Gmail

Louise R <louiseradue@gmail.com>

Fw: C-25795198

1 message

Andrew <andrew@radue.co.za> 19 April 2023 at 12:38
To: louiseradue@gmail.com

From: Tsikani Mudzimu (ZA)
Sent: Tuesday, April 18, 2023 8:27 AM
To: andrew@radue.co.za
Subject: C-25795198

Dear Mr. Radue

I trust all is well.

Please accept our sincere apologies for the inconvenience caused.

Complaint reference number: C-25795198

Regarding the resolution of the complaint about the encroachment.

Summary of complaint:

The encroachment dispute.

Final outcome:

In short:

There are two type of encroachments. The first is the encroachment over the building lines within the boundary of the property. This type of encroachment is imposed by the municipality and can be endorsed on the title deed. There are instances where the municipality can grant relaxation to allow for buildings to be built over the building line, and this will be based on the respective municipalities discretion and bylaws.

The second is encroachment over boundary of the stand. This is type of encroachment is more serious as this means that the buildings or improvements are built over the boundary of the subject stand and are located on the boundary of an adjacent stand. Legally such encroachment are seen in a serious light as they law could requires that such situation should be remedied by legal means based on the decision taken by the municipality, and the remedy sanctioned could be a request to demolish any encroaching improvements, or a registration of a servitude of encroachment over the property that has been encroached, or expropriation of the area that has been encroached and consolidation of this area with the main stand.

The first severity of the type of encroachment over the building lines can be moderate to high depending on the area that has been encroached and the importance of this area in terms of infrastructure of services that might be on this area. On the other hand, encroachment over boundary of the stand is more high as this requires legal means to resolve in terms of the regulation.

Taking the above into consideration, we are unable to assist you in regards to the encroachment, the seller will have to assist you to resolve the matter.

I hope you will find the above in order.

Kind regards

Tsikani Mavis Mudzimu

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