

CONSULTATION QUESTIONS

Section 1

Q1) Do you think the Home Report is meeting its original objectives?

Yes No

Q1a) If yes, please explain why

Comments

Q1b) If no, please explain why

Valuation is in many cases not realistic/Question 9(a) is not clear

Q2) Are the original Home Report objectives still appropriate?

Yes No

Q2a) If yes, please explain why

Only if valuations reflect market situation

Q2b) If no, please explain why

Comments

Q3) Should the Home Report play a more central role in promoting energy efficiency and property condition improvements among home owners?

Yes No No comment

Q3a) If yes, please explain why

Comments

Q3b) If no, please explain why

Comments

Q4) Should a national register of Home Reports be established?

Yes No

Q4a) If yes, please explain why including who should have responsibility for development and maintenance

Comments

Q4b) If no, please explain why

Not needed and too expensive to manage

Section 2

Q5) Do you think the upfront cost of Home Reports is preventing potential sellers from putting their property onto the market?

Yes No

Q5a) If yes, please provide details.

Comments

Q6) Are you aware of any schemes available (e.g. deferred payment) to help potential sellers to pay for home reports?

Yes No

Q6a) If yes, please provide details

Comments

Q7) Are there any issues with the majority of Home Reports being commissioned through selling agents?

Yes No

Q7a) If yes, please explain why

Comments

Q7b) If no, please explain why

Simpler for seller to have one contact for selling and Home Report

Q8) Should other organisations be allowed to carry out the Single Survey (including valuation) and/or the Energy Report?

Yes No

Q8a) If yes, what other organisations and why

Comments

Q8b) If no, please explain why

Dilutes responsibility

Q9) In your experience is the requirement for a home report before marketing a property leading to delays in properties coming onto the market?

Yes No

Q9a) If yes, please outline the implications of this.

Comments

Q10) Are home reports a useful marketing tool for sellers?

Yes No

Q10a) If yes, please explain why

Comments

Q10b) If no, please explain why

Can be. Many mortgage companies accept Home Report valuations

Q11) Is the 12 week deadline for marketing a property after completion of a home report appropriate and reasonable?

Yes No

Q11a) If yes, please explain why

Comments

Q11b) If no, please explain why

Not in the current market, average nine months to sell a property

Q12) Is the 28 day provision for removing a property from the market without requiring a new home report appropriate and reasonable?

Yes No

Q12a) If yes, please explain why

Comments

Q12b) If no, please explain why

As for question 12

Q13) Are there any issues with potential buyers accessing home reports?

Yes No

Q13a) If yes, please provide an overview and outline the implications of this

Comments

Q14) Is this the most appropriate way to enforce home report legislation?

Yes No

Q14a) If no, please explain why and how this could be improved

Comments

Q15) What are your views on mortgage lenders' acceptance of home report valuations?

Limited experience but can be OK

Q16) Are the re-dress options available to buyers reasonable and appropriate?

Yes No No comment

Q16a) If no, please explain why and how these could be improved

Comments

Q17) Do these exceptions need to be amended?

Yes No

No comment

Q17a) If yes, please explain what amendments are required and why

Comments

Section 3

Q18) Does the single survey element of the home report provide an appropriate and useful level of information?

Yes No

Q18a) If no, please explain why and what information should be removed and/or added

Need to separate buildings and land

Q19) Should the repairs categories in the single survey be amended to make them consistent with the categories used in the Scottish House Conditions Survey?

Yes No No comment

Q19a) If yes, please explain why

Comments

Q19b) If no, please explain why

Comments

Q20) Is the valuation element of the single survey a useful element of the home report? Yes No

Q20a) If yes, please explain why

Comments

Q20b) If no, please explain why

More emphasis and market place valuation

Q21) Is the information provided in the energy report appropriate and useful?

Yes No

Q21a) If yes, please explain why

Comments

Q21b) If no, please explain why

Comments

Q22) Is the information provided in the property questionnaire appropriate and useful? Yes No

Q22a) If yes, please explain why

Comments

Q22b) If no, please explain why

See my separate note

Comments

Q23) Should an additional question on land maintenance fees be added to the Property Questionnaire?

Yes No

Q23a) If yes, please explain why

Comments

Q23b) If no, please explain why

Don't know what this means.

Proposal re: Home Report Consultation: for the attention of Sarah Mcleod.

Question 9(a) in the Property Questionnaire of the Home Report reads:

“Has there been any storm, flood, fire or other structural damage to your property while you have owned it?”

Unfortunately this question is open to many different interpretations. For example only one of the sixteen questions in the Property Questionnaire gives any indication that the word **property** includes any land attached to the buildings. A layman would be excused for thinking all the other questions only referred to buildings. Also what is meant by **flood**? And does it mean flood should only be mentioned if damage resulted from the incident? And what is meant by **damage**?

Because of this lack of precision in question 9(a), last year a claim for reduction of a Sale Contract was lodged in the Court of Session. The buyer was told, after the sale was completed, that water had been lying in the garden after an exceptionally heavy storm which had devastated many parts of Scotland some twelve months earlier. The buyer’s interpretation was that the property was frequently flooded and immediately started a legal process. The dispute was eventually resolved after one year in an out of court settlement, both parties being left with substantial unrecoverable costs with the only beneficiaries, I suspect, being the legal firms involved.

To avoid future cases of this type I suggest changes along the following lines:-

1. Question 9(a) should be structured so that the information the seller is required to give is absolutely clear and should avoid the possibility that lawyers are able to make their own interpretation as to what the question means and how it should have been answered.

(i)---Have any of the buildings ever during your occupancy suffered from **water penetration**.

If the answer is **YES** give details each time this happened

If the answer is **YES** give details, including cost, of any remedial action taken.

(ii)---Is the property located in an area designated by **SEPA** as liable to flooding from rivers, sea or any other source.

(iii)--To the best of your knowledge are blocked drains a potential source of flooding in your area.

2. Currently the Report is the same whether for a small flat with no land or a multi-acre estate. To avoid any misunderstanding as to what the word **property means it would be sensible to have at least one question clearly relating to state of the land, for example:-**

---Has there been any damage to any walls, paths, driveways, gardens or lawns which has resulted in **repair costs exceeding 1% of the Home Report valuation**. If the answer is **YES**, give details.

If anything is not clear please let me know.

Submitted by:

Ted Price, Ewenburn, Gwydyr Road, Crieff, PH7 4BS Tel: 01764,655768 : 17th February 2014