



Check the Title of Your Property

Understanding the importance of checking the title of your new property prior to purchase.

The property that we purchase will undoubtedly be the biggest financial investment we make in our lifetime. In this respect it is important that everything is correct regarding the title to the property. The solicitor will check title, easements, rights of way and numerous other documents and deeds. The position and accuracy of boundaries will generally not be checked on site. There are a number of reasons for this.

When we view a property we inspect the inside and assess various pros and cons of the layout, décor, etc. We walk round the garden and will consider the orientation of the property relative to where the sun rises and sets. We may even take a cursory look at the boundary fences to check they will keep the kids and pets safely protected.

One factor that many of us will not consider is whether or not the boundaries are correct as per the title plan. The solicitor will ensure that the documents and paperwork are as they should be but it is rare for anyone to undertake a site visit unless the buyer does it personally.

In 99 plus per cent of cases there will never be a problem and for most of us buying properties on a residential development boundaries will be clear as a rectangular fenced parcel of ground which joins on to the neighbour and theirs to the next property with clearly defined fencing. Occasionally there are other aspects that may benefit from being checked such as rights of way, often vehicular for access purposes, or pedestrian for the necessity of getting the bins out of the back garden.

I have recently had two cases where boundaries have been found to be different to those as outlined on the title plan. I was asked to check a right of way, which the neighbour had for turning their vehicle on my client's land. This task was quite straightforward but whilst on site I checked the other boundaries and identified that a parcel of ground within the client's title was actually part of the neighbour's garden. Clearly, on inspection, this had been the case for a number of years and presumably had been something agreed by a previous owner but never registered. It is now an additional expense relating to transfer of title which, if identified earlier would have had to be sorted by the previous owner at their expense prior to exchange of contracts.

If you live some distance from the property you are buying you may not have the opportunity to check on such matters and if this is the case I would be more than happy to make a site inspection prior to your exchange of contracts. It might well be a small cost saving greater expense in the future.

Andrew R Mason is an Independent Property Valuer with a speciality for Land Registry Plans and Boundary Inspections. This article was first published in Nova News 02 Issue 2018.