

Q & A
Lucy Macken



Ask no questions, be told no lies

Are agents obliged to advise a tenant if a house has asbestos in it? I moved into a property last November, was not advised of any asbestos and there is a sticker in the meter box warning of an asbestos backing board.

Lisa, West Pennant Hills

If an agent knows a property has asbestos in it – thanks to a building report, rather than anyone's suspicions – then they are obliged to tell buyers or tenants, if asked. Did you get that last bit about being asked? If you don't ask, there's nothing to answer for. Likewise, the Real Estate Institute of NSW's Wayne Stewart adds, denying that a house has asbestos would come under misleading or deceptive conduct. If it's any consolation, asbestos is fairly safe if it is left intact. Think of it like a cigarette. The cigarette is fine, won't harm you at all, as long as you don't smoke it. So, too, is asbestos fine until it starts to break up. As long as you don't spend your nights picking at the offending boards, it should be fine. Likewise, don't try to smoke it.

We are selling and buying outside our neighbourhood and had planned to use a buyer's agent when the move was planned a year ago. Given the market is not what it was then, is this a good time to use a buyer's agent or is that service better suited to a stronger market?

Grant, Surry Hills

In a rising market the greatest advantage of using a buyer's agent (apart from saving time and your weekends) is so you don't miss out on a property; in a falling market it is about discerning value and strategies to clinch the deal. So says one buyer's agent. Even though so many more buyers use a buyer's agent when times are good, financially now is the better time to do so.

What is the story with the photos used in real estate advertisements? Are real estate agents obliged to clarify if any of those images have been digitally manipulated?

Paul, Mona Vale

Are you referring to the overly blue sky behind a home's facade or the block of apartments next door etched out of the shot? If it's the former then it's not regarded as misleading and deceptive conduct because it's changing the weather, not the property. That block of apartments is another matter. That's what Fair Trading refers to as false and misleading conduct. Likewise, it's not enough to say the picture of the waterfront reserve is two minutes away, but clarify that the two minutes is best covered in a passing 747 jet, as opposed to on foot. Ditto those city views: are they best observed from the lounge room or potential views if the house was replaced with a 25-storey tower? No one wants to give the wrong impression. Much.

Send your questions to Lucy at macken.lucy@gmail.com.