

Property Misrepresentation claims – Seller’s Property Information Form

The Seller’s Property Information Form (‘SPIF’), also known as TA6, is a routine form used in residential conveyancing transactions completed by the seller of a property. It asks questions about a wide range of matters relating to the property to be sold and is a key document in the conveyancing procedure.

In most cases, the principle of ‘caveat emptor’ applies - let the buyer beware and carry the responsibility of making any necessary checks on their new property. This principle does not apply however when the seller provides false information to the buyer, knowingly or otherwise.

If a buyer purchases a property and the information provided by the seller in the SPIF was not accurate, or knowingly misrepresented something about the property which results in the purchase, then a buyer may have a claim against the seller in misrepresentation.

There are a number of specific issues covered within the SPIF including :

- Flooding
- Neighbour / boundary disputes
- Structural issues
- Damp
- Japanese Knotweed

Recently, media reports have covered a misrepresentation claim in London involving a former property owner’s apparent failure to disclose the presence of Japanese Knotweed in the garden when selling.

At the time of completing the forms, the seller had answered ‘no’ in the SPIF that there was no knotweed at the property. The other options within the form being ‘yes’ or ‘not known’. After the sale completed, the buyer found knotweed growing behind the garden shed. The seller said during the proceedings that he reasonably believed there was no knotweed growing at the property. This was not accepted by the Judge who stated :

‘It’s the seller’s duty to determine if their property is affected by knotweed’

The seller now faces a £200,000 bill for costs and damages as a result- highlighting the significance of the SPIF.

In the absence of a professional knotweed survey, the correct answer on the SPIF should be ‘not known’. This then gives the buyer the opportunity to make their own further investigations if they wish to do so and will reduce the risk of a claim in misrepresentation against a seller.

If you have found yourself in the position of discovering issues with your new home, which were raised in the SPIF or through enquiries but not honestly answered by the seller, then you may wish to consider a claim against your seller for misrepresentation. If you wish to discuss with us further, please contact our Property Litigation team on 0800 015 0340 or send details to:

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