



**A PICTURE SAYS a 1000 WORDS – IT IS AS GOOD AS IT LOOKS.**

Lucky because we do not have space for even 100 words! This is a stunning 3 bedroom flat with two bathrooms and a lovely open plan kitchen. All rooms are a good size and well looked after. Being a ground floor unit, it has its own garden to laze about in. Actually, a really worthwhile place to look at. What is nice is that it is walking distance to so much. Call Mpho 082 321 5206

**WHAT A PROBLEM – TREES AND IVY IN COMMON PROPERTY GARDENS.**

Ideally gardens should be shown as Exclusive Use Areas in the sectional title plans but the cost is prohibitive. A far less helpful way is to do it in the rules. The reality is that most gardens in townhouse schemes are seen as a private area of the unit that it is attached to. Thus, the quandary as to who is responsible for the upkeep of the garden. In some buildings you would have garden services others the owner will do it himself.

My big concern is with trees and ivy. Trees that are planted or allowed to grow close to a wall cause serious and expensive damage to the units themselves or garden walls. The same applies to creepers that grow up unit walls. They look very pretty but their roots damage the cement between bricks and do damage to roofs, gutters, and eaves. Trustees need to be aware of problem trees and creepers, but often it is not possible to see them because they are in back gardens.

Who is responsible for the removal of the trees and creepers and damage that they cause? In an exclusive use garden, there is no question that it is the owner of the unit. But when the garden is common property but used by the owner it may not be so clear. Generally, rules state that any damage caused by an owner (or his tenant) must be covered by the owner. In my mind a tree that is planted by an owner would result in the owner being responsible for this damage but what about one that is allowed to grow?

I believe that if you have the benefit of the garden you need to take responsibility for it and suggest that the rules should make it very clear that the owner has use of the garden if they pay for removal of trees and damage caused. The rules should be changed to reflect this. Owners cannot have it both ways. Can you imagine the uproar if the trustees sent in tree cutters to remove trees in there “private” gardens? The way to go is change the rules and remind owners in every newsletter that you send out that they are responsible.

# The Landlord

Newsletter for  
Sectional Title  
Trustees & Landlords



Oct 2020

## VERY FEW PROPERTIES UP FOR AUCTION

It is surprising how very few properties ever come up for auction. The latest auction in Bloemfontein had only 4 properties despite the state of the market. Government regulation is the cause and despite people not paying their bonds the banks are very reluctant to take back and auction properties due to the complexities and costs involved. Like much of government regulation it has an idealist intention but ends up allowing people not to be responsible for what they have contracted for. We are aware of owners who have not paid their bonds for years but are still have not had their investment properties taken back. The auctioning of properties in default is a very important market control on the property industry. Not being able to take back default properties means that banks are more reluctant to grant bonds because of the risk involved.

# Talk Shop

By Platinum Global

## NOISE COMPLAINTS IN SCHEMES

I am the afterhours emergency contact for our body corporates, and you will be surprised what people consider an emergency! This weekend I was woken at 5.30 am because an owner had a problem with his neighbours partying. What is the right thing to do?

Firstly, the managing agents are NOT policemen. It is not their job to come out and talk to the problem owner. Their job is to enforce the rules. So report it in writing to them during working hours and they will follow the procedure allowed for in the rules – usually a warning, then a fine, then a bigger fine, all the time keeping the owner informed of what is happening.

The person complaining must understand that noise is a common nuisance and is in breach not only of the body corporate rules but also the municipal by laws and often a criminal act as well. They should contact the municipal police of SAPS and ask them to come out to sort out the problem. If necessary, they must lay a charge with SAPS

When complaining please keep to the facts. The managing agent does not need a story they need the detail. What happened, when did it happen, what date and time did it happen, what evidence do you have that it happened ie photos and video and sound recordings. Only then can the managing agents act. Be incredibly careful that you are complaining about the right property, so often we have complaints, and it turns out to be the unit above or below or behind. Complaints must in writing and not verbal.

Many managing agents are slow to act when only one owner complains – were they being oversensitive? How come nobody else complained if it was such a major problem?

People that have a problem should also remember that they can make a complaint directly to CSOS.

Making a complaint in the right way helps your managing agent help you.

## IS NOT PAYING FOR ELECTRICITY THEFT?

**Managing a Stitle complex is not easy. One of the challenges is getting people to pay for water and electricity. Although it is disappointingly illegal to disconnect services it is done as the only practical way to get people to pay. But my question is that if you have not paid for a service that you have used is this theft? Can you lay a charge of theft against the owner or tenant that has not paid his electricity account?**

**Theft is defined as;** A criminal act in which property belonging to another is taken without that person's consent

**I would suggest that the electricity is the property of the landlord or body corporate – they have been supplied with the service and the tenant/owner has used that electricity without paying for it. The electricity that is used is certainly without the landlord or body corporates consent as clearly, they would not have supplied it without payment unless they were forced to do so!**

**I would love to know if anyone had ever laid a charge of theft against a tenant who refused to pay for electricity and what the result was. Would anyone like to lay such a charge and let us know how it went. If it is possible to lay a criminal charge for theft of electricity this would be a real incentive for tenants and owners to pay their accounts. The current situation is that legally you need to go to court to claim the outstanding electricity. This is clearly impractical and time consuming and very costly. That is why most body corporates and landlords simply disconnect. Not right but the only practical way.**

## WOULD YOU BE INTERESTED IN A LANDLORDS ORGANISATION?

You all know what I think about the current legislation with regards to property ownership and investment. Government says it want to provide more housing and improve the economy but every piece of legislation that it introduces does exactly the opposite and makes it less and less attractive to own property. Tenants have more rights in a property than a landlord does. It would not matter if landlords could get instant decisions at the Rental Tribunal, but we all know that does not happen and most related organisations are near defunct. Going to court is not an option due to the time it takes, and the costs involved. When eventually and if you get a decision that goes your way, the tenant just ups and leaves, and it is impossible to get your rent or electricity.

One of my readers asked whether it is not time that an organisation should be formed so that the Landlords side of the story can be heard. There is such a need for a rebalancing of the duties and responsibilities of landlords and for proper mechanisms to be put into place for enforcing of the rights of landlords.

What do you think? Does CSOS actually work? Does the EAAB do its job? Are rental tribunals effective? Would we not be better off dismantling these unbelievably expensive organisations in favour of a property court? Should landlords and tenants and I will include HOAs and Body Corporates not be able to decide for themselves how they wanted to live and interact and allow the property court to judge on the merit of each case? The result could be a resurgence in investor confidence in developing and investing in rental properties. Your thoughts?

## THE MARKET



### BAINSVLEI – BACHELOR TO 2 BEDROOMS

R 420,000, R 450,000 R 545,000

THE CHOICE IS YOURS!

Just a little different from the normal sort of place that you would invest in. Much more modern, has entertainment on site, is managed by Platinum Global. All good reasons to buy. Many residents are owners or have children that go to UFS.

Set in idyllic country atmosphere – so different from the norm. Come look for yourself.

Call Mpho 082 321 5206 and be pleasantly surprised.



### DON'T ACCEPT THE BEST

### GET THE EXCEPTIONAL

Such a nice neat tastefully decorated home. Good asking price at just R525,000. (Bond R4,070 pm) 2 bedrooms north facing sunny unit. With such low interest rates, it is often very close to the same cost to buy or rent! Talk to Mpho and feel the difference. One bedroom unit also available R436,000.

Call Mpho 082 321 5206



### SUPER NORTHERN SUBURBS TOWNHOUSE R756,000

Close to Northridge Mall and all that jazz! Just such a nice modern open place with its own private garden too. 2 bedroom unit that is just as good as it looks. Safe secure centre with 24 hour a day security. Complete with communal park and pool area so you can cool off on hot summer days.

Simply just such a nice place to stay. Give Mpho a call today.

Call Mpho 082 321 5206



### A1+ TOWNHOUSE FOR BBB PRICE R1,500,000

There is nothing close to this exceptional home. Immaculate throughout, well designed and laid out. Comfortable, light, and bright and with all the bells & whistles. It is just a delight to see and heaven to own. Whether you are single, a couple, or young family or even a retired couple, you will appreciate the comfort and value of this magnificent home. I wish all the properties I had for sale we as good as this one. It is just stunning. If you are serious – come see for yourself.

Call Mike Spencer 082 881 4711



# HELP US TO HELP YOU! Complete our questionnaire.

Many of you are aware that we are busy with several new developments in Vista Park. The developers are looking for your help to decide the size of the units being offered and we are looking for your help. We are talking about rental units not buying, so think like a potential tenant. Remember these will be super modern low maintenance buildings with the latest finishes. We are looking to include unlimited data connections in the rental with which you will be able to do your studying, emails and watch your favourite sites such as DSTV. Solar electricity will be provided at a lower rate than you must pay to Centlec, and units are likely to include a microwave and for some units a built in oven and perhaps even a dishwasher. Expect one parking with the one bedroom flats and 2 with the larger units.

1. What size unit would you prefer.

- a. One bedroom, 1 bathroom unit
- b. Two bedroom, 2 bathroom unit

2. How many parkings would you need?

- a. Single carport
- b. Double carport

3. How much would you be prepared to pay for an additional carport

- a. R100 pm
- b. R150 pm
- c. R200 pm
- d. I would not need an additional parking

4. How much would you be prepared to pay for an additional parking

- a. R 50 pm
- b. R100 pm
- c. R150 pm

5. Would you be encouraged to let a flat in this building if it had the following facilities

- a. There was an excellent creche and junior school next door to the complex
- b. The unit included a microwave
- c. The unit included a built in oven
- d. There was a laundry in the complex
- e. There was a club house in the complex
- f. There was a swimming pool in the complex

Please chose one answer to questions 1 to 4. Please pick those answer which excite you in questions 5.

Please email your answers to [mike@platinumglobal.co.za](mailto:mike@platinumglobal.co.za)

Name \_\_\_\_\_

Email \_\_\_\_\_

Cell \_\_\_\_\_

Are you renting now YES OR NO \_\_\_\_\_

How many bedrooms do you have \_\_\_\_\_

What rental are you paying pm R\_\_\_\_\_

Thank you for participating.