

03 June 2022

DEFECTS UNDER THE PROPERTY PRACTITIONERS ACT: PURCHASER'S RIGHTS (PART 5)

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 5 in the series, which discusses the purchaser's rights.

Purchaser's right to advice or inspections

At his/her own cost, the purchaser is entitled to appoint an expert and/or person with technical skills and knowledge to detect defects, including regulatory measures and non-compliant aspects concerning the property, before making an offer.

The seller will only be required to attend to the defects set out in any specialist report if the purchaser specifically specified it in the offer and the seller agreed to attend to it.

Any report from an expert does not absolve the purchaser from his/her obligation to inspect the property to establish whether there are any defects.

The report also does not discharge the seller's obligation to disclose those defects required to be disclosed that he/she is aware of.