

INVENTORY AND INSPECTION OF PROPERTY IN BELGIUM

Why an inventory and inspection?

- When renting a home in Belgium, it is usual to draw a detailed report (survey) on the status of an accommodation. The objective: parties, tenant and owner, have a document upon which they can base themselves to avoid discussion about the state of the accommodation at the time of departure of the tenant.

The ideal situation for a tenant

- The owner doesn't request a survey and doesn't request the tenant to sign any document concerning the status of the accommodation. As no written evidence is available at departure, the owner cannot claim any indemnity, even if the apartment is in a very bad state, compared to the time of entering the home.
- Due to this fact, it is extremely seldom that the above situation occurs.

The ideal situation for the owner

- The owner draws a document that says that the accommodation is in perfect condition.
- If the tenant signs this document, any damage, scratch or other is supposed to have been done by the tenant during occupation and could be charged.

The situation if an owner wants to avoid cost for an expert

- It happens that an owner wants to save the cost for the expert. As he will know that it is not advisable to not have any report, he would usually propose the following: Survey « à l'amiable » (survey between friends).
- This is definitely in the disadvantage of the tenant, as the owner will go through the accommodation with the tenant and usually has him sign a paper that the accommodation is in good shape, other than the remarks made at that time (this is never detailed enough and leaves room for a lot of discussion at departure).

The most common situation

- A survey is done. If a survey is being done, the most important things are :
 - i) That the report is accurate.
 - ii) A person who is independent from both parties does the report (in our situation rather tenant minded and certainly not owner minded.
 - iii) The person who does this work does it as a full time profession (it could be also an architect or builder of the owner home or expert who does more geographic measuring work and hardly surveys etc.).
- If i, ii and iii are not true, it might not be a difference at the entrance (other than a short, cheaper but bad report for the tenant) but the indemnities at the departure may be very high. This means that one needs to know the expert to be sure of being well represented, especially as in Belgium, indemnities to be paid can be important. Certain things tend to be considered as damages that in other countries may be seen as normal « wear and tear ».

There are several possibilities

- The expert that the owner proposes is shared by both parties (cost born by both). If the expert is known by both parties – no problem. If the tenant doesn't know anything about him/her, the tenant cannot be sure on the points mentioned above = dangerous.
- The expert proposed by the tenant is shared by both parties. Ideal situation for the tenant as he knows the person and pays half the cost.
- The owner and tenant cannot agree on one expert and therefore each have their own expert. The more an owner insists on using an expert he knows (especially because he has used him/her for a long time), the more careful one needs to be. Tenants change all the time, therefore the expert's « client » is rather the owner than the tenant. If the tenant doesn't know the proposed expert, it makes sense to have an own expert. Obviously each party than needs to pay its own expert.

Language

- The report (survey) is drawn either in French or in Dutch, as these are the official languages of Belgium (next to German at the east side of Belgium).
- If there would be a legal case, the judge, who deals with it would request the document to be in his language.
- It is true that it is of a disadvantage to the tenant to get this document in another language than his own as well as the lease. The problem being :
 - There are no experts who currently draw reports in English
 - There are certainly few owners who are willing to except a report in English
 - Any judge would request a translation of the document