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PART 2 THE IMPACT OF UNAPPROVED BUILDING PLANS ON THE SALE OF A PROPERTY

It is becoming more and more common for purchasers to request that approved building plans be delivered by the seller before registration of the property into their names. In the next 3 articles, we are going to discuss a few scenarios that can arise with regards to building plans.

Scenario 2

The seller confirms there are approved building plans, but has put up either carports, wendy houses, made alterations to interior walls and windows, or enclosed a patio with sliding doors. All of the aforementioned must reflect on building plans, and if not, the building plans will have to be updated.

The result would be that the seller will be liable for the updating and approval of new plans, as it was contractually agreed upon. This will cause a delay in the registration of the transaction as approval of building plans takes a while at the municipality. If it is not a bond condition as well, there is a possibility that a retention can be agreed upon which is only refundable to the seller on delivery of the plans, and registration of the transaction can proceed. The parties should sign an addendum to regulate the position.

It is very important that a seller obtains advice from either an architect, draftsman, town planner or any professional in the field on what should be on building plans