



Do I need a Structural Survey?

Article © 2007 Marshall Diel & Myers (<http://www.law.bm/>), All Rights Reserved.

RELATED ARTICLES

[Do I need a Structural Survey?](#)
[Reducing Stamp Duty with Court Ordered Transfers](#)
[Fittings and Fixtures](#)
[Apportioning the Purchase Price Between Chattels and Fixtures](#)

A question commonly asked by home purchasers is: "Do I need a structural survey?" Experience has shown that the real question being asked is whether or not the cost incurred outweighs any potential benefits?

In a perfect world a purchaser would always commission a structural survey before they sign the sale and purchase agreement. Indeed, in many countries this is standard practice.

In Bermuda, however, we are fortunate that our construction industry has produced strong buildings, which if properly cared for, stand the test of time. As a result the commission of a full structural survey may not be necessary in many cases. A purchaser should, however, always physically inspect the property prior to purchasing it.

The most important reason for undertaking a structural survey is the caveat emptor rule, which translates in English to "Let the buyer beware". This rule places the onus on the purchaser to discover any physical defects in the property. If a defect is discovered prior to signing the sale purchase agreement, then the responsibility for and more importantly the cost of rectifying that defect lies with the seller. If the purchaser does not inspect the property and discovers a defect after he has purchased it then the cost of rectifying the defect will lie with the purchaser.

Consider the following factors when deciding whether you should commission a structural survey. What is the value of the property? Is the property more than 100 years old? Do you intend to renovate the property after you purchase it? Is the property constructed with conventional concrete block and mortar? Is the property close to features, which may cause subsidence such as a marsh, pond, cave, etc?

An equally important consideration is the peace of mind obtained when a structural survey is commissioned.

If, after taking all of these factors into account, you are still in doubt, you may wish to consult a professional surveyor or a lawyer.

NEED MORE INFORMATION? Contact us at info@law.bm