



Guidelines for buyers and their agents when attending a showing

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QUESTION: I made arrangements to show a property to a buyer client. When we arrived, the thermostat was turned down to 50 degrees and my client asked if we could turn it up to see if the heating system worked. I honestly did not know if that was appropriate. Are there any rules about what buyers (and their agents) are permitted to do when attending a showing?

ANSWER: We are not aware of any rules published by the Real Estate Commission or the National Association of REALTORS®. Nevertheless, we believe there are some guidelines for buyers and their agents to follow.

In today's market, with buyers feeling pressure to offer large due diligence fees in order for their offers to be competitive, we understand their desire to know as much about a property as possible before an offer is submitted. However, buyers and their agents need to understand that just because they have been given permission to view a listed property, that permission does not include authorization to conduct any sort of investigation. Absent express permission from the seller or the listing agent, the time for buyers to perform their due diligence investigation is after a contract has been signed, not before.

Having said that, there are certain actions that buyers can take during a showing. Unless a seller has notified the public that photography and video recording is prohibited, it is permissible for a buyer to photograph or video any portion of the interior of the property that is in "plain view." If lights need to be turned on, or doors need to be opened, in order to complete a thorough visual inspection, it would be perfectly appropriate to take either action. A good rule of thumb when conducting a showing is to leave the property exactly as you found it. That means if you turn any lights on or open any doors, return them to their previous position before you leave the property.

What about checking the water pressure in a sink or shower? While this practice may be commonplace, we do not recommend it. Buyer agents should advise their clients that turning on a faucet has the potential to cause damage. If the buyer insists on testing the pressure, be sure the area is left completely dry after the test is performed. Similarly, if a buyer wants to turn a thermostat up (to test heat) or down (to test air conditioning), the agent should advise the buyer to leave the thermostat alone unless the listing agent is contacted and gives permission. There may be a good reason why the thermostat is in its current position. Turning a thermostat up or down could conceivably cause damage to the HVAC system. In any event, it would certainly result in some increased utility costs for the seller.

Buyer agents should understand that if any damage is caused during a showing, the seller will likely look to both the buyer and the buyer's agent to pay for the cost of repairs. Therefore, when in doubt about whether an action should be taken, the best course of action is to always contact the listing agent and get permission before the buyer acts.

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