

The Landlord

Newsletter for
Sectional Title
Trustees & Landlords



February 2021



OWNER DESIGNED & OWNER BUILT FOR THE OWNER

The owner is a developer, the wife is an architect. They built their dream house for their future and kids. This 650 sq. m home is perfect. Probably one of the best homes in Bloemfontein. Price – nowhere near as expensive as it deserves. It has everything you could possibly want and more with an exceptional high quality of finish. Any up-market buyer would be nicely surprised as the price. Call Mpho Mphuru 082 321 5206

A Body Corporate is made up of its component parts – the owners of individual units. Every owner of a unit in a sectional title scheme automatically becomes part of the Body Corporate in a ratio of the size of his unit as a percentage of the total size of all the units. This is called the PQ and looks something like 10.0102 This percentage is accurately measured by the Land Surveyor who drew the Title plans. You pay your levy based on this PQ and you vote in a meeting on the same basis.

Trustees are elected at the AGM to represent all owners in an equal and fair manner. They are not there to follow their own agenda. It is impractical to run a body corporate by asking all the owners their opinions on day to day matters but, in my opinion, they should consult all owners when making non-day to day decisions. Examples to me would be that the Trustees would confirm emergency repair and approve monthly accounts but should not, without consultation, decide to paint the building or change managing agents. How can they make decisions about spending large amount on upgrading without all members input? Just because they don't like the managing agents personally or style of working, they should call a meeting of owners and explain why they want to change – and bear by any decision that they owners make.

Recently we had the experience that the Trustees in a building that had appointed us because of poor financial management, wanted a change of managing agents because the MA suggested that installing prepaid time of use meters was a better and fairer solution than putting in out of date disk meters. Despite an overwhelming vote for the TOU meters the Trustees still wanted to go the disk meter route and went ahead with the appointment of a new managing agent who would not oppose the trustees. Do you wonder that the general owners and some of the trustees were not happy and have now called a Special General Meeting to overturn this decision or at least to discuss the merits of making a change. How did you choose your MA?

Not Happy With the Way your BC is Run?

Many people are not happy with the way their body corporates are run. Whatever the reason the time to do it is at your AGM by choosing the right Trustees. We can talk about what makes a good trustee at another time.

If there is a general unhappiness, then owners can ask the trustees to call a special general meeting to discuss how the building is run. If 25% of the owners are unhappy and sign a request to the Trustees to hold such a meeting, then the Trustees are obliged to do so. If they don't then those 25% can call their own SGM – inviting all the owners – the managing agents must give them the owners contact details (including email addresses). You must have a proper agenda and put on the agenda items they want to achieve ie dismissal of the current trustees and election of new trustees. Dismissal of the MA and appointment of a new MA. The owners in that meeting then decide on the direction taken.

Talk Shop

By Platinum Global

HOW TO STOP ILLEGAL CHANGES

Without a strong set of Trustees and MA illegal changes can get out of hand! If you allow one person to enclose their balcony, then somebody else will want to do the same thing and somebody else will want to build an extra garage or an extra bedroom.

Alterations can be made providing that proper plans are presented to a general meeting and the item is noted as a special item of which notice has been given. (detailing what permission the owner wants). It will often require a Unanimous decision to be approved, especially if it covers part of the common property.

While approval can be given by the owners, the person asking for permission must also comply with all building regulations and town planning. For example, you could not build a shop on a residential site. Problems may arise because the sites bulk (total building size) has been exceeded or the coverage is too great. Assuming planning approval the owner must complete the alterations and then obtain an occupation certificate. After this they need to have the sectional title plans amended to show the new area of the altered unit. All this must be done at the cost of the owner doing the alterations.

What happens if the owner does not follow the system or builds without permission? If the owner goes ahead with alterations without following the procedure the Trustees can get an order for them to stop building and to demolish the illegal alterations. Local authorities cannot give approved plans without the body corporate approving the alterations. (NOTE not the Trustees). CSOS is the most cost-effective route to take but urgency may dictate an urgent application to the courts. Some local authorities may still be effective enough to stop building work.

Any owner building without permission must understand that they will have to cover all the legal costs and will not be compensated when they are forced to demolish what they have built illegally.

DOOR NUMBERS V UNIT NUMBER- TIME TO CHANGE

Certainly, in most townhouses, the door number is the same as the unit number. When new schemes are built there needs to be a plan of the final scheme with unit numbers shown, but it is not necessary to build in that order. If the developer keeps the door number the same as the unit number -bliss. But if, as does happen they don't -chaos!

We have schemes where the tenant refers to his unit by the door number but owner by the unit number. Even worse the Deeds office and Metro will refer to the unit by its unit number and not its door number. Imagine them coming to disconnect unit 10 for non-payment only to disconnect unit 6 instead! We actually have a building where unit 1 is flat 5 and unit 5 is flat 1. Confusing isn't it

How do you go about changing the numbers? Firstly, discuss it at a general meeting so that you get general agreement. Secondly notify all the occupiers and local authorities about what you intend to do giving the door number and new unit number so that they don't get confused. Buy a full set of new numbers and remove the old ones. Mark the electricity and water meters with the new numbers and delete the old ones.

Except in a simple scheme, I would draw up a list of old and new door numbers from the sectional title plans – which may cover a few different sets of plans. Taking care to make sure you have it right.

Flats can be more difficult but can incorporate unit number in door numbers such as floor 8 unit 89 being door number 889. People get used to the new numbers quickly – it does make life easier.

DEALING WITH COMPLAINTS.

Dealing with complaints in a Bcorp is one of the most difficult things to do. Managing Agents often get vague complaints about noise, parties, kids making a noise etc. Whatever, the complainant must be prepared to put his complaint in writing with details about where and when it happened, what happened and whom was involved. Phoning to say that there is a lot of noise coming from somewhere above at 8pm in the evening is not acceptable. MAs need facts! Time and place, what is happening, how long has it been happening and how is it a nuisance. MAs cannot send letters to unknown or vague units.

It also happens that one person only complains. What is needed is that people are irritated not just one person. I recall when one old lady complained about people using the pool on a Sunday afternoon because she wanted to sleep. What did she expect when she bought the unit next to the pool! Sunday afternoons are just when people do want to swim.

Many buildings have rules against just about anything, but anything can be a nuisance if it causes disturbance to other owners. Everyone loves kids, but if parents allow them to run up and down the driveway, kick footballs against garage doors, break plants, I would consider this a nuisance, wouldn't you?

MAs should keep good records of all complaints in the owners file so that there is a history of what why and when. Owners should be free to complain without the person complained against knocking on their door (don't say who complained). When giving a warning or fine the person must have a right to justify themselves to the Trustees.

THE MARKET

R450,000 2 BEDROOM UNIT ON TOP FLOOR

Double entrance with shared kitchen and bathroom. Allows private entrance. Close to CUT and UFS. Many student flats have been bought by non-students. Don't miss out now that it is as cheap to buy as to rent. Get in there before there is a shortage of student units.

Mpho has a choice of student type units for you to view. Give him a call today.

Call Mpho 082 321 5206 and be pleasantly surprised.



AS CLOSE TO A BARGAIN AS YOU WILL EVER GET.

I have been in the property market since 1975 and this is one of the best value for money properties I have seen for many years. A wonderful family home in great condition, in a good area, with a large garden, and a sectional title plan to allow for duetting. I could live there easily myself. If you are looking for a sensible northern suburbs family home this is for you. Talk to me.

Call Mike 083 881 4711



HEUWELSIG – PRICED TO SELL AT R2,100,000

Solid original house in great area 5 bedrooms 3 bathrooms, 2 garages and a carport, pool, and large grounds. Well priced for area and condition of property. Gives a lot of house for your money in a great area but does need some TLC which is reflected in the price. Area average price more than R2.6 million for smaller homes. This is a good living home for the larger family. Well worth looking at.

Call Mpho 082 321 5206 will help you.



NEW ON THE MARKET – SUPER LIVING TOWNHOUSE

Just one of those places that you love to live in. Sunny, comfortable, spacious rooms, good parking, own garden and well situated. Exactly right for you. Large roomed 3-bedroom double storey unit with really big lounge (fireplace) New oven in the kitchen and island breakfast table and chairs in a renovated kitchen.

Nice private garden with braai to entertain. Close to school and shops with low levy of R560 pm

Contact Christine 081 474 2357 to buy now.



BRAND NEW DEVELOPMENT OUT OF TOWN COUNTRY LIFESTYLE



PINE PARK – LIFESTYLE IN THE COUNTRY.

A new launch of a developer renowned for good quality of workmanship for his past projects. Situated a little way out of town it is the ideal place to stay if you work or study at CUT Vista Campus. Each unit is fully equipped with extras that you will not find offered elsewhere.

Choice of 4 different designs and between ground and first floor. Prices from just R399,000 to R659,000 depending on what you choose. We are able to assist you finding the best and cheapest financial options.

Can be purchased for own use or letting out – there will be a rental pool in place on completion.

This developer has constructed some stunning developments in his time.

**Want to know more? Contact Mpho Mporu
Cell number 082 321 5206.**

