

Understanding Easements and Rights of Way

An easement or right of way is a contract made between parties to give an individual for example, the right to use a landowners' property for a particular purpose e.g., party wall rights, right of way, pathways and walkways. It also partially restricts the landowners' use of that part of the land affected by the easement or right of way.

Whilst most easements are registered on the affected Titles and remain on the Titles, as properties are bought and sold, some easements are not registered on the Title and are known as Statutory Easements. These easements include, but are not limited to, electricity and telecommunication easements.

If you have an easement for sewerage or drainage purposes registered on your Title you'll be restricted as to the nature of the type of building (if any) that can be constructed over the easement e.g., a garden shed. You will need to seek consent from the relevant authorities as to whether such construction can proceed.

If you require further clarification or information about easements or rights of way and how they might affect you, please don't hesitate to reach out to us at info@tuckfields.com.au

