

**PROPERTY ACQUISITION AND BUILDING CONSTRUCTION AND  
MANAGEMENT POLICY**

**1) General Guidelines for Property Purchase**

- a) Title to all property of Open Bible Standard Churches of Trinidad and Tobago Incorporated (OBSC) howsoever acquired shall at all times stand in the name of OBSC, and shall be used to carry out the purposes of OBSC. *(Bye-Laws; Article VI; Section 1; Sub section 1; Paragraph 1)*
- b) Prior to entering into any lease/rental of real property, or undertaking any construction or acquisition of real property, there shall be a written resolution approving the lease, construction or acquisition, with estimated costs thereof, passed by a two-thirds majority vote of the church members present at a duly and properly called business meeting of the church. The local church, having received approval from its members, shall make application to the National Board. *(Bye-Laws; Article VI; Section 2; Sub section 1; Paragraph 4)*
- c) Any local church desiring to acquire real property shall make a formal request to the National Board. The National Board shall require that the Building Consultancy and Property Management Commission investigate the viability of the project and make recommendations to the National Board who shall give the final approval for the acquisition of the property. *(Bye-Laws; Article VI; Section 2; Sub section 1; Paragraph 1)*
- d) The purchase of any property real or personal in excess of 10% of the consolidated value of the real property of the organisation shall be authorized by two-thirds vote of those present at an officially called National Convention. *(Bye-Laws; Article I; Section 2; Sub section 3; Paragraph 1.3)*
- e) **Prior to acquisition** of any real property, by lease or purchase or any proposed construction, assurances/approvals shall be obtained, in writing, from Town and Country Planning Division. *(Bye-Laws; Article I; Section 2; Sub section 1; Paragraph 2)* The following must be adhered to:
  - i) Seek the advice of the Regional Office Planner of the Town and Country Planning Division regarding the suitability of the proposed use of the site, with a view to obtaining Outline Planning Permission;
  - ii) The owner of the property must be identified and must produce his title deed;
  - iii) The site must be identified and be in conformity with the description in the title deed, as well as the information given by the Owner regarding location, size and boundaries of the property.

- f) An **Agreement for Sale** must be made between the Owner and the Organisation to be executed simultaneously with the payment of a deposit. This document legally binds both parties to the sale, subject to certain conditions being met by them. The deposit being paid to an agreed stakeholder is desirable, but not mandatory (and is rarely done). If the Church has concerns about the refund of the deposit, the parties could agree to an interest payment to be included in the Agreement, but this is negotiable and not mandatory. The best precaution against having to demand a refund of the deposit because the title is not good and marketable, is to do as much preliminary investigations as possible before making a deposit, e.g. title searches, requesting Town and Country approval from the Owner etc.
- g) **Where the property forms part of a larger parcel of land**, the Vendor must produce documentary evidence that final Town and Country Planning permission was granted for the sub-division of the larger parcel into the smaller parcel being purchased, or approval for building development on same. The production of these approvals constitutes part of the Owner's obligation to provide a good and marketable title to the property.
- h) **Where the Owner of the property is a Company**, it has to produce copies of the following before a deposit is made: -
  - i) Certificate of Incorporation/Continuance.
  - ii) Notice of Directors and Secretary.
  - iii) Notice of registered office.
  - iv) By-Laws (to determine manner of execution by Company) or Letter from Company on its letterhead, stating that the Board of Directors has resolved that execution of documents pertaining to sale of property be done in a certain manner e.g. corporate Seal to be affixed by its Secretary in the presence of one Director.
- i) **Where the Owner is a person**, at an appropriate stage he should be required to produce some form of identification e.g. at the execution of the Agreement for Sale.
- j) **Where the Owner of property resides aboard**, and someone has a Power of Attorney to act on his behalf,
  - i) the Power of Attorney should contain the following powers:-
    - (1) To sell property.
    - (2) To receive and deposit money.
    - (3) To execute Agreements and Deeds.
  - ii) **Before** a deposit is paid, as well as before the balance of the purchase price is paid, searches must be done at the Registrar General's Office to ensure that the Owner has not revoked the Power of Attorney.
- k) **Where the property contains a building** (which the Church does not intend to demolish after sale) the property should be insured after the deposit is made, since the Church would now have an insurable interest in the property.
- l) **Completion of the sale** takes place after confirmation that there is a good and marketable title which is free from all encumbrances (all rates, taxes and other outgoings are to be paid up to the completion date, inclusive of a W.A.S.A. Clearance Certificate, all documents to be in the name of the Owner).
- m) **Subsequent to completion** of the transaction the Conveyancer is to provide a certified copy of the Title and a completed Return of Ownership Form for filing.

## 2) General Guidelines for Property Building Construction and Renovation

- a) Prior to undertaking any construction, there shall be a written resolution approving the construction, with estimated costs thereof, passed by a two-thirds majority vote of the church members present at a duly and properly called business meeting of the church. The local church, having received approval from its members, shall make application to the National Board. *(Bye-Laws; Article VI; Section 2; Sub section 1; Paragraph 4)*
  - b) Plans and specifications for any proposed project shall at all times require that construction comply with all applicable building codes and safety requirements as obtains in the laws of the Republic of Trinidad and Tobago (Town & Country Planning Act Chap 35:01 and all other relevant statute). *(Bye-Laws; Article VI; Section 2; Sub section 1; Paragraph 3)*
  - c) **Prior to any proposed construction, addition or alteration**, planning permission must be obtained from the regulatory agencies. *(Bye-Laws; Article I; Section 2; Sub section 1; Paragraph 2)* However, minor internal renovations/alterations that will not affect the structural integrity of the building may be pursued, but in any event the advice of the Building Consultancy and Property Management Commission should first be sought.
  - d) **Completion Certificates** issued by the relevant authorities are to be obtained as soon as possible, subsequent to completion of construction or remodelling, where applicable.
- 3) **Insurance:** The organization through the National Board shall take out and maintain adequate insurance coverage against all risks for building and contents. Churches under construction should be covered under a Contractors All Risks policy for the full costs of construction. Each local church shall reimburse the National Office on a timely basis for premiums paid on its behalf. (Churches shall maintain an up to date inventory of all assets, to ensure that adequate insurance coverage is in place for contents.) Subsequent to extensions and major renovations being done, up to date Quantity Surveyors Reports should be obtained, to again ensure that adequate insurance coverage is in place.
- 4) **Rates Taxes and other outgoings:** It is incumbent upon all churches to pay in a timely manner all applicable rates, taxes and other outgoings, and retain receipts thereof.
- 5) **Transfer of Property Titles:** The National Board shall acquire the consent of at least two-thirds votes respectively both of the local church board and subsequently the local church membership before property under the control of the local church can be sold, granted, transferred or otherwise disposed of. Such votes shall be obtained at duly authorized meetings called for that purpose. In the event that the National Board is unable to obtain such consent the matter shall be taken to the National Convention for its ruling. Such transactions shall be authorized by at least two-thirds affirmative vote. *(Bye-Laws; Article I; Section 2; Sub section 4; Paragraph 1.4)*
- 6) **Mortgages:** The National Board shall have the authority to mortgage or otherwise alienate any property of this organization after consultation with the senior pastor and the local church board concerned. *(Bye-Laws; Article I; Section 2; Sub section 3; Paragraph 1.4)*