

# MBOMBELA BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT ACT SECTION 70

## OUR SERVICES:

- Drafting of Agreements of Sale
- Property Transfers and Registrations
- Subdivisions and Consolidations of Properties
- Registration of Mortgage Bonds
- Opening of Township Schemes
- Developments
- Sectional Title Scheme Developments



The new by – law issued by the Mbombela Local Municipality is applicable to all land within the municipal area and effective from 1 July 2015.

The by –law is applicable to all farms, small holdings, communal land, residential and commercial properties, including all state owned land.

In terms of the by law, any property sold from 1 July 2015, may not be transferred without the municipality issuing a certificate in terms of section 70 of the by law.

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### WHAT EVERY PROPERTY OWNER SHOULD KNOW ABOUT SECTION 70:

Your attorney attending to the transfer of the property will apply for the certificate to be issued as part of the transfer process.

An affidavit is filed with the application in which the owner states that:

- 1) Any fees in respect of the property due to the municipality has been paid;
- 2) Any penalties for the contravention of any by law or regulation has been paid to the municipality;
- 3) The owner understands the requirements of s 26 of the Spatial Planning and Land use Management Act;
- 4) The attorney/your estate agent will give the affidavit to you to sign.

The owner of the property cannot sign the affidavit without having verified the information required, as the affidavit is signed under oath and the owner thus swears to the correctness thereof.

### IT IS RECOMMENDED THAT YOU VERIFY THE FOLLOWING FACTS IN RESPECT OF YOUR PROPERTY:

- Confirmation that the use of the property and the buildings are according to the zoning or special consent use applicable to the property;
- Confirmation that the buildings on the property (including all boundary walls) do not encroach on the neighbouring property or municipal roadside reserves, parks or other open spaces;
- That funds due by the transferor in respect of land, have been paid;
- Proof of payment of any contravention penalty or proof of compliance with a directive contemplated in Chapter 9 of the by-laws;
- Proof that the conditions of approval that must be complied with before the transfer of erven have been complied with;
- Proof that the land unit arises out an approved land development area, that all further requirements contemplated in section 68(2) have been met;

**Our office can assist and advise you in respect of all the above information to be obtained.**