

# Purchasing/Selling A Property In Turkey/ Military Clearance & Capital Gains Tax etc

Any of the content within these files whether in part or full, may NOT be copied &/or distributed by any third party, unless appropriate accreditation is given. © Doc Martin 2017

FILE SUB HEADING INDEX.

A....Overview info., read before buying.

B....NEW REGISTRATION LAWS FOR EMLAKS [ESTATE AGENTS]

1A..Buying Land.

2..Buying process.

2A...Adding/Removing a name to/from a Tapu.

3..Tax relief for 1st time buyers.

4..Military clearance

4A ..MILITARY SEARCH REQUIREMENTS COMING TO AN END

5..Selling procedure

5A...Capital Gains tax.

6..UK Government info regarding buying abroad.

7..Power of Attorney...What does it entail? How to cancel.

8..Senet Document.

9..Tapu name change,thro' marriage/divorce /death & lost Tapus.

10..R.P. requirements after moving to another property.

11..Turkish Tax system.

12..Property ownership if via a Turkish company.

13.A. New Building Laws/Regulations enforced from Oct 2017 .

13 B..PROPOSED PROPERTY INSULATION LAW FROM 2020..

13C...Issuance of a missing Habitation certificate

& legalising illegal extensions to a property.

14..CHANGING THE ADDRESS ON YOUR RP WHEN YOU MOVE HOME.



A ] THINKING OF MOVING TO TURKEY?.....

It has been a dream for many to buy their own property in a country that you love to visit. However, there has been an increase in illegal real estate agents. When buying property in areas such as Marmaris, Fethiye and Bodrum there has been a warning issued to look out for such people.

When deciding to buy a property anywhere it is important to follow these steps:

- Make sure the estate agent can provide documentation to prove they are a legitimate company. These are documents such as certificates, ID and tax numbers.
- Make sure they have an office.
- Check them out online, do your research, they should have a website, reviews from other customers, business address etc.
- Ask as many questions as you can about the properties.
- Ask online on social media if anyone has come across them before, often people will tell you their own experiences with the company.
- Look at the property first before making any decisions.
- Check the licences for the building, building permission, habitation certificate[ this is most important ] and building licence.
- Check with other real estate agents about the property.
- Speak to the Land Registry Office to check if the property you consider buying has the permissions to allow people to buy.

**VERY IMPORTANT..** [ Concentrating on New Builds ].

- Do not buy the property if it does not have a Tapu [deed.]
- What you Must check before you do anything else is to get someone (Not the builders Lawyer !! ) to check who's name is on the Tapu, whether there are any debts/charges against the property & if it has a Habitation certificate. If you go ahead without checking this you could find yourself in a Nightmare!

. When signing the purchase agreement & before parting with any money it **must then be Noterised** at a Noters office to make it a legal document, as before that it's only a 'gentleman's agreement' & would not stand up in court. So make sure before Noterising, the sales document is totally understood by you, everything discussed by you & the seller is stated in the document [engaging a Translator is advised].

If the seller is either reluctant or insists it's not necessary & refuses to Noterise the sales agreement, **walk away!!** & find another seller/property.

. When purchasing a **new build**, the Tapu should be in your builders name not the landowners. [this would prove the builder has bought the land the property stands on from the landowner].

**Never** pay anymore than a deposit [if required] & **do not** pay the balance owed for the property until it is completely finished & you have been to the Tapu office confirmed there are no debts, [loans etc taken out on the property deeds] & had **your name** put on the Tapu at the Tapu office.

There are countless genuine story's of buyers who paid the full amount for their property & 6+ years later still don't have their Tapu... In most cases this ends up in court [landowner vs builder] and the property is taken from you, with no financial recompense available. Remember as in most countries ... **if your name is not on the property deeds [Tapu] the property is NOT yours & you have NO claim on it. You will lose every £/\$/Euro you put into the property.** Also your countries Embassy will not get involved in claims through fraudulent builders.

. **Check the Tapu, make sure it has a tick in the 'Kat Mulkiyeti' [ box 16 ] full Tapu not 'Kat Irtifaki' [box 17] land Tapu.** [As shown in the Tapu photo below.]

• Get an expert to check the building. Making sure that the property has been built according to the Turkish Standards Institution and earthquake regulations.

A **Habitation Certificate** should be available for the property to prove this.



. **Finally.....If you are new to Turkey, then take a short term rental property for a while & travel to see other areas before committing to purchasing.....**

B ].NEW REGISTRATION LAWS FOR EMLAKS [ESTATE AGENTS]

On June 5th 2018, new rules were introduced in the control of the Estate Agency business to minimise the impact of fraud & tax evasion from them.

Property buyers & sellers are advised to **ONLY** use an agency with the "Professional Qualification Certificate" & "Authorisation Certificate" to trade as a licenced Emlak.

This also means that the age old senario of your waiter, barman selling a property are finished & illegal.

Under the new regulations a seller enters a 3 month contract with an authorised Emlak, if the property has not sold within that time, the seller can either renew with the same agent or move to another, again under the same 3 month terms.

An Emlak can if they wish enter into a "Sales Brokerage Agreement" with other Emlaks collaborating to advertise a property, as long as it's been agreed in writing on the sales contract by the seller.

The standard fee to an Emlak for selling a property is 3% of the final selling price.

1]..BUYING A PLOT OF LAND....

Article 35 of the Land Registry Law, states persons with foreign nationality and companies with legal personality established in foreign countries according to the laws of their own countries must submit the project to be developed on the land bought within 2 years. They must submit it to the relevant Ministry for approval. Otherwise the state has the right to take back the land free of charge.

2]..PROPERTY BUYING PROCESS.

As of 13/9/2018 it is illegal to advertise / buy or sell a property in any other currency than Turkish Lira..

[www.mondaq.com/turkey/x/736230/Securities/Restrictions+Imposed+On+Contracts+Denominated+In+Foreign+Currency+Among+Turkish+Residents](http://www.mondaq.com/turkey/x/736230/Securities/Restrictions+Imposed+On+Contracts+Denominated+In+Foreign+Currency+Among+Turkish+Residents)  
(<http://www.mondaq.com/turkey/x/736230/Securities/Restrictions+Imposed+On+Contracts+Denominated+In+Foreign+Currency+Among+Turkish+Residents>)

Firstly you need to obtain a Tax Number [from your local Tax Office] & get your Passport translated & supply 2 recent photos [passport type].

You need to make sure the title deed of the property is free of any debt, you can appoint a lawyer to carry this out if you wish. It is important you find a competent lawyer whom you can trust.

You will often be asked for a small reservation fee for the property. Your representative will need to draw up a contract between the seller and purchaser, included will be details of the completion date, payment schedule and terms and conditions.

Your contract should state that the purchase price includes all certification/name change fees/usage bills and no further costs will be payable. Get your contracts notarised if you wish to make it/them legal documents. This will ensure that the contract is officially accepted by Turkish law and that the terms within the contract are binding for all parties. When the notarised contract is signed by all parties, the appropriate deposit is paid.

You will then need to apply for a security clearance, which is your military approval, this will entitle you to own a property in Turkey – military approval will often be applied for by your representative. The check takes about 4-8 weeks & cost around 450tl [2017] .

If not fluent in Turkish an official translator will be required.

You can sign a Power of Attorney which will allow your representative to conclude any necessary paperwork on your behalf.

A one off fee for official Belediye/Tapu office paperwork is payable..allow about 250tl [2017]

There is a levy of tax at 4% which can be paid by either party or split, by arrangement.

If you sell your property within 5 years of the date of ownership [ Tapu date that is] you will be liable to 5% Capital Gains Tax also.

Main paperwork required..[this will vary depending which province the application is made].

Tapu of the property.

Belediye valuation statement .

Valid Dask policy for the property.

Passport sized photos of seller & purchaser [ 4 of each persons]

Noterised passports from foreigners, Turkish I.D from Turkish Nationals.

Official court translator must be in attendance for any foreigners.

This link has an overview....

<https://www.morogluarseven.com/news/purchasing-real-estate-turkey-requirements-foreign-non-turkish-buyers>  
(<https://www.morogluarseven.com/news/purchasing-real-estate-turkey-requirements-foreign-non-turkish-buyers>)

## MONIES.....

If concerned about carrying a large sum of money if not paying directly via a Bank Transfer then there is such a thing as a 'bloke çek'.

Works like a bank draft not a personal cheque. I checked with Garanti who confirmed the method. The cheque is raised at the bank's Head Office and the funds blocked ready. Cheque and tapu transfer can then be completed in the Tapu office then back to the bank, cheque presented and cash was in the sellers account immediately and can be drawn or transferred . If worried about large cash payments this is a good route.

The same works if you are selling & your buyer wishes to pay in cash, he can apply for a 'bloke çek' to pay you.

## 2A ]...HOW TO ADD/REMOVE ANOTHER NAME ON A TAPU

To add/remove a person or spouse to a Tapu (title deed) you will need to 'buy/sell a share' of the property to/from the person.

Please visit your local land registry office (Tapu Sicil Müdürlükleri) and inform them you want to sell a percentage of your property and add a new name to the tapu.

You will need to pay a sales transfer fee of 4 % – plus some additional administrative taxes.

Example; If you sell 50% of your property, you will have to pay 4% of this amount in taxes.

Please note; You can not sell a percentage of your property for any amount. There is a minimum amount you have to sell your share for, and your local land registry office will instruct you about this.

You will need to go through the same procedure as above.

## 3]...Tax Relief for First Time Purchasers. [From 1/4/2017].

### General stipulations of the deal

Foreigners and Turkish citizens living abroad for more than six months will not pay the 18% VAT on their **first** commercial or residential purchase in Turkey, on the condition that they pay the sale price in foreign currency from abroad.

This is only applicable to new builds & off plan purchases, not re sale properties & must have a footprint of no less than 149 square metres.

Those who buy commercial or residential space in Turkey by taking advantage of the VAT exemption will not be able to sell their properties for a minimum of one year, while said buyers who sell their properties prior to the one year stipulation will be responsible for paying the remaining taxes on the property.

## 4]..MILITARY CLEARANCE & CAPITAL GAINS TAX.....

Previously, for foreigners, all property title deeds needed to get special permission from the Military Headquarters in İzmir to check location of the property; how close it is to military zone, strategic facility or military units etc.

From now on, according to the new declaration, if any foreign buyer has already received Military permission regarding a parcel of land or property after 05/05/2011, any subsequent buyers do not need to ask again for permission. This includes if any other foreigner has applied on your site. That means foreign buyers do not need to get Military permission from Izmir again.....

When purchasing , previously a representative could apply for Military Permission on your behalf with a copy of your passport[s] ,but now you must apply in person with your original passport or give power of attorney [ P.O.A.] to some one here to apply on your behalf.

If the real property falls within the limits of military forbidden zones, military security zones or strategic zones, a permit will be required to acquire the property. The necessary permits are obtained from the general staff (genelkurmay başkanlığı), the commanderships appointed by the general staff, or the provincial governorship (vâililik). Please note that recent amendments effective from October 14, 2013 mean that military clearance may not be required where the real estate has already been granted clearance for sale to a foreigner purchaser.

The Land Registry Office will check the buyer against the relevant restrictions . If none of these restrictions affect the buyer, the Land Registry Office will turn its inquiries to analysis of the property's location.

The Land Registry Office checks with the relevant military authorities whether the property is located within a military or special zone.

[ If the military authorities advise the Land Registry Office that the property is in a military zone, the buyer will need to apply for a permit to purchase the property.]

When the Land Registry Office inquires with the military authorities about the property's location, the buyer must pay the circulating capital fee. This fee is for the map prepared by the Cadastre Directorate. The buyer and seller may agree to share the cost of this fee.

The Land Registry Office will inform the buyer of the outcome of their checks. If the buyer is not restricted from purchasing the property and it is not located within a military or special zone, the Land Registry Office will give the buyer an appointment for transferring ownership.

The length of time between the parties' application and receiving the Land Registry Office's decision will depend on the correspondence between the Land Registry Directorate and the military authorities. In some instances, this may take more than a month.

August 2017...

## 4A ]...MILITARY SEARCH REQUIREMENTS COMING TO AN END IN MANY PROVINCES....

This at present only applies to property purchases in ,  
All of the Mugla Province as of August 2018.

Aydın... Aksaray, Adıyaman, Çankırı, Çorum, Isparta, Kahramanmaraş, Karabük, Kastamonu, Kırşehir, Nevşehir, Niğde, Samsun, Sinop, Usak and Yozgat . [ excluding land in Dilek Peninsula] .

This means property purchases & sales can be concluded within 24 hours in these areas.

This does NOT include properties in any Military Zones

## 5]..SELLING A PROPERTY...

As of 13/9/2018 it is illegal to advertise / buy or sell a property in any other currency than Turkish Lira..

<http://www.mondaq.com/turkey/x/736230/Securities/Restrictions+Imposed+On+Contracts+Denominated+In+Foreign+Currency+Among+Turkish+Reside>  
(<http://www.mondaq.com/turkey/x/736230/Securities/Restrictions+Imposed+On+Contracts+Denominated+In+Foreign+Currency+Among+Turkish+Reside>)

The documentation you will need to sell your property are:-

Passport (original document, the land registry will not accept a photo copy) ,

Turkish Tax Number

x2 Passport sized photos Tapu Document (Title Deed) ,

Dask.

You must now book an appointment in the Tapu office.

The official valuation is set by the local Belediye. It cannot lower than this official valuation.

According to Turkish Law, the title deed sale transfer \*fee should be payable by both parties 2% from buyer, and 2% from seller, however in practice it is usually the buyers responsibly to pay the whole amount of 4%.

Your local land registry office will prepare all the paperwork to transfer the title deed to the new property owner. Please note; if you do not speak Turkish you are to engage the services of a sworn translator.

.....5A]...Capital Gains Tax...Is only payable on the *profit* from the sale of a property sold within 5yrs of ownership.

Figures below correct at 2017.0,000 TL – 12,600 TL .. 15%

12,601 TL – 30,000 TL ..20%

30,001 TL – 69,000 TL .. 27%

69,001 TL – Above 70,000tl..35%

....Note,this is a link from 2011 & should be used for guidance only.

TAX PAYABLE IN THE UK WHEN SELLING A PROPERTY ABROAD..

<https://www.gov.uk/tax-sell-property...> (<https://www.gov.uk/tax-sell-property/selling-overseas-property>)

An overview of the selling process..

<https://yellali.com/blogs/article/588/selling-property-in-turkey> (<https://yellali.com/blogs/article/588/selling-property-in-turkey>)

## MONIES..

If concerned about carrying a large sum of money if not paying directly via a Bank Transfer then there is such a thing as a ‘bloke çek’.

Works like a bank draft not a personal cheque. I checked with Garanti who confirmed the method. The cheque is raised at the bank’s Head Office and the funds blocked ready. Cheque and tapu transfer can then be completed in the Tapu ,office then back to the bank, cheque presented and cash was in the sellers account immediately and can be drawn or transferred . If worried about large cash payments this is a good route.

The same works if you are selling & your buyer wishes to pay in cash, he can apply for a ‘bloke çek’ to pay you.

## 6]..IMPORTANT LINKS TO READ BEFORE YOU START YOUR PROPERTY BUYING PROCESS.....

<https://www.gov.uk/guidance/living-in-turkey> (<https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fliving-in-turkey&h=pAQHdvQV>) ..

<http://www.yellali.com/blogs/article/455/buying-property-in-turkey-the-most-important-things-to-know>

(<http://www.yellali.com/blogs/article/455/buying-property-in-turkey-the-most-important-things-to-know>)

AND ..... <https://www.gov.uk/guidance/how-to-buy-property-in-turkey> ([https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fhow-to-buy-property-in-turkey&h=NAQH\\_jpP](https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fhow-to-buy-property-in-turkey&h=NAQH_jpP))

<https://www.gov.uk/guidance/how-to-buy-property-in-turkey> ([https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fhow-to-buy-property-in-turkey&h=NAQH\\_jpP](https://l.facebook.com/l.php?u=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fhow-to-buy-property-in-turkey&h=NAQH_jpP))



## 7]..LOOK AT THE IMPLICATIONS BEFORE GIVING ANYONE POWER OF ATTORNEY OR SIGNING A SENET...TAKE LEGAL ADVICE FIRST!!

WHAT IS A POA?..

<http://tbcci.org/power-of-attorney-turkey/> (<http://tbcci.org/power-of-attorney-turkey/>)

<https://www.gov.uk/power-of-attorney/overview> (<https://www.gov.uk/power-of-attorney/overview>)



What you need to give POA through a Turkish notary public:

**Original passport or ID-card**

**Notarised translation of your passport or ID-card**

**Turkish tax number or Yabancı kimlik number**

**Two passport-sized photos if you give POA for selling a vehicle (car, motorbike, boat etc.), for any transaction at the tapu (land registry) office and for divorce proceedings**

**A translator who is a sworn translator for the notary office you want to use**

Your attorney does not need to be at the notary office in person, a copy of his/her ID document or (if it is a Turk) the Turkish ID number is sufficient. If your attorney is a foreigner, the full name, ID document number, nationality and place and date of birth should be mentioned. Unnecessary to say that you should only give POA for major transactions (such as the sale of property) to a person you know and trust.

Notaries have a large array of standard texts on their computers for all situations where a POA is needed. **You will be surprised how comprehensive even the smallest POA text is.** The reason for such detailed listing of powers is the Turkish legal system, which necessitates that every single power is mentioned. It is therefore wise not to argue too much about the contents, as it may be impossible for your attorney to finalise your task if certain parts of a standard POA text are deleted. But this does not mean that you should not question the text. We strongly recommend that you discuss the POA with the notary and add or remove bits that you are not happy with. Please only sign a POA, if you are sure you have understood and agree with everything.

**Issuing a POA from abroad.**

In a situation where it is impossible for you to come to Turkey to sort out a particular business you can issue a POA in your home country and send it to Turkey.

Here's what you need to know:

If the POA is prepared in the UK it must be legalised [apostilled] by FCO.

Then In Turkey the POA document needs to be translated & Noterised.

Your attorney can start acting on your behalf after the apostilled document is sent to Turkey and a notarized translation is prepared.

**Cancelling a POA....**

# The rights of a POA are automatically cancelled upon your death .

.You have the right to revoke a Power of Attorney [ P.O.A.] at any time. In order to cancel a power of attorney you need to contact a Notary Public where it was issued. You need to send a written notice to the person(s) who were appointed your representative and state that you are revoking the Power of Attorney. Do not forget to request the return of all copies of your Power of Attorney. You should also notify your bank or other financial institutions where your Agent is likely to use the Power of Attorney that it is no longer valid.

Process – The Granter (the one who gives a POA to someone) must apply to a Turkish Notary to revoke the POA.

The Granter must have or provide the POA details (date, reference no., from which notary etc)

You (the Granter) will also need to provide identification (passport) and pay a fee to the notary. The POA will immediately be cancelled and all parties will be notified of the cancellation.

\*It is also possible to cancel a POA from a different Notary from where the original was issued. (Depending on the notary, location etc)

-----  
8] A SENET DOCUMENT..

THE Senet, or promissory note, is essentially the most potentially damaging document in Turkey if not handled in the correct manner.

Think of the Senet as an IOU or a post-dated cheque. Sign one of these without the necessary legal back up and you are simply gifting the receiver an amount of money without any strings attached

Basically, an expat should not be running into one of these in their lifetime in Turkey. At all.

If you do sign one of these things then what you are doing is:

Agreeing to offer a sum of money (whether it be a loan, a gift, etc) to someone.

If you are signing one, then don't. First:

1. understand what you are signing
2. had it checked over by a solicitor
3. that is notarised and signed in a notary office
4. are clear that you know what you are doing
5. do not, under any circumstances, be pressured into signing one of these documents if you don't want to see your life savings – or the equivalent sum you have promised to pay – disappear into thin air.
6. If it is a loan to someone, that you have cast-iron legal paperwork outlining what it is and the payment schedule back into your account over a scheduled time-period....
7. <http://www.voicesnewspaper.com/senet-the-most-dangerous-document-in-turkey/> (<http://www.voicesnewspaper.com/senet-the-most-dangerous-document-in-turkey/>)

9] NAME CHANGE THROUGH MARRIAGE NEEDED ON TAPU OR LOST TAPU.....

You need to go to your Tapu office with the marriage certificate, notarised [& apostilled in the UK] & it must show the new names on it, Tapu, both passports, NUFUS document and residencies. All your wives' afore mentioned documents must show her new name. I believe then you can get your Tapu updated. But this is Turkey & requirements may vary in different districts.....

IF CHANGING DUE TO DIVORCE, then the Divorce papers will need to be Apostilled in the UK, then the same as above, passport etc need to be in your new name.

#### TAPU NAME REMOVAL AFTER A DEATH OF PARTNER. [JOINT NAMED TAPU]

To remove your spouse/partner's name from your Tapu through death, you will need to go to court first & get a Turkish Judges court letter, as it's not possible to disinherit family, [meaning the survivors name on the Tapu may not get 100% of the property] then you'll need to show the letter & a notarised copy of the Will to your local Tapu/ deed office, along with a notarised death certificate.

If any official paperwork, foreign will, death certificate etc. was not issued in Turkey, they will need apostilling in the country they were issued then translating & notarised in Turkey before they will be accepted.

It is strongly advised you seek the services of a Lawyer to assist in this.

#### REPLACEMENT OF A LOST TAPU.....

You should go to your tapu office with a copy of your passport, RP, tax number and a utility bill. Also take photocopies. They may require a mobile number to send a text to you. It has been reported in the past there was a charge of around 35tl.

#### 10 ] RELOCATING TO A DIFFERENT PROVINCE IN TURKEY ?.

If you move to a different Province [ ie Mugla province to Izmir, for example ] you MUST register yourself in your new province. Firstly go to your Nufus office & register yourself at your new address, then make a fresh online RP application [ "first application" ]. At your interview take your passport & a copy, pictures, your Tapu / or rent contract & copy of landlords Tapu and insurance. The only cost is for a new RP card, issued in the new province.

If you move within the same province [ ie Bodrum to Fethiye, still in Mugla province ] then go to your new Nufus office and register yourself at your new address then, call in [no appointment needed,] to your GOC office with your Nufus letter & take your passport, Tapu or rent agreement and RP card with you...there is no cost involved.

IN BOTH OF THE ABOVE YOU MUST DO THIS WITHIN 20 DAYS OF MOVING.

#### 11 ] THE TAX SYSTEM IN TURKEY.....

<http://www.ozbekcpa.com/en/law-legislation/tax-system-in-turkey> (<http://www.ozbekcpa.com/en/law-legislation/tax-system-in-turkey>).

12 ] .IF YOU OWN A TURKISH COMPANY [ for property purchase/ownership purposes ] & DECIDE TO CLOSE IT, please see the following [this includes having formed a company to own a property, or a business].

Taken from another site October 2015.

Last month we completed the initial stages of closing our company, i.e. it is now in liquidation and will take about one year to be finally closed, during which the required notices are published in the Chamber of Commerce gazette. Costs so far are:-

Ticaret odasi 1,146 TL

Ticaret odasi 730 TL

Notary 300 TL

Notary 140 TL

Translator 300 TL

Total 2,616 TL Estimated still to pay:-

Accountant for 1 year 1,500 TL

Accountant final payment 250 TL

Ticaret odasi fees 1 year 440 TL

Taxes until April 2017 ??? TL

13 A ]..New Building Laws/Regulations enforced from Oct 2017.

Until we can break this down, at present this is all the info available,

So this is for Information only, please don't ask for more yet.....

<https://yellali.com/news/article/475/turkey-s-new-2017-building-regulations-published-in-official-gazette> (<https://yellali.com/news/article/475/turkey-s-new-2017-building-regulations-published-in-official-gazette>)

13 B ]...PROPOSED PROPERTY INSULATION LAW FROM 2020..

It seems a new Property Insulation Regulation is due to come into effect as of 2020, applying to all provinces & properties in Turkey. For property owners in Turkey who are planning to sell their property in the next few years you may need to upgrade the properties insulation to comply with the new regulation. Although this regulation is not yet enforced, it is supposedly due to come into effect in 2020.

Once this has been enforced anyone who wants to build a new property or sell an existing property will first need to comply with this property insulation law.

If you are planning a new build project or making any constructional changes to your property in Turkey it is a wise to bear in mind this upcoming regulation.

The changes have not yet been announced in the Turkish Official Gazette. & owners need to do nothing at present until more information regarding what type of insulation is required. Updates will be posted here as and when available.

13C.]..Issuance of a missing Habitation certificate ...

also known as 'Iskan' or 'Yapi Kullanma Belgesi' or 'Building Registration Certificate'.

First look at your Tapu.. see 3] the picture of a Tapu below...↓

If the 'x' is in box **B1 Kat Mülkiyeti**, then a Hab.Cert. has been issued & you need to do nothing.

If the 'x' is in **B2 Kat irtifaki** then you should take action as a Hab. Cert. won't have been issued.

1] ..What is an Iskan / Yapi Kullanma Belgesi / Building Registration Certificate?.[as photo above].

After the completion of the building process, the municipality will inspect the construction to make sure that it is built according to the building license and the approved construction plans. If everything is ok, the developer receives a general 'Iskan', a document which legalizes the construction. If the general 'Iskan' is issued, the house owners can apply for an individual Iskan, a habitation license. This habitation license is required to connect the property to the public utilities. It is not easy and sometimes not possible to obtain services such as water, sewage and electricity in your own name for a building without a habitation certificate. A habitation certificate allows you to obtain electricity and water in your own name and once registered you will be charged domestic rates, (as opposed to builders rates, which is more expensive).

Also a dask [earthquake insurance] policy is invalid if the Habitation certificate has not been issued.  
If you want to sell a house without a habitation license, you may need to reduce the price drastically.

Its the builders responsibility to supply hab. cert. Although many builders avoid it as paying out extra money & clearing any debts / loans taken out on the Tapu, or wages, SSK owed to workers.

If it is not on in five years which is the time limit when the buildings license runs out. This can be very costly. As buildings license has to be bought and all over again, architects, engineers etc.

Now no matter what the age of the property, by obtaining your HC during the 'amnesty' will save a lot of extra costs & hassle.

An individual Iskan is strangely enough not a prerequisite to obtain a Tapu. So you can own a property without a habitation license.

2]..HABITATION CERTIFICATE AMNESTY.....

If although holding a valid Tapu, there has never been a habitation certificate [iskan] issued for the property, your Tapu will have a cross in the **Kat irtifaki box [owning the land on which your building stands on only]**.

There is now a way to obtain this important paper & have a new Tapu issued with the tick or cross in the **Kat Mulkiyeti** box ...[land & property ownership].

Ankara have now made the legislation to make all properties legal and the granting of Habitation Certificates amnesty.

All an owner has to do is contact their local Belediye building regs office with their Tapu to fill in a registration form. Depending on where you live, you may need to contact your Tapu office. Alternatively, an application can be lodged via the e-devlet website.

As well as filling in the form, either on paper or online, photos will be needed of the exterior of the property in question, but info is given on what aspect they need to be when making the application.

After completing the form, a confirmation will be sent to your mobile phone about your bank account and the amount to be deposited.

Essentially any building erected prior to October 2017 is eligible but the application has to be made BEFORE OCTOBER 2018. Costs are thought to be 3% of stated price on the Tapu. The system & amnesty goes 'live' nationally until 31st October 2018. Although there is the 3% fee to pay + the fee for a 'mapping engineer' to officially measure your area, this amnesty cuts out the need for official architects checks etc on the property. The fee payment MUST be made before 31/12/2018, but final completion after payment can be later.

Bear in mind, if you are in an apartment block, the Belediye will measure the whole buildings' 'footprint', not just your apartment, so the total fees & tax will be for that building. So the person making the application will be responsible for all payments.

Below is a short extract from the new amnesty law.

" a) In cases where there is no consent to use a building license or building, the building registration document calculated for the entire construction ."

.MAKING THE APPLICATION.....

According to the information received, the certificate if applied for during this amnesty period is without the usual building checks being carried out, just the 3% of the purchase price stated on the tapu or held on record....

This from Pauline Hammond on 19/6/2018...

We have just started the process and so far seems to be straightforward. Need to log into the e-devlet site and complete the request with the help of the belediye. You will need to provide 2 photos of your home just to prove that you are not lying about the size and the fact there is a property there as well. Our belediye bought up Google maps and saw the house as well!

Once the request is made, paperwork submitted and the money is paid in a short time a text is sent to inform you the Hab Cert has been issued & you go back to the e-devlet site to download it & print it off. You can then go to your tapu office and get everything updated thus legalising your home.

Timescales at present unknown but seems to be fairly quick.

**BUT... be aware..... if someone does their own measurements and inputs into e-devlet website and subsequently sells, the Belediye may well come to check measurements prior to the new owner taking possession of the property, and if the square metres are found to be different to what they have on their records, the Iskan is invalid and the fee you paid to government is lost.**

By paying around 1500tl to the " Mapping engineers" from the 'cadastre office' from your Belediye to come and measure the footprint of the property they will submit official technical drawings that are filed at the Belediye & legal.

The official notification is in the link below from the Resmi Gazete.

<http://www.bodrumhaber.com/yapi-kayit-belgesi-verilmesine-iliskin-usul-ve-esaslar-resmi-gazetede-yayimlandi/> (<http://www.bodrumhaber.com/yapi-kayit-belgesi-verilmesine-iliskin-usul-ve-esaslar-resmi-gazetede-yayimlandi/>)

3)...How do i know if there was an Iskan [Habitation Certificate] issued on my property?

Look at your Tapu at B1 & B2 to see where the ✓ or x is....

- o **B1...Kat Mülkiyeti** : Ownership of the independent unit which is ready to use (flat,house, Office,etc.) built on the mainland.
- o **B2....Kat irtifaki** : Ownership of the independent unit which is not ready for use yet (either because of on going development / construction work or due to the fact that usage permit from the municipality has not been granted yet.

- o .
- o If the ✓ or x is in box **B1 Kat Mülkiyeti** ,all is good, a Hab.Cert. has been issued & there is no action needed by the owner.  
If the ✓ or x is in **B2 Kat irtifaki** then you should take action as a Hab. Cert. won't have been issued.

If you do have box B1 Kat Mülkiyeti marked but haven't got your habitation Certificate,a copy can be obtained. To obtain your habitation certificate visit your local Belediye ,show your tapu. [you may also need to provide your passport and tax number].

There may be a very small charge of just a few lira for this service.LINK TO THE SITE INCLUDING THE ONLINE APPLICATION FORM...

<http://imarbarisi.csb.gov.tr/> (<http://imarbarisi.csb.gov.tr/>).

- o .....

#### 4 ....LEGALISING AN ILLEGAL EXTENSION TO A PROPERTY.

You can apply for retrospective planning assent for any changes made to properties, eg glassing in balconies, swimming pools, garages, using areas specified on plan as depots as living spaces etc.

The new law serves an opportunity to the property owners, to register their illegal parts of the properties as legal. If a property has an illegal construction part in its own land, those parts can be registered as legal by a documents called YAPI KAYIT BELGESİ . Then those parts will be registered as legal.

According to that document, any outstanding penalties in money and any court cases will be processless.

#### HOW TO REGISTER

STEP 1: You need to deal with a map engineer from the Belediye ..[approx 1500tl ]

STEP 2 : The illegal parts of the property need to be calculated & measured

STEP 3: The registration will be done on the e devlet system with photos.

STEP 4 :After the tax element is paid the document called YAPI KAYIT BELGESİ can then be obtained.

The process is basically the same as applying for an iskan.

.....



5..\*\*TO REGISTER ON THE E-DEVLET WEBSITE ,

[Once into the e-devlet site,... <https://goo.gl/KH2NSY> (<https://goo.gl/KH2NSY>)

On the Home Page...scroll down to the very bottom and in the dark grey section,look at the left side....Here you'll see the option to put the site into English. As shown below...

e-Devlet Kapısı

Ana Sayfa

ingilizce ← [ English ]

.....

A Yabancı Kimlik Number [99\*\*\*\*] is required....

For property owners who do not hold a Residence Permit ,but just a Visa,here is how to obtain a YKN without applying for an RP...

Yabancı Kimlik Number. [99\*\*\*\*]...how to obtain one without applying for a residency permit.

If a 99\*\*\* yabancı Kimlik Number is required to make a certain operation, such as open a bank account, obtain a property habitation certificate,or where you need to register onto the e-devlete website, it's now possible to obtain one without making a full Residency permit application.

#### NOTE.....

Being able to apply for a Yabancı Kimlik Number without making a full R.P. application is hit & miss .Some provinces allow this whilst others don't. It must be understood that obtaining a YKN this way does NOT afford anyone the rights that a normal Residence Permit would,you will naturally be here on a visa & must abide by the visa immigration laws.

If your province won't allow a temporary YKN to be issued,then you'll need to appoint a Power Of Attorney to either a Turkish Citizen or a foreigner with full residency to act on your behalf.

.

First go to your local GOC office to register (it's the same office where you would have your RP application interview).

You'll need to have a letter in Turkish with your name and FULL official address and the reason why you want the kimlik number. You'll fill out a form and have a photo taken. Then you hand it in and are asked questions about yourself.

Then return to the office 48 to 72 hours later and they give you your kimlik number on a piece of paper.

.

.....

#### 14]...CHANGING THE ADDRESS ON YOUR RP WHEN YOU MOVE HOME.

NOTE...When you move to a new address, the time allowed to complete an address change before a penalty is issued is 20 working days.

YOU will have to first visit your local Nüfus Müdürlüğü Office and speak to administration and inform them you would like to change your address.

You will need to show your RP,passport & a utility bill .

Once completed within their system, you will need to obtain a document as proof of the address change – 'adres değişikliği formu.

'Next stop is your local migration department (Göç İdaresi Müdürlüğü) -- and provide them with the change of address document.

You may also be required to complete additional paperwork.

It's highly likely that you will be required to show these documents:

Passport, Residence permit, Rental contract [ notarised ] or Tapu of new property.

15/10/201605/10/2018



Published by docmartinr

[View all posts by docmartinr](#)

[Blog at WordPress.com.](#)