

Communicating with the Seller About a Latent Defect

Without Putting Them on the Defensive

Start the Conversation Calmly

When you notify a seller about a latent defect, how you say it matters as much as what you say. A confrontational tone can shut down the conversation and make cooperation harder.

Instead, use a neutral, factual tone. Try starting with one of these phrases:

- “We recently noticed an issue with [describe the problem], and we wanted to bring it to your attention to understand if you had experienced anything similar while you owned the property.”
- “During some maintenance work, we discovered [describe the defect], and we’re gathering information to determine the best course of action. We wanted to check if you had any prior knowledge of this issue.”
- “We have come across a concern with [describe the problem] and would like to discuss the next steps to evaluate the situation properly.”

A calm, professional tone makes resolution far more likely – and may help avoid unnecessary legal steps.

What to Include in the Notice

Include enough information for the seller to understand and respond:

- A clear description of the defect and when you discovered it
- Supporting **photos or videos** (if available)
- A polite request for the seller to inspect the issue **before any repairs**
- A **reasonable deadline** for a response
- Any **expert reports or findings** you already have

This kind of notice gives the seller a fair chance to verify the issue, seek advice, and possibly resolve the situation before lawyers get involved.

For more resources or to explore mediation as an option, visit:

www.montreal-mediation.com