

17 June 2022

DEFECTS UNDER THE PROPERTY PRACTITIONERS ACT: DISCLOSURE BY A PERSON OTHER THAN THE SELLER (PART 7)

The Property Practitioners Act, 22 of 2019 (PPA) & the Regulations that were Gazetted on 14 January 2022 came into operation on 1 February 2022 and brought a number of changes to the property industry.

Over the course of the next 7 weeks, we will discuss how defects and the disclosure of defects must be addressed in terms of the PPA. This article is Part 7 and the last article in the series, which discusses the disclosure by a person other than the seller.

Disclosure by a person other than the seller

The Property Condition Report must be signed by the seller or a signatory that has personal knowledge with regards to the property, such as a tenant that resided in the property. The report stipulates the number of years that the seller/signatory resided in the property.

THIS REPORT CAN THEREFORE BE:

- A full disclosure made by the seller personally
- A partial disclosure by
- A nominee (tenant) appointed by the seller
- No Disclosure as the signatory is only acting in a fiduciary capacity, e.g., proxy, executor, curator etc. and has no knowledge of the property.

If the signatory thereof did not reside in the property and can therefore not disclose certain defects, the purchaser should take extra care with the inspection of the property.