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STRAUSS DALY'S SPECIALISED PROPERTY DEVELOPMENT SECTION

offers, in addition to conveyancing, the following professional services:

- Rezoning – where substantial change in land use is envisaged.
- Consent use – where approval for an additional or secondary land use is required.
- Removal or amendment of title deed restrictions – where a deed may restrict or prohibit a new use or development, e.g. a second dwelling.
- Zoning scheme departure – such as the running of a B&B or the relaxation of a building line to accommodate a dwelling extension.
- Subdivision – where a single parent property is divided into a number of smaller properties.

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STEYN BOTHA

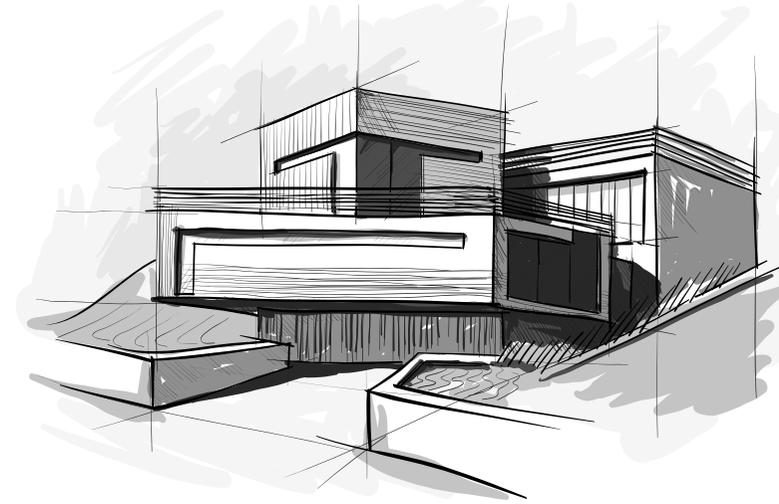
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No building
plans for those
alterations to
your property?

www.strausdaly.co.za

STRAUSS DALY ATTORNEYS

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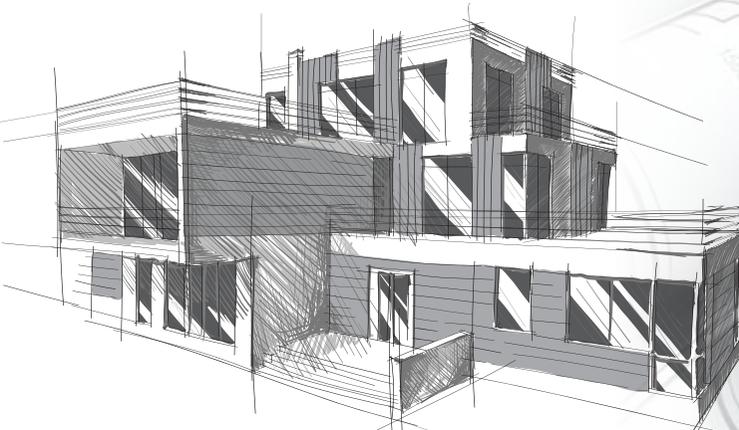
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Offices also at:

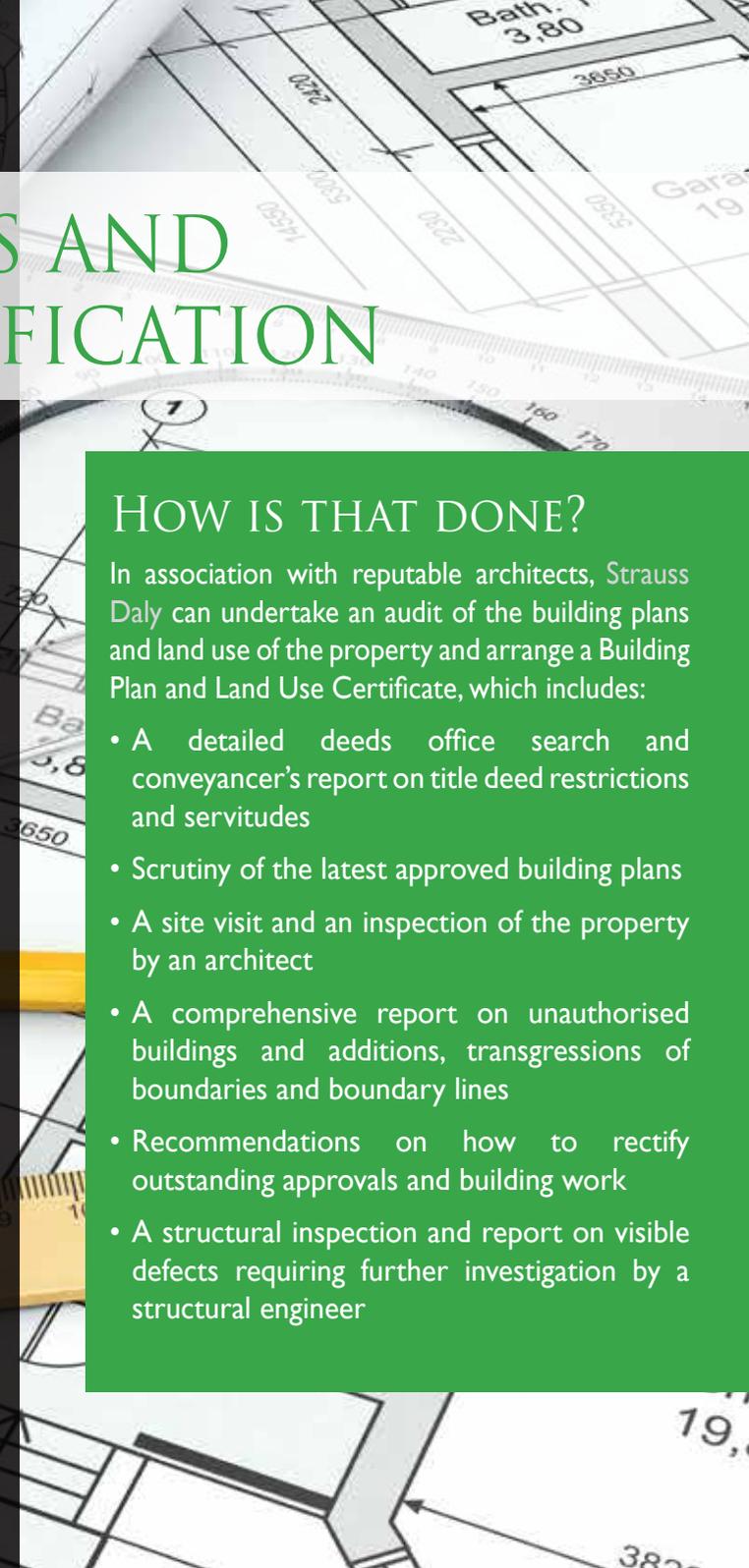
Cape Town, Claremont, Umhlanga,
Johannesburg, Pretoria, Port Elizabeth
and Bloemfontein



The pitfalls... and what
to do about it.



BUILDING PLANS AND LAND USE CERTIFICATION



You want to buy or sell a property, but the dwelling or other structures on the property are not built according to approved plans.

What now?

Carports, extra bedrooms, converted garages, granny flats, loft rooms, braai areas and verandas are frequently constructed without much thought being given to proper municipal approval or zoning, building restrictions and title deed conditions.

It remains a property owner's responsibility to comply with the restrictions of a zoning scheme and obtain approval for any new land use activity or related building work, whether or not it was any of the previous owners were to blame.

A recent High Court decision highlighted the legal dilemma of buyers and sellers where structures on a property do not comply with municipal regulations or the local zoning scheme.

Sellers who have previously flouted building regulations, may be obliged to have building plans properly approved. In extreme circumstances, structures that cannot receive municipal approval may have to be demolished before transfer can be registered.

Buyers who do not do their homework before buying property and do not address shortcomings with regard to building plans and structures on the property at contract stage, will inherit the seller's failures after transfer. The buyer will be obliged to rectify the inadequate building plans or demolish the unlawful structures.

The best advice is to obtain a professional audit of the building plans and structures, to enable you to address any remedial action, associated expenses and inevitable delays in transfer, before you sign your deed of sale.

HOW IS THAT DONE?

In association with reputable architects, Strauss Daly can undertake an audit of the building plans and land use of the property and arrange a Building Plan and Land Use Certificate, which includes:

- A detailed deeds office search and conveyancer's report on title deed restrictions and servitudes
- Scrutiny of the latest approved building plans
- A site visit and an inspection of the property by an architect
- A comprehensive report on unauthorised buildings and additions, transgressions of boundaries and boundary lines
- Recommendations on how to rectify outstanding approvals and building work
- A structural inspection and report on visible defects requiring further investigation by a structural engineer