

Why do I need a survey?



Often, among the first things a lawyer will ask new homebuyer clients is whether there is a survey of the property available. Why do lawyers care so much about surveys?

The answer is that a survey is the only way to confirm that the house is actually on the property you are buying and can reveal important differences between the apparent “footprint” of a property and its true legal dimensions. The legal dimensions of the property can control what the owner can build on it. Occasionally, the owner’s lack of information about these constraints can lead to serious consequences, like having to tear down a new addition or deck.

A survey can show the precise shape and size of the lot, revealing whether buildings are or are not within the property boundaries and whether they comply with “setback” rules (how far the house needs to be away from the street/property line).

Did you know that the space owned by the municipality for the road often extends into your lawn area, which can mean that your prize peonies, a treasured tree, or even a deck is not on your property?

A survey can also reveal whether a neighbour’s buildings are actually on your property, or whether there are access rights across your lot that might prevent you from, for example, building a pool in the backyard.

When buying a house ask for a survey, and also ask your lawyer to help you select a title insurance policy that covers boundary issues should they arise. Title insurance offers excellent protection against many of the legal risks that can accompany property transactions. However, there can be limits to the solutions that title insurance offers – for example, if your neighbours complain that your newly-built garage is on their property, title insurance may not cover it since you created the problem. Arranging for a survey when you first buy the property will give you reliable and clear information from the beginning, helping you prevent boundary problems in the first place. For more information read *The Real Simple Real Estate Guide* available at titleplus.ca.

This article is from the TitlePLUS Real Simple Real Estate Guide™. Visit titleplus.ca/rsreg for more information for homebuyers.