

# PIQ – Property Information Questionnaire or Practically Impossible Quandary?

Submitted by: Fridays Property Lawyers

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The initial consensus amongst Home Information Pack providers is that the Property Information Questionnaire (which as of the 6th April comes a compulsory document within a Home Information Pack) is a very simple form to complete. We don't disagree, it is very easy to complete but as with all multiple choice questionnaires can be very difficult to answer accurately.

Where the PIQ is concerned, the devil is most certainly in the detail. Many sellers will be lured into reading a question one way when in fact the reality is that the question is asking something very different.

The purpose of this article is to set out examples of where a Property Information Questionnaire could be interpreted one way by the public but be interpreted in a very different way by a property lawyer or worse still, the Courts.

Let us look at some examples within the Property Information Questionnaire.

## Example 1

“Do you have a right of access through the neighbouring home's building or land?”

You may incorrectly assume you have access. Say, for example, you have a flat in a converted house where the garden is split between two flat owners. If your flat is at the rear, you may well in practice have access over a pathway to get to your part of the garden.

In the case of a house, it may well be that you practice your access over a pathway on neighbour's property in order to get to the road at the rear. In answering the question, “Does the property have a right of access through any neighbouring homes?”, you will probably state “Yes”.

In fact your answer may be wrong. Many people would read the question based on what happens in practice. They may not necessarily understand whether they have a “right”. The right is referring here to a “legal right”. Can most people answer definitively that they have legal right? Most people do not have their deeds or lease easily to hand let alone understand the verbose legal jargon contained within such documents. It may well be that in most cases the “right” matches what happens in practice. The fact, however, remains that many people will instinctively answer the question based on what happens on the ground as opposed to what deeds state.

## Example 2

“Are you aware of any flooding at your property since you have owned the property or before?”

If you are not aware of any flooding you would surely put “no”. You have lived at the property for 10 years and therefore you know that there has not been any flooding at the property. Presumably, you should answer the question “No”.

Again, this could be wrong. The question does not simply ask you whether or not the property has been flooded in respect of your period ownership, but also prior ownership.

How can you possibly be expected to know whether or not the property was flooded prior to your ownership. One of the options on the questionnaire here is "Don't know" but by virtue of answering this way you are potentially alienating buyers who think you have something to hide. They may be thinking " how can the seller not know if there has been flood at the property? ".

The correct answer, in a situation where there has not been any during your ownership is " no " for your period of ownership and "Don't know" as to what happened prior to your ownership. Unfortunately, the Property Information Questionnaire does not list this as an option!

#### Example 2

"Does the lease prevent you from keeping pets?"

You have a dog at the property, your neighbour has a cat, the flat below has a parrot..... of course you think you are allowed to keep pets. Furthermore, if the freeholder is owned by the tenants and some of the tenants have pets (you may even be a director of the freehold company) Surely this time you know the answer, of course the answer is "No" right?. Well once again you may be wrong.

The fact is the question is asking about what the lease provides not what happens in practice. The lease may well specifically prevent pets being allowed in the building or possibly prevent pets in certain circumstances (i.e. not without the landlord's consent). In the circumstance, regardless of what happens in practice, the correct answer could be "Yes".

We trust that you can now see that contrary to what the Government or HIP providers state on various websites, the Property Information Questionnaire is at best ambiguous and at worse completely confusing. Either way, answering questions wrongly can leave the seller exposed.

Fridays online PIQ is now live and can be viewed at  
<http://fridaysmove.com/propertyinformationquestionnaire/index.htm>

#### About Fridays Property Lawyers

Simon Seaton is a director of Fridays Property Lawyers, a law firm specialising in residential property conveyancing. Registered with the Council of Licensed Conveyancers, Fridays are highly experienced in all aspects of conveyancing. They were the first to provide a free, online assisted Property Information Questionnaire (PIQ) service and continue to provide Home Information Pack and conveyancing services. Contact Information: [info@fridaysmove.com](mailto:info@fridaysmove.com) Telephone: +44 (0)20 7239 1354  
Web: <http://www.fridaysmove.com/>