

Who gets to appoint the conveyancer?

In practice, it is largely accepted that the seller appoints the transferring attorney / conveyancer. However, there is no law or legal principle which entitles a seller to nominate the conveyancer.

In its simplest form, a property transaction requires of the purchaser to pay the purchase price, and of the seller to transfer ownership of the property to the purchaser. It is therefore accepted that the seller be allowed to nominate the conveyancer who will assist him/her in complying with the contractual obligation to pass transfer of the property.

However, nothing prevents a purchaser from making an offer subject to the condition that the purchaser's conveyancer attends to the transaction. The Seller can then either accept or reject the offer.

Accordingly, the appointment of the conveyancer is merely another contractual term which the parties should negotiate and agree on.

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