

A clear, impartial guide to...

Boundary disputes

Land registry | Specialist | Dispute resolution



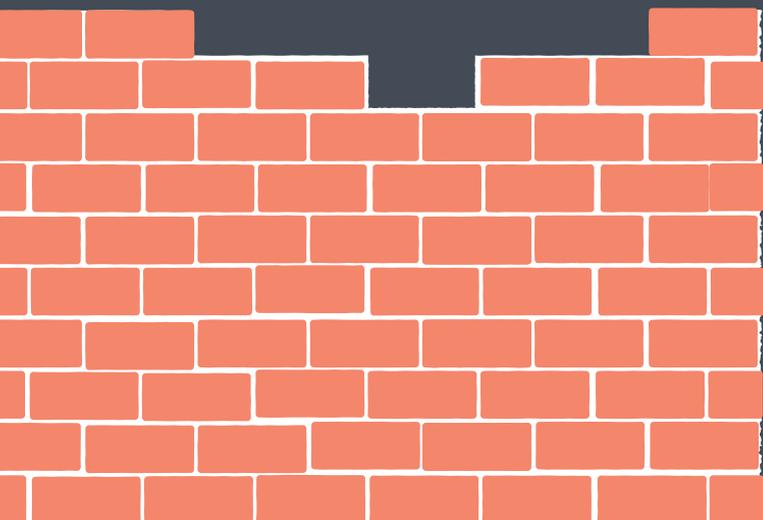
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Contents

- 03 What is a boundary?
- 04 What should you do?
- 04 Accurately identifying the boundary
- 05 Dealing with disputes
- 06 Free RICS guides
- 07 Further information
- 07 Find an RICS member



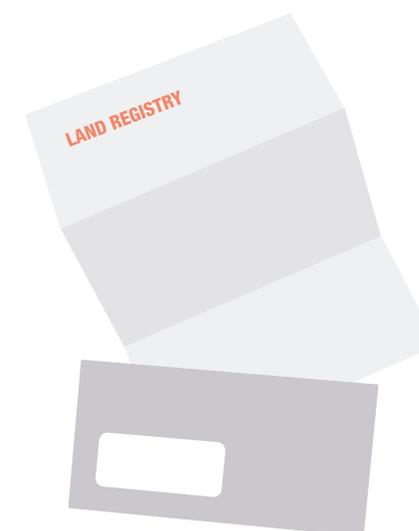
What is a boundary?

Land Registry records the general position of the boundaries in each registered title using an adapted large scale Ordnance Survey plan.

This title plan may not accurately represent the true ground positions of the boundaries. The Land Registration Act 2002 allows you under certain conditions to determine and record the exact line of your boundaries on a registered title, to avoid any future boundary dispute.

But what happens, for instance, if a neighbour complains a new wall is overlapping their land, or their new extension takes up part of a pathway between your houses?

A minor disagreement can quickly become a full-scale dispute involving solicitors' letters and threats of court action. Even more damaging are the costs involved. Ultimately, the cost of protecting your right to land in court could be 50 or 100 times as much, so it pays to think hard before rushing into legal action.



What should you do?

Get a specialist to look at all aspects of the problem and advise on whether or not you have a case.

Chartered surveyors specialising in boundaries are professional advisors with relevant knowledge of both property issues and the law.

They will look at the problem, prepare any technical data that may help solve the dispute at an early stage and, if necessary, provide a court with the appropriate advice and information needed to make a judgement. They will also advise on alternative dispute resolution procedures, which would avoid the need to go to court.

Accurately identifying the boundary

Accurately identifying the boundary between two properties often requires specialist knowledge.

The red line drawn around a property on the Land Registry plan only shows the general boundary. It does not identify whether the boundary runs along the centre of a hedge or along one side of it. Ordnance Survey maps are equally unreliable because, as part of the mapping process, they do not mark exact property boundaries. So a line surrounding the property is not necessarily the property boundary.

A chartered land surveyor will not only survey the land, check deeds and the plans attached to them, but will refer to historical documents and aerial photographs.

A boundary can change over time for many reasons: a diverted water course, or a wooden fence that moves slightly every time it is replaced. The reason for such changes is rarely recorded and can lead to disputes, especially if the owner has lost the right to move the boundary line back to its original position.

Dealing with disputes

The key to resolving a dispute speedily and successfully is to seek expert advice as soon as possible.

In the first instance, this advice can be from either a chartered land surveyor or a chartered surveyor specialising in boundary disputes. Before you ask an expert to work on your behalf, check the following:

- Do they specialise in boundary work?
- Do they have experience of mapping and land surveys?
- Are they skilled at interpreting aerial photographs?
- Are they familiar with the latest civil procedure rules and experienced in preparing reports for court?
- Do they have experience as an expert witness in court and, if so, how many court appearances have they made in the last year?

If you can settle the matter before going to court, or if the court defines a boundary line and writes an order, the chartered land surveyor will mark out your boundary line. They may supervise any fencing or building contractors to make sure there are no further arguments. Ensure they prepare a new plan, to the required specification, showing the agreed boundary line for submission to the Land Registry as a determined boundary.

Call the RICS Boundary disputes helpline

0870 333 1600

The helpline will put you in touch with an experienced local RICS member who will provide you with up to 30 minutes free advice.

RICS Neighbour Dispute Service

Call +44 (0)20 7334 3806

Fax +44 (0)20 7334 3802

Email drs@rics.org

The RICS Dispute Resolution Service (DRS) provides access to a specialist panel of expert Chartered Surveyors with experience of resolving neighbourly boundary disputes. This can involve expert determination of the boundary and mediation of a dispute. Therefore, you do have an alternative to formal litigation if any doubt or uncertainty exists between parties on the correct boundary line.

Free RICS guides



RICS have a range of free guides available for the property issues listed below.

- Buying a home
 - Selling your home
 - Property surveys
 - Extending your home
 - Subsidence
 - Boundary disputes
 - Party walls
 - Right to light
 - Compulsory purchase
 - Letting a property
 - Renting a property
 - Flooding
 - Property auctions
 - Buying and selling art and antiques at auction
- To order your free copies, visit www.rics.org/usefulguides
alternatively email contactrics@rics.org
or call the RICS Contact Centre **0870 333 1600**

For more information

We hope this guide is useful to you. If you'd like to know more about buying a home, or how RICS can help, please contact us.

Visit our website
www.rics.org/boundarydisputes

alternatively email
contactrics@rics.org

or call the RICS Contact Centre
0870 333 1600

Consumer helplines

RICS offers telephone helplines giving you 30 minutes free advice on:

- Boundary disputes
- Party walls
- Compulsory purchase

Just call **0870 333 1600** and you will be put in touch with an RICS member local to you, willing to provide a free 30 minute initial consultation. Lines are open 0830 - 1730 (GMT), Monday to Friday.

Find an RICS member

If you want to find independent, impartial advice from a qualified professional with good local knowledge, contact us.

Look out for firms that are 'Regulated by RICS'. Estate agents and surveying firms that are regulated by RICS will be easier to spot as they will be using 'Regulated by RICS' on their stationery and advertising material.

To find a chartered surveyor in your area visit
www.ricsfirms.com

alternatively email
contactrics@rics.org

or call the RICS Contact Centre
0870 333 1600

RICS (Royal Institution of Chartered Surveyors) is the leading organisation of its kind in the world for professionals in property, land, construction and related environmental issues. As part of our role we help to set, maintain and regulate standards – as well as providing impartial advice to Governments and policymakers. RICS has 140,000 members who operate out of 146 countries, supported by an extensive network of regional offices located in every continent around the world. To ensure that our members are able to provide the quality of advice and level of integrity required by the market, RICS qualifications are only awarded to individuals who meet the most rigorous requirements for both education and experience and who are prepared to maintain high standards in the public interest. With this in mind it's perhaps not surprising that the letters RICS represent the mark of property professionalism worldwide.

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