

10 June 2022

DEFECTS UNDER THE PROPERTY PRACTITIONERS ACT: ESTATE AGENT'S RESPONSIBILITIES
(PART 6)

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 6 in the series, which discusses the estate agent's responsibilities.

The Estate Agent's Responsibilities

The agent/agency has no duty and does not purport to inspect the property or any regulatory measures for and on behalf of the purchaser or the seller.

The agent is not a supplier of property but a supplier of an advisory service aimed at facilitating the conclusion of an agreement of sale between the seller and purchaser. The agent relies on the seller to disclose the defects as set out in the Property Condition Report. The agent/agency shall not be liable in any way, for any latent or patent defects to the property, including any regulatory measures e.g., building plans, zoning or compliance certificates or any other restrictions and shall not be liable for any damage the purchaser may suffer as a result of any defects.

Suppose the agent assists the purchaser or seller in obtaining any documentation regarding regulatory measures, building plans, sectional plans, specialist reports, compliance certificates, HOA/Body Corporate rules, title deeds etc. In that case, he/she merely acts as an intermediary and does not purport to have verified the correctness of the documentation or that the property is fit for the intended purpose.