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- Referral fee for rental up to R12 000 pm, R1000 is paid for a 12 month contract and R500 for a contract less than 12 months!
- For rental from R12 100 and more, R1500 referral fee is paid for a 12 month contract and R750 for less than 12 months!
- Commission is payable after payment of 1st month's rental.

We are thankful for the much welcome rains in recent days. Please remember to still use water sparingly, as it is our joint responsibility!

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News Letter

AULA RENTALS

Sectional Title Management
and
Property Rental Specialists

January 2016

COMMON PROPERTY: Private use vs Exclusive use!

A client once said that he did not want to purchase a townhouse with a swimming pool, because since the pool is on common property, it would mean that any resident in the complex would have the right to use that swimming pool! That opens up the question of the difference between **private use** and **exclusive use** of a part of the common property.

Common property consists of the land included in the scheme and all the buildings, or parts of buildings that are not included in any section. A section is the building the owner bought which he stays in. In many complexes where the garages are not attached to the units, the garages are also common property! The common property is owned communally by all the owners/ members of the body corporate.

So what is an exclusive use area? This area remains common property but is subject to a member's exclusive right to utilise such area.

Two different types of exclusive right area that is of concern to us are:

- An exclusive use area can be registered as such in the deeds office and it is a formal procedure undertaken by a conveyancing attorney. Whether a carport, garage or garden is a registered exclusive use area, can be searched for on the sectional title plan, or by doing a deeds office search.
- The second type of exclusive use area is created through the rules of the scheme. This means that the body corporate can create such area by unanimous resolution.

With the ownership of these exclusive rights come certain responsibilities. Management Rule 68 states that: " an owner shall not use this exclusive use area in such a manner or purpose as shall be injurious to the reputation of the complex, or prejudice the harmonious appearance of the building. He shall not construct or place any structure or building improvement, without prior consent of the trustees.

The maintenance of exclusive use areas is for the account of the owners, and not for the body corporate.

A private use area is an area such as a section's garden, carport or garage which was not registered for exclusive use, but was formally allocated to a unit for private use.

- Marina Constas and Karen Bleijs

LEVIES ... are your's paid in full?

It's the start of the new year and as usual the payment or non-payment of levies tend to be a reflection of some owner's financial situations. Many levies are totally or partially in arrears and which causes financial challenges to the body corporate.

Owners should remember that the payment of levies are extremely important for the maintenance and daily management of the complex. Even the total of small outstanding amounts makes a difference in the body corporate's bank account from where communal water and electricity, garden services, salaries, insurance and maintenance are paid.

Owners are urged to ensure that their levies are paid in full and debit orders are up to date. Those who fail to comply will be handed over to attorneys for collection. **All legal fees will be charged to the owner's account.**

PETS - KNOW THE RULES!

The issue of keeping pets in any gated community is often hotly debated and can be the cause of many *not-so-friendly* relationships! Remember that a pretty little dog or cat might seem harmless and loveable enough, but might be a big nuisance in the complex when the owner is not at home!

The keeping of pets in a sectional title complex is regulated by its conduct rules. Pets may only be permitted, subject to the *prior written consent* of the trustees. The trustees may impose reasonable conditions on the keeping of the pet. Should the pet present a problem later on, the trustees may withdraw such given permission.

It is extremely important that prospective buyers or tenants take prior notice of the rules regarding pets. It might be a good idea to erect a clear notice regarding such rules at the entrance of the complex. The trustees will probably not feel obliged to accept the pets only because its owner has already moved in, and might be ordered to get rid of them!

