



REGISTERING A BUILDING UNDER THE UNIT TITLES ACT

With the coming into force of The Unit Titles Act in 2008, most developers have been taking the advantage of the new form of registering their properties for sale purposes. Under the Act the buyers of the Units become owners and have respective titles over their units to use as they please example for mortgage and the like. The Unit Titles Act, 2008 and the Unit Titles Regulations 2009 provide for necessary steps and requirements for someone to develop the Unit title.

The title associated with a parcel of land that is subdivided into houses or home units is generally a 'unit title'. A units plan divides a parcel of land into units and common property. On and after registration of a units plan, the parcel is subdivided as specified in the plan, and the individual units are thereafter owned by the developer until sales to buyers are finalized.

The first step would be for the developer to have the Unit Plan registered by applying to the registrar through filling form will fill form no 3 attaching with it a certificate of registered land surveyor form No 10A, a certificate from a local government authority Form No 10 B and certificate of a registered architect. Section 14(1) of Unit Titles Act which is also complemented by the Unit Titles Regulation 9(2) depicts that the Unit Plan Must bear the following:

- Must be headed and described as Unit Plan
- In the plan, be indicated, a delineation of the external surface boundaries of the common property and the location of the building in relation to them.
- The plan must include a drawing illustrating the units and distinguishing the units by numbers or other symbols.
- The plan must indicate the boundaries of each unit clearly defined in the plan.
- It must indicate the approximate floor area of each unit as shown in the
- The Approximate area or floor plan of each unit to be clearly shown in the plan and be accompanied by a schedule specifying in whole numbers the unit factor for each unit in the common property.
- Attached to the Plan a statement Containing particular necessary to identify the Title to the Common property.
- The plan must be accompanied by certificates of a register land surveyor, a certificate of a Local Authority, a certificate of a Registered Architect certifying the structural, spatial, ad planning specification of the property as required by Section 1 of UTA as well as Regulation 10 of Unit titles Regulation and 10th Schedule to the Regulations.
- The Planning consents must satisfy the requirement of Section 7 of Unit Titles Act The plan has to be signed by the proprietor or developer.
- The plan must contain particulars of the address for Service upon the relevant



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Association

- The plan contains any other particular prescribed by the regulations.

Well once the above is covered then the registration will be placed in the hands of the registrar. This will be done by the developers filling forms UTF No. 3. Upon receiving the plan registration application the Registrar as per Section 8 of the Unit Titles Act, close the part of the Register relating to the common property as described in the plan and open a Separate part for each Unit described in the plan. Once it is accepted and payment is made as per the prescribed fees then the Certificate of Unit Title will be issued in respect of the Unit. Units will each have a separate title registered in its favor.

It should be noted however that the common area is not owned by the Unit owner but it's for common ownership of all the Unit holders and it is managed by the association. The association will be established to have the management committee of which will appoint a managing agent to run the daily management; and maintenance of the common property on behalf of the owners by the owners; who are the members of the association. The common property is the part of the land and/or building(s) in the units plan which does not form part of any unit, but is owned and controlled by the owners corporation/Association. This may include lifts, stairways, passages, driveways, car parks and gardens.

One thing to note though if you are a prospective buyer before contracts are exchanged, your lawyer will show you the title searches and things such as The units plan, Levies payable to the owners Association and whether they are in arrears, Insurance policies held by the owners Association, any legal proceedings involving the owners Association, any expenses for which the owners corporation is or may become responsible.

On the next article we will look at the buying off plan that is the buying of units before the building is complete. Have a nice weekend.

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