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GOOD FENCES MAKE GOOD NEIGHBOURS: REGISTER YOUR RIGHTS OR FORFEIT

In the event that owner A's garage is on the land of his neighbour, owner B, and an agreement for use of the garage is not reduced to writing it may become problematic. The parties in *Stoch and Another v Mntambo N.O. and Others* (38240/2020) [2022] ZAGPJHC 544 had such an arrangement.

Owner A never registered a servitude for the access to his garage on the property of owner B and he paid the price. Not all neighbours get along and in this case the relationship soured, and the court was tasked to find a solution.

The court held that due to the lack of a written agreement and the formal registration of a servitude, the consequence was that the Alienation of Land Act was not complied with, and no agreement was entered into and owner A lost access to his garage on the land of owner B. The court urged landowners to register rights in terms of servitudes and written agreements or lose their rights to access.