white goods, ventilation, fireplaces and chimneys.

The buyer still has an obligation to inspect the property, even if the seller presents a survey report.

### **Timing of the buyer's inspection**

The buyer's inspection should be made close to the time of signing the purchase contract.

### **Commitments from the seller**

If the seller has provided guarantees or other commitments regarding the condition of the property, the seller is responsible for the accuracy of this information. The buyer does not have an obligation to inspect those parts of the property covered by any such commitments.

### **The estate agent's information regarding the seller's commitments**

The estate agent should inform the seller and the buyer of the significance of commitments the seller makes regarding the condition of the property.

The estate agent should inform the buyer and the seller of the importance of guarantees or other commitments from the seller regarding the condition of the property being inserted into the purchase contract.

## **Structural inspection of the building**

### *Scope*

The survey carried out by a surveyor on behalf of the buyer is usually a structural survey of the actual building and the land that has technical significance for the building. The surveyor compiles a report on the condition of the property at the time of the survey.

This survey does not normally include installations such as electricity, heating, water, drains, white goods, ventilation, fireplaces and chimneys. Nor does it usually include the garden. The buyer therefore still has an obligation to inspect these areas.

Measuring radon levels is not usually included in the surveyor's inspection.

### *Survey report*

The surveyor normally compiles a survey report. Any comments in the report may lead to an extension of the buyer's obligation to inspect the property more closely and the buyer must then make a more thorough inspection than is normally required by the obligation to inspect a property.

### *The estate agent's information regarding the obligation to inspect*

It is important that the estate agent explains that the buyer's obligation to inspect the property covers more than the structural survey of the building.

## **Obligation to inspect when the seller has signed a transfer of ownership insurance**

### *The survey*

Sometimes the seller has taken out an insurance against concealed defects, known as a transfer of ownership insurance. This includes a survey that is carried out on behalf of the seller. The survey is mainly a structural inspection of the building and therefore does not cover installations such as electricity, heating, water, drains, white goods, ventilation, fireplaces and chimneys.

### *The buyer's obligation to inspect*

The buyer can receive a copy of the survey report from the survey the seller has ordered for the transfer of ownership insurance. However, the buyer still has the obligation to inspect the property, even if such a

survey has been carried out. If the buyer has received a copy of the survey report, certain comments and other information in the report may even lead to the buyer having the obligation to make an even more thorough inspection than would normally be included in the obligation to inspect.

If the buyer is in agreement with the surveyor after going through the report, the buyer does not normally need to make a new inspection of the parts of the property covered by the survey. The surveyor is then considered to have carried out the buyer's inspection of these parts. However, one condition for this is that the survey has not been made too long before the purchase contract is signed.

As the survey that is connected with the transfer of ownership insurance is limited, the buyer always retains an obligation to inspect the parts of the property not included in the survey.

*The estate agent's information regarding the buyer's obligation to inspect*

The estate agent should inform the seller and the buyer of what the transfer of ownership insurance entails for the seller's responsibility and the buyer's obligation to inspect.

The estate agent should inform the buyer that the buyer retains the obligation to inspect the property, even if the seller has had a survey made. The estate agent should also try to persuade the buyer to fulfill his/her obligation to inspect. However, the estate agent is not responsible for the buyer actually doing so.

The estate agent should inform the buyer what it entails for the buyer's obligation to inspect if the buyer is in agreement with the seller's surveyor regarding a review of the survey report.

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The Swedish Board of Supervision of Estate Agents is a government agency with responsibility for supervising registered estate agents.

The Board issues fact sheets in a series entitled - USEFUL INFORMATION

These fact sheets can be ordered from the Swedish Board of Supervision of Estate Agents or downloaded from the Board's website.



Fastighetsmäklarnämnden

POSTAL ADDRESS Box 17174, SE 104 62 Stockholm, ADDRESS Sankt Paulsgatan 6  
TELEPHONE +46 8-555 524 60, FAX +46 8-555 524 61  
E-MAIL [registrator@fastighetsmaklarnamnden.se](mailto:registrator@fastighetsmaklarnamnden.se), WEBSITE [www.fastighetsmaklarnamnden.se](http://www.fastighetsmaklarnamnden.se)