

# **Challenges of Development Control and Enforcement of Minimum Standards for Residential Real Estate Projects in Ozoro, Delta State<sup>1</sup>**

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## **Abstract**

Studies on development control and enforcement of minimum standards most times reveal complex landscape of challenges and opportunities. This work focused on the challenges of development control and enforcement of minimum standards in residential real estate projects in Ozoro Delta State Nigeria. The noted the need for effective development control and enforcement of minimum standards. It combined both qualitative and quantitative approaches in data analysis. The population for this study consist of residents, developers, and local authority officials in Ozoro where a sample size of 121 respondents was selected using a combination of random sampling and purposive sampling techniques. The findings indicate that the current development control framework in Ozoro is guided by national laws and regulations, includes zoning regulations and building codes, and is enforced by local government authorities. However, the effectiveness of this framework is disputed, with very small percentage of respondents holding a strongly positive view of its effectiveness. The study identifies significant challenges facing development control. These challenges are ranked highly in terms of importance. The study recommends strengthening the institutional capacity, enhancement of transparency and accountability as well as increase funding and resources.

**Keywords:** *Development Control, Minimum Standards, Projects, Real Estate and Residential*

## **1.0 Introduction**

There is a dire need for development control and enforcement of minimum standards in residential real estate projects and this cannot be overstated. There no gain saying the

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fact that minimum standards are put in place for the purpose of ensuring that real estate projects are safe, healthy as well as sustainable. In addition to the foregoing, that they do not pose threat to the environment or cause harm to the community. Even with these standards many residential real estate projects still fail in terms of adherence to them, and in turn result to substandard buildings may likely poses serious consequences for occupants and the environment. The issue that bothers on non-adherence to minimum standards appears to be more in communities that are witnessing rapid urbanisation and growth.

Ozoro is a growing town in Delta State, Nigeria and believed to have experienced significant development in recent years; these developments seem to have been driven by its growing economic activities. The town Ozoro is home to the Southern Delta University Ozoro now Delta State University of Science and Technology, Ozoro, which attracts students from all over the country. More so, there appears to be rapid urbanization and population growth in Ozoro, Delta State, in turn has led to a surge in residential real estate development, transforming the town's landscape. One could also say that as a result, there is a high demand for residential accommodation, leading to the proliferation of residential real estate projects.

There has been concern over the quality and safety of these residential real estate developments which has been developed over time in response to the rapid urbanisation and growth in respect to the development of control and enforcement of minimum standards. The important of development control cannot be over overemphasized at this point, (Akinluyi et al., 2020), there is need to ensure that residential real estate projects meet minimum standards. They should provide safe as a well as ensure environments where the occupants' lives are healthy.

Even with the positive of development control on residential real estate development, the local authorities in Ozoro appears to be facing appreciable challenges in ensuring compliance with minimum standards. The challenges are not limited the issues bothering on inadequacy in terms of institutional capacity, (Ulasi et al., 2020), the lack in efficiency of enforcement mechanisms, (Ugonabo et al., 2023), the issues bothering on corruption as well perceived limitation in terms of public awareness and participation, (ED & YM, 2020). These challenges appear to have resulted to the development of substandard residential real estate projects an these pose significant threat to the health, safety as well as the well-being of occupants.

It based on the foregoing that this research is aims to investigate the challenges of development control and enforcement of minimum standards in the case of residential real estate projects in Ozoro, Delta State. The objectives of the study are; to identify the

cases of residential real estate projects that did not adhere to the minimum standard, examine the current development control framework and enforcement mechanisms in Ozoro, identify the challenges facing local authorities in enforcing minimum standards in residential real estate projects and to assess the impact of non-compliance with minimum standards on occupants and the environment.

## **2.0 Review of Literature**

The control of development and the enforcement of minimum standards are crucial aspect of residential real estate projects. They play pivotal role in ensuring the safety of buildings, its healthy state, its sustainability as well as environmental friendliness. However it is shocking to note that despite presence of these standards, there still appears a greater number of residential real estate projects fail to comply with them thus, it has resulted to substandard buildings with potentials to cause severe consequences for occupants including the environment. In a bit to tackle this, this literature review examined the challenges that are associated with the control of residential real estate development and enforcement of minimum standards. Details are as discussed below.

Literatures have shown that some residential real estate projects in past failed to adhere to minimum standards for instance; Adebayo, (2015) found that some residential buildings within Lagos, Nigeria, did not meet the minimum standards in case of their design, construction as well as safety. Ifediora and Efobi (2019) and Ifediora (2018) identified challenges affecting development control and projects that failed to meet the minimum standards.

In another study by Khalil, (2018), it was discovered that some residential buildings in Cairo, Egypt, most times lacked adequate ventilation, lighting as well fire safety measures. These studies underscore the dire or urgent need for efficient and effective control of development and enforcement of minimum standards. This is necessary to ensure that residential real estate projects (buildings) are not only safe but also healthy for the occupants.

It worthy to note that ensuring that residential real estate projects adhere to minimum standards the development control framework and enforcement mechanisms are critical components hence in a study by (Njoku, 2017) he noted that the development control framework in Nigeria was inadequate, this lead to widespread non-compliance with building regulations. The study further recommended that the strengthening of the development control framework and enforcement mechanisms would help in ensuring compliance.

In another study by (Oladapo, 2019), they found out that the use of technology, for example, geographic information systems (GIS) and building information modelling (BIM), can go a long way in improving the effectiveness of development control as well aid in the enforcement of minimum standards.

The local authorities efforts aimed at ensuring that developments meets the minimum setbacks and standards has also been faced with challenges for example; a study by (Okpala, 2018) found that local authorities in Nigeria lacked the needed resources, funding, personnel and equipment needed to effectively enforce building regulations.

Uzoechina, (2020) found that the issues bothering corruption and lack of transparency in the development control process can to a large extent undermine the effectiveness of enforcement mechanisms. These studies underscore the dire need for local authorities to be adequately equipped to carry out their responsibilities and for there to be transparency cum accountability in the development control process.

Studies in past has shown that non-compliance with minimum standards can have serious consequences for occupants and the environment hence, a study by (Onyeji, 2019) found that residential buildings which do not meet minimum standards can lead to health problems which includes such as respiratory diseases and injuries. In a separate study by (Ezeokoli, 2018), he stated that non-compliance with minimum standards can also lead to environmental degradation. This includes pollution and loss of biodiversity.

These studies above highlight the dire need for effective development control and enforcement of minimum standards that is needed for the protection of the health and the well-being of occupants including the environment.

### **3.0 Research Methodology**

The study employed a mixed-methods research design, combining both qualitative and quantitative approaches. The population for this study will consist of residents, developers, and local authority officials in Ozoro. A sample size of 100 respondents will be selected using a combination of random sampling and purposive sampling techniques. Data will be collected through Questionnaires; structured questionnaires will be administered to residents and developers to gather data on their experiences and perceptions of development control and enforcement of minimum standards. In addition are interviews and observations cases of non-compliance with minimum standards. For data analysis both descriptive statistics and inferential statistics were used such as pictures in the description of the cases of residential real estate projects that did not adhere to minimum standards, means and standard deviations to describe the current development control framework and enforcement mechanisms in Ozoro, ranking and

rating scales to identify the challenges facing local authorities in enforcing minimum standards.

## 4.0 Data Presentation and Analysis

### 4.1 Demography and personal questions

**Table 1: Demographic statistics**

S/N	Gender/Sex of Respondents	Number of Respondents	Percentage
1	Male	67	55.37%
2	Female	54	44.63%
	Total	<b>121</b>	<b>100</b>
How long the respondents stayed in Ozoro			
	Duration	Number of Respondents	Percentage
1	Less than 1 years	5	4.13%
2	1 – 2 years	27	22.31%
3	More than 2 years	89	73.56%
	Total	<b>121</b>	<b>100</b>
Whether respondents a have seen or come across properties marked with stop work order or submit plan			
	Options	Number of Respondents	Percentage
1	Yes	67	55.37%
2	No	54	44.63%
	Total	<b>121</b>	<b>100</b>

The table 1 above is basically on demography, questions on duration the loved have lived or stayed in Ozoro and on whether respondents a have seen or come across properties marked with stop work order or submit plan. 67 respondents representing 55.37% are male while 54 respondents representing 44.63% are female. 5 respondents representing 4.13% have stayed in Ozoro for Less than 1 years, 27 respondents representing 22.31% have stayed in Ozoro 1 – 2 years and 89 respondents representing 73.56% have stayed in Ozoro for more than 2 years. On whether respondents a have seen or come across properties marked with stop work order or submit plan, 67 respondents representing says Yes 55.37% and 54 respondents representing 44.63% says No

### 4.2 Places of Residents

The places of residents and residential real estate projects can be found in Uruto, Erovie, Etevie, Urudhe and Oruamudhu.



**Figure 1: Four (4) ongoing residential real estate projects:**

These ongoing residential real estate projects are very close to another and can be found round Abighe Street Omovutotu accessible through Owellelgbo road. They are clustered together and obviously the minimum setback is not observed or followed.



**Figure 2: Ongoing and completed residential accommodation**

Figures 1 and 2 shows paints pictures of very many cases of violation of minimum standards, these projects are within the same neighbourhood.



**Figure 3: Uncompleted building**

Figure 3 above one of many on-going projects in the study area which looks abandoned, the challenge here like every other project is the violation of minimum setback and standard. The distant between the proposed building and the fence is far less than the approved minimum setback.



**Picture 4: A typical bed seater**

The above is a typical bed seater as it called in the study area, the one on labeled 1 is same with 2, the picture on the one labelled 1 was taken inside the compound and the one labelled 2 is from outside. The external measurement from external shows the room is far below the standard room measuring 8 by 10m. The room is not properly ventilated, as it has only one window, even the window provided is too small and slide hence, will

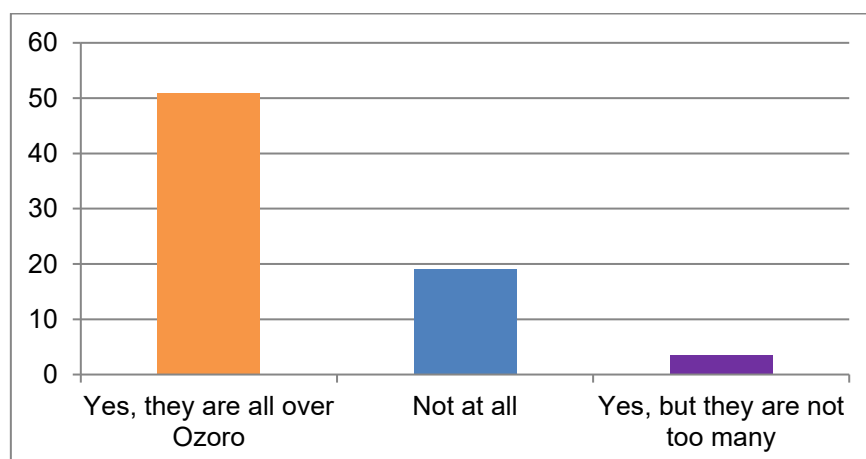
allow for limited flow/circulation of air, this is a typical case on many residential real estate projects where the issue of cross ventilation is not taken care of in the study area. For the picture labelled 2, one can see that the toilet window is facing the road, besides the same building is a property labelled B an ongoing residential accommodation of just room apartment. The ground is currently used as shop, the project in question is clear violation of the minimum setback approved from an existing road. This is yet one of the many cases one can see within the study area.

#### 4.3 On why respondents think stop work order was issued on the property

**Table 2:** On why respondents think stop work order was issued on the property

S/N	Responses	Number of Respondents	Percentage
1	Non-compliance with building code or regulations (minimum standard)	73	60.33%
2	Un-authorized or illegal constraints	56	46.28%
3	Environmental or safety hazards	56	46.28%

The table 2 above shows why respondents think stop work order was issued on the property, 73 respondents representing 60.33% say non-compliance with building code or regulations (minimum standard), 56 respondents representing 46.28% says its un-authorized or illegal constraints whereas 56 respondents representing 46.28% says its environmental or safety hazards



**Figure 5:** On whether there are still lapses in terms of development that do not meet minimum standard in spite measure to arrest the situation

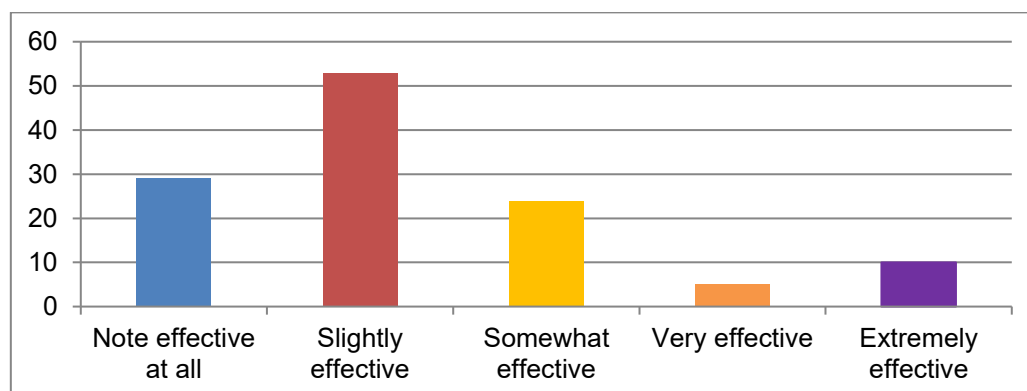
Figure 5 is on whether there are still lapses in terms of development that do not meet minimum standard in spite measure to arrest the situation 51respondents representing 42.19% said yes, they are all over, 19 respondents representing 15.62% said not at all while 51 respondents representing 42.19% said yes but not too many

**Table 3:** The current development control framework in Ozoro

S/N	Responses	Number of Respondents	Percentage
1	The current development framework in Ozoro is guided by the National Urban and Regional Planning Laws and Regulation.	68	56.30%
2	The framework includes zoning regulation, building codes and Environmental Impact Assessment E.I.A.	56	42.28%
3	The framework is enforced by local government authorities who are responsible for monitoring.	82	67.77%

Table 3 above is on the current development control framework in Ozoro; 68 respondents representing 56.30%, identified with the current development framework in Ozoro is guided by the National Urban and Regional Planning Laws and Regulation, 56 respondents representing 42.28% identified with the framework includes zoning regulation, building codes and E.I.A. and 82 respondents representing 67.77% went for the framework is enforced by local government authorities who are responsible for monitoring.

#### 4.4 Data Presentation on the effectiveness of the enforcement mechanism for development



**Figure 6: Options on effectiveness**

Figure 6 above is for options on effectiveness. 26 respondents representing 23.97% said it's not effective at all, 53 respondents representing 43.80% says its slightly effective, 24 respondents representing 19.83% says somewhat effective, 5 respondents representing 4.13% very effective and 10 respondents representing 8.26% and extremely effective.

The implications of these findings on effectiveness are significant. With 23.97% of respondents considering the option "not effective at all" and 43.80% considering it "slightly effective", it is clear that the majority of respondents (67.77%) have reservations about its effectiveness. This suggests that the option may not be meeting its intended goals or objectives.

The low percentage of respondents who consider the option "very effective" (4.13%) or "extremely effective" (8.26%) further reinforces the notion that the option requires improvement. The fact that only 12.39% of respondents hold a strongly positive view of the option's effectiveness implies that significant changes are needed to increase its impact.

Summarily, this finding of this implies that the option's effectiveness is limited. Stakeholders may need to reassess and revisit their approach to achieve better outcomes. The planning authority or agency responsible for development control may need to gather more feedback, there is need to identify areas for improvement and implement changes to increase the option's effectiveness.

#### 4.5 Data presentation on the challenges facing development control framework and enforcement

**Table 4: The challenges facing development control framework and enforcement**

		Descriptive Statistics												
S/N	Challenges	Options					N	Sum	Mean		Std. Deviation	Variance	Kurtosis	
		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Statistic	Statistic	Statistic	Std. Error	Statistic	Statistic	Statistic	Std. Error
1	Inadequate funding and resources.	48	53	15	2	3	121	504.00	4.1653	.08076	.88832	.789	2.496	.437
2	Corruption and lack of transparency in the development control process.	59	47	5	5	5	121	513.00	4.2397	.09168	1.00850	1.017	2.922	.437
3	Weak institutional capacity including inadequate training and technical knowledge among staff.	49	55	8	5	4	121	503.00	4.1570	.08705	.95750	.917	2.601	.437
4	Resistance from developers.	29	55	23	9	5	121	457.00	3.7769	.09351	1.02865	1.058	.526	.437
5	Lack of public awareness and participation.	39	31	31	12	8	121	444.00	3.6694	.11034	1.21373	1.473	-.540	.437

Table 4 above presents data on the challenges facing the development control framework and enforcement i.e. as perceived by respondents. The challenges are ranked based on

their mean scores, which were obtained using a 5-point Likert scale. Corruption and lack of transparency as a challenge has the highest mean score (4.2397), indicating that respondents strongly agree that corruption and lack of transparency are significant problems in the development control process. Its standard deviation (1.00850) suggests a relatively high level of agreement among respondents.

Inadequate funding and resources has a mean score of 4.1653, one could observe that respondents strongly agree that inadequate funding and resources are a major challenge facing development control hence, its standard deviation (0.88832) indicates a moderate level of agreement among respondents.

Weak institutional capacity is yet another challenge with the mean score of 4.1570 suggesting that respondents strongly agree that weak institutional capacity, including inadequate training and technical knowledge among staff, is a significant challenge. Its standard deviation (0.95750) indicates a moderate level of agreement among respondents.

Other factors with less significant challenges are:

Resistance from developers which has a mean score of 3.7769, respondents agree that resistance from developers is a challenge, but it's not as significant as the three challenges earlier identified hence its standard deviation (1.02865) suggests a moderate level of agreement among respondents.

In the case of lack of public awareness and participation which has a mean score of 3.6694 is an indication that respondents agree that lack of public awareness and participation is a challenge however it is the least significant among the five challenges. Its standard deviation of 1.21373 suggests a relatively high level of variation in respondents' opinions.

The kurtosis values provide insight into the distribution of the data. A kurtosis value greater than 3 indicates a leptokurtic distribution (more extreme values), while the kurtosis value less than 3 indicates a platykurtic distribution (less extreme values). The kurtosis values for the challenges are: inadequate funding and resources: 2.496 (platykurtic distribution), corruption and lack of transparency: 2.922 (close to a normal distribution), weak institutional capacity: 2.601 (platykurtic distribution), resistance from developers: 0.526 (platykurtic distribution) and lack of public awareness and participation: -0.540 (platykurtic distribution). The kurtosis values indicate platykurtic distributions, suggesting that responses are relatively evenly distributed across the scale, with fewer extreme values.

**Table 5: Rating the challenges facing the development control**

Descriptive Statistics														
S/ N		Options					N	Sum	Mean		Std. Deviation	Variance	Kurtosis	
		Extremely Important	Very Important	Moderately Important	Slightly Important	Not Important								Std. Error
	Challenges													
1	Inadequate funding and resources.	57	41	18	5		121	523.00	4.3223	.07535	.82880	.687	.613	.437
2	Corruption and lack of transparency in the development control process.	39	59	9	12	2	121	484.00	4.0000	.08861	.97468	.950	.826	.437
3	Weak institutional capacity including inadequate training and technical knowledge among staff.	37	55	18	11		121	491.00	4.0579	.08648	.95129	.905	-.329	.437
4	Resistance from developers.	26	57	31	4	3	121	462.00	3.8182	.08131	.89443	.800	.997	.437
5	Lack of public awareness and participation.	40	36	13	10	2	121	485.00	4.0083	.08743	.96173	.925	.800	.437

The table 5 above is on ranking of challenges in the order of their importance. Inadequate funding and resources has a mean score of 4.3223 hence it is ranked as the most important, indicating that respondents consider it extremely important.

Weak institutional capacity including inadequate training and technical knowledge among staff has a mean score of 4.0579; lack of public awareness and participation has a mean score of 4.0083 and corruption and lack of transparency has a mean score of 4.0000 suggesting that the respondents consider then as a very important challenge.

Resistance from developers has a mean score of 3.8182 which implies that the respondents considers same as a moderately important challenge, although it's still a significant concern.

The standard deviations and variances provide insight into the spread of the data. A lower standard deviation and variance indicate that respondents' opinions are more consistent.

Inadequate funding and resources has a standard deviation of (0.82880) and variance of (0.687) which is relatively low, this is an indication of a high level of agreement among respondents.

Corruption and lack of transparency has a standard deviation of (0.97468) and variance of (0.950) which is moderate thus, indicating some variation in respondents' opinions.

Weak institutional capacity has a standard deviation of (0.95129) and variance of (0.905) is moderate, indicating some variation in respondents' opinions.

Resistance from developers has a standard deviation of (0.89443) and variance of (0.800) which is relatively low, an indication of a moderate level of agreement among respondents.

Lack of public awareness and participation has a standard deviation of (0.96173) and variance of (0.925) which is moderate thus, indicating some variation in respondents' opinions.

The kurtosis values provide insight into the distribution of the data. A kurtosis value close to 0 indicates a normal distribution, while a positive value indicates a leptokurtic distribution (more extreme values), and a negative value indicates a platykurtic distribution (less extreme values).

The kurtosis values for the challenges are; inadequate funding and resources of 0.613 value depicting (leptokurtic distribution), corruption and lack of transparency of 0.826 value depicting (leptokurtic distribution), weak institutional capacity of -0.329 value depicting (platykurtic distribution), resistance from developers of 0.997 value depicting (leptokurtic distribution) and lack of public awareness and participation of 0.800 value depicting (leptokurtic distribution).

#### **4.6 Data presentation on the rating effectiveness, impact of compliance and current framework**

**Table 6: How local authorities rate the effectiveness of current enforcement mechanism, such as inspection and penalties in ensuring compliance with minimum standards**

<b>S/N</b>	<b>Options</b>	<b>Number of Respondents</b>	<b>Percentage</b>
1	Very effective	25	20.66
2	Somewhat effective	35	28.93
3	Neutral	29	23.97
4	Somewhat ineffective	8	6.61
5	Very Ineffective	24	19.83

From the table 6 above one can observe that about half (49.59%) of the respondents believe the current enforcement mechanism is effective (20.66% + 28.93%), while 26.44% think its ineffective (6.61% + 19.83%). A significant proportion (23.97%) of respondents is neutral, indicating they may not have strong opinions or may need more information. The results suggest that local authorities may need to consider revising or strengthening their enforcement mechanism to improve compliance with minimum standards, as about a quarter of respondents find it ineffective. The findings highlight the need for local authorities to assess and potentially refine their enforcement strategies to better ensure compliance with minimum standards.

**Table 7:**

S/N	Options	Number of Respondents	Percentage
1	Very significant impact	41	36.28%
2	Significant impact	24	21.24%
3	Minor impact	24	10.62%
4	Moderate impact	12	21.24%
5	No impact	12	10.62%

The majority of respondents (57.52%) believe that the current enforcement mechanism has a significant or very significant impact on ensuring compliance with minimum standards. A substantial proportion (21.24%) thinks the impact is minor, while 10.62% believe there's no impact at all. This suggests that while the enforcement mechanism is effective for many, there's room for improvement to increase its impact.

**Table 8:**

S/N	Options	Number of Respondents	Percentage
1	Very effective	43	35.54%
2	Somewhat effective	17	14.05%
3	Neutral	36	29.75%
4	Somewhat ineffective	12	9.92%
5	Very Ineffective	13	10.74%

From the table 8 above; approximately 49.59% of respondents (35.54% + 14.05%) believe the current enforcement mechanism is effective, while 20.66% (9.92% + 10.74%) think it's ineffective. A significant proportion (29.75%) of respondents is neutral, indicating they may not have strong opinions or may need more information. The results suggest that there is a mixed view on the effectiveness of current enforcement mechanisms. While nearly half of the respondents find them effective, about a fifth find them ineffective, and a significant portion remains neutral. This is an indication that there is a need for local authorities to intensify efforts aimed at assessing and potentially refining their enforcement strategies to improve compliance with minimum standards.

## 5.0 Conclusion

The study on development control and enforcement in Ozoro reveals a complex landscape of challenges and opportunities. Despite measures to address lapses in development, a significant proportion of respondents (42.19%) believe that such lapses still exist, with some even stating they are widespread. This suggests that current enforcement mechanisms may not be entirely effective in ensuring compliance with

minimum standards. The findings indicate that the current development control framework in Ozoro is guided by national laws and regulations, includes zoning regulations and building codes, and is enforced by local government authorities. However, the effectiveness of this framework is disputed, with only 12.39% of respondents holding a strongly positive view of its effectiveness. The study identifies corruption and lack of transparency, inadequate funding and resources, and weak institutional capacity as significant challenges facing development control. These challenges are ranked highly in terms of importance, with inadequate funding and resources emerging as the most critical issue. The study's results also highlight the need for local authorities to reassess and refine their enforcement strategies to improve compliance with minimum standards. While about half of the respondents believe the current enforcement mechanism is effective, a significant proportion remains neutral or finds it ineffective. The study underscores the importance of effective development control and enforcement in Ozoro. To achieve this, local authorities must address the identified challenges, improve transparency and accountability and enhance their enforcement mechanisms. The study recommends; strengthening the institutional capacity, enhancement of transparency and accountability as well as increase funding and resources.

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