

Explained: Restoration of Damaged Real Estate Documents

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Law No. 33 of 2017 regulates the restoration of partially or completely damaged [land records](#). The law defines the reasons justifying restoration, as well as the mechanisms and procedures to be followed. It also outlines the mechanism for announcing the results of restoration, how to object to them and the penalties for those who destroyed the original records.

Law No. 33 defines restoration as a set of administrative and judicial procedures that lead to the issuance of an approved alternative to the damaged land record or one of its components. There are two types of restoration: administrative and judicial, the latter of which is used in cases where a document has been totally damaged.

So far, many decrees were issued to restore land records in two real estate zones in Aleppo city, known as zones 2 and 3; the Arbin and Douma real estate zones in the Damascus Countryside governorate; and in the Zeiti, Kafr Laha and Taldo real estate zones in the Homs governorate. The available documents were scrutinised, then judicial committees were formed to approve them after taking into account objections submitted by real estate owners.

The biggest issue in restoring land records under Law No. 33 is endowing the newly restored documents with the same probative power granted to the original land registries and giving wide powers to the restoration committees without legal controls. That opens the door for potential malpractice or fraud. The executive instructions for Law No. 33, as issued within Decree No. 1 of 2018, only served to strengthen these powers.

The law also determines the mechanism for notifying others of the restored documents within the official gazette and considers this process to be a form of notifying in person. In all cases, the process of objecting to the restoration of certain documents does not halt transactions over a property whose documents have been restored. The objector retains the right to resort to the court and demand compensation for a period of 15 years. In cases where the property has been transferred to a new owner the objector may not be able to recover the property but receive financial compensation instead.