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HOW TO CANCEL AN AGREEMENT OF SALE

In a sale agreement, the parties must always adhere to the terms of the agreement, especially when it comes to the cancellation of the agreement. If the agreement has a dedicated clause describing the methods the parties should follow to cancel the agreement, the clause should be strictly followed. If not, the cancellation might not be valid.

In *Dolce Domus CC v Herholdt and Another* (742/2021) [2022], the purchaser failed to timeously provide the seller with a guarantee regarding the purchase price. The seller gave the purchaser a written notice informing him of his breach of the agreement and a time period within which the breach should be remedied. After the notice period lapsed, the seller never informed the purchaser in writing of her election to cancel the sale agreement as per the stipulations of the agreement. The court, therefore, found that the sale agreement remained in place and valid and binding, and the seller was ordered by the court to transfer the property to the purchaser.