

The Property Practitioners Act now offers consumers greater protection - here's how

The new Property Practitioners Act, in full effect from today, 1 February, provides consumers with more protection. Although disclosure of defects in both sales and rentals has been in practice for some time, it is now a legal requirement. The document must be signed by all parties and annexed to the respective sale or lease agreement.



Source: Supplied

According to Tiaan Pretorius, manager for Seeff Centurion, sellers should not try to cover or conceal defects because this can land them in hot water since they could be sued by the purchaser. However, should a seller fail to disclose a fault that they were unaware of, they would obviously not have been able to declare it, hence it is unlikely to pose a problem.

There are generally two types of defects, namely patent defects which are those that are visible to the naked eye, and latent defects which usually relate to structural issues and are more difficult to spot. The property practitioner must undertake a thorough inspection and the seller must point out all defects, regardless of whether they are patent or latent.

Patent defects are usually easily identifiable. These would include aspects such as cracks in the walls, sagging gutters, cracked or broken windows, damaged light switches, cracks around the swimming pool, deteriorated woodwork, damaged cupboards, cracking paint work, cracked tiles and damage to carpets, laminate or wooden flooring.



New Property Practitioners Act set to tighten up property legislation

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Importance of a home inspection

Latent defects include structural issues such as unsteady walls, leaking roofs, faulty geysers and swimming pool pumps,

rising damp and so on. These are more difficult to spot, hence our recommendation that the buyer gets an inspection done, says Pretorius.

It is important to choose a reputable home inspector with the relevant expertise to inspect and discover defects in the property. The cost of the inspection is for the buyer's account, but this is money well-spent, he says further.

An inspection can ensure that there are no surprises before payments are made. Buyers should be mindful that once the contract is signed, it becomes more difficult to act, and can be costly if legal action is required. It will also put the buyer in a position to request repairs or negotiate reparations as part of the conditions of sale.



Tiaan Pretorius, manager for Seeff Centurion

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