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PART 3 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 2 articles, we are going to discuss a few scenarios that can arise with regards to building plans.

Scenario 3

The seller and purchaser sign a sale agreement without any stipulation that building plans must be delivered. The purchaser requests a copy after signature of the agreement, and it is then found that the building plans are not up to date.

The result in this scenario would be that if the seller was not aware that the building plans were not up to date it would be a latent defect that is covered by the voetstoots clause, and the seller will not have any liability to provide updated plans.

If the seller however knew that the plans were not up to date, and deliberately and fraudulently failed to disclose it to the purchaser, the seller will be liable to provide updated approved building plans.