

AULA



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News Letter

AULA RENTALS
Sectional Title Management
and
Property Rental Specialists

September 2018

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Property Rentals

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PROPERTY MANAGEMENT:

Adele Hanekom, Marieta van der Linde, Bonnie Da Rosa, Hermien van Burick, Selita Pero (Finance Manager), Nicky Fourie (Debtors Control)

RENTALS IN CENTURION:

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Magda Uys: 082 459 5403

RENTALS IN CENTURION GOLF ESTATE:

Ronel Tredoux: 082 460 4654

MIDSTREAM: 012 940 9353

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PROPERTY MANAGEMENT:

Azile Pretorius, Wilma Korb, Annelize Kruger, Nicky Fourie (Debtors Control)

RENTALS IN MIDSTREAM ESTATE &

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Ernst van Eck: 082 872 5491
Ronel Tredoux: 082 460 4654

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Managing Agent Duties VS Trustee Duties

There are numerous key players in a Sectional Title Scheme and confusion often exists in respect of what is expected of the many parties. In this edition we will be focusing on the duties of Trustees and Managing Agents.

A Sectional Title scheme, or "complex" as it is often referred to, is controlled and managed by the Trustees of the Body Corporate. The Body Corporate consists of all the owners collectively who own a unit in the scheme. The trustees, as mentioned above, are defined as members of the Body Corporate who have been elected by the owners to administrate the Sectional Title Scheme. These tasks and responsibilities are closely defined in the Management Rules 28 to 45, an annexure to the Sectional Title Act. Examples of these tasks are listed below:

ADMINISTRATIVE AND CONTROL:

- Insurance
- Arranging meetings (e.g Annual General Meeting)
- Record keeping of minutes of meeting
- Rule enforcing
- Manage employees
- Common property maintenance
- Consider requests from owners (alterations, extensions etc.)

FINANCIAL:

- Compiling of income and expenditure schedules
- Arranging of Annual Financial Statements compilation (e.g Auditor)
- Levy collections
- Keeping proper books of accounts and records
- Operate and control bank accounts and payment of expenditure
- Invest surplus funds

A Managing Agent is a person or company who is appointed by the Trustees of the Body Corporate to assist with their duties, and act on their behalf in the administration of the scheme. The role of the Managing Agent is mainly administrative and financial in nature and is generally set out in a service agreement entered between the scheme and the managing agent.

A Managing Agent is often mistaken for a caretaker because of the managerial responsibilities but a Managing Agent does not deal with day to day maintenance checks, inspections and repairs of the scheme, however some agents do offer a day to day maintenance plan at additional remuneration.

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THE KEEPING OF ANIMALS IN A SECTIONAL TITLE SCHEME

The prescribed conduct rule 1 (PCR) in Annexure 2 of the regulations to the Sectional Titles Management Act prescribes that an owner or occupier of a section is not allowed to keep any animal, reptile or bird in a section or on the common property, without the written consent of the trustees, whose approval may not be unreasonably withheld.

Conduct rules pertaining to a particular scheme can be altered from the standard rules, either by the developer before establishment of the scheme, or more often by the body corporate of the scheme after establishment. Rules and amendments thereof must be filed with the Ombudsman. It is thus possible for some schemes to have an absolute 'no pets' policy if the body corporate adopted such rules by way of special resolution. It is therefore very important for prospective buyers who would like to keep a pet to find out if pets are allowed before they sign an offer to purchase, or to make the offer to purchase subject to the approval of their pets.

This prescribed conduct rule stipulates that an owner or occupier suffering from a disability and who reasonably requires a guide, hearing or assistance dog must be considered to have the trustees' consent to keep that animal in a section and to accompany it on the common property. Consent is thus automatically given if the pet is a guide, hearing or service dog. ■

Reference: M.C. van der Berg Inc. Attorneys, Conveyancers & Notaries.



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