

## Legal Masterclass: Property and Deeds

### Description

This masterclass will equip you with a foundational understanding of property law, enabling you to identify potential property law issues and know how to navigate property law disputes accordingly. During this course, you will be taught the most relevant property law legislation and become familiar with the most important sections of each piece of legislation. Furthermore, you will gain the ability to identify the relevant role-players in any property law dispute and gain knowledge about the various rights, responsibilities, and legal remedies applicable to role-players in any property law-related situation.

### Structure of workshop

#### Day 1

- The sources of South African Property Law
- Classification of property types
- Different types of rights in the property law context
- The Deeds Registries Act 47 of 1937
- The Rental Housing Act 50 of 1999
- The Alienation of Land Act 68 of 1981
- The Expropriation Act 63 of 1975 & Expropriation Bill
- The Sectional Titles Act 95 of 1986
- The Sectional Titles Schemes Management Act 8 of 2011
- The Home Loan and Mortgage Disclosure Act 63 of 2000
- The Extension of Security of Tenure Act 62 of 1997
- The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998
- Section 25 of the Constitution: The Property Clause
- Deprivation of property – The *FNB* Methodology
- Expropriation of property and the Expropriation Bill
- Exploring the regulatory framework surrounding landlord-tenant law
- The requirements for a valid lease
- Rights and obligations of landlords
- Rights and obligations of tenants
- Legal remedies available for landlords
- Legal remedies available for tenants

#### Day 2

- Documents required for property to be transferred
- The different attorneys in a property transfer – the conveyancing transferring attorney, registering (bond) attorney, cancellation attorney
- The role of the municipality in property transfers
- The role of banks in property transfers
- The process of conveyancing for transfer of property
- Filing of property-related documents at the Deeds Office
- Types of information available at the Deeds Office
- Ownership through possession-is possession really 9 tenths of the law?
- Ownership through agreement
- Ownership entitlements and ownership obligations
- Negative consequences of ownership

- Is it worthwhile to own property, or is it better to rent?

### Day 3

- Different types of neighbour law
- Is your neighbour allowed to make so much noise?
- Can your neighbour use your driveway?
- Do you have the right to a view?
- Instances when you obligated to tolerate a nuisance
- What are your rights and obligations as an Airbnb host?
- What are your rights and obligations as an Airbnb guest?
- Can you be prohibited from using your property as an Airbnb in a sectional title scheme?
- What can you do as an aggrieved neighbour of an Airbnb property?
- Instances when you can and cannot evict someone
- Can you evict someone from commercial property?
- How to go about lawful evictions – the requirements for eviction and how courts grant eviction orders

#### Mode of Delivery

Online.

#### Admission requirements

This SLP is open to people working in a legal, business, regulatory, financial environment or any potential student who has completed Grade 12 studies and has a keen interest in many or a specific area of law.

#### Assessments

There are no assessments.

#### Masterclass Facilitator

Dr Gisele Chloe Lavita is a Senior Lecturer at the University of Johannesburg, where she is responsible for teaching the Law of Property module. Gisele completed her LLD at Stellenbosch University, with her dissertation entitled “The regulation of Airbnb: A property law perspective. She graduated with her doctorate at the age of 25, as one of the youngest LLD recipients in South Africa.

