



NATIONAL ASSOCIATION
OF MANAGING AGENTS
SHAPING OUR PROFESSION

JULY 2017 | NEWSLETTER/BULLETIN

NAMA WISHES TO THANK THE FOLLOWING ADVERTISERS TO THE NAMA NEWS AND BULLETIN

mirfin
countrywide valuations

PREFERRED BY INSURERS
1ST CHOICE FOR MANAGING AGENTS

EXPOL

Security Services

National contact :010 5936984

Website: www.expol.co.za

ELF
Electronic Security Solutions

CIA

Building Insurance Specialists

FSP 13890

CONTENTS

Newsletter ([Click here](#) to go directly to Newsletter)

A CLOSER LOOK AT DUET HOUSES - Izak du Pisanie,
EY Stuart Inc. Attorneys

02

Bulletin ([Click here](#) to go directly to Bulletin)

ADVERTORIALS

- ST Solutions
- Arcstone
- King Price Insurance

06

07

12

COMMUNITY SCHEME OMBUD SERVICE UPDATE

15

SECTIONAL TITLES ACT REGULATIONS

16

NAMA EVENTS

17

DISCLAIMER

18



A CLOSER LOOK AT DUET HOUSES

Article by Izak Du Pisanie, EY Stuart Inc. Attorneys

A duet house is one of two separate free-standing or attached units that have been built on one Erf.

Duet schemes are normally formed when the land upon which it is constructed on cannot be subdivided. A sectional title scheme is then established in terms of the Sectional Titles Act, Act 95 of 1986 (hereinafter referred to as the STA) for which development of a Body Corporate is established in terms of the Sectional Titles Schemes Management Act, Act 8 of 2011 (hereinafter referred to as the STSM ACT) when any of the units or both are transferred from the developer to any other person. Both the STA and the STSM Act are applicable to duet ownership.

The following questions have been asked in this regard:

- Must owners of duet houses register with the Community Schemes Ombud Service (hereinafter referred to as CSOS)?
- Must a duet development have rules?
- What is the position with regard to the payment of levies?
- What is the position with regard to issuing of a clearance certificate on the sale of one of the sections?
- How will a dispute between the two owners be adjudicated?

The Community Schemes Ombud Service Act, Act 9 of 2011 (hereinafter referred to as the CSOS Act) defines a “community scheme” as: “any scheme or arrangement in terms of which there is shared use of and responsibility for parts of land and buildings, including but not limited to a sectional title development scheme, a share block company, a home or property owner’s association, however constituted, established to administer a property development, a housing scheme for retired persons, and a housing co-operative as contemplated in the South African Co-operatives Act, 2005 (Act 20 No. 14 of 2005) and “scheme” has the same meaning”.

The STSM Act defines a ‘development scheme’ as: “a scheme in terms of which a building or buildings situated or to be erected on land within the area of jurisdiction of a local municipality is or are; for the purposes of selling, letting or otherwise dealing therewith, to be divided into two or more Sections”.

From the aforesaid it appears to be clear that the CSOS Act and the STSM Act finds application in duet developments and therefore the Body Corporate established for the scheme, with a SS scheme number describing the scheme (which the owner will find in his/her title deed), must register the

scheme with the CSOS.

The owners of a duet development (who are both trustees in terms of the STSM Act) must consequently establish and operate an administrative fund (to which fund they must contribute by payment of budgeted levies) for the repair, maintenance, management and administration of the common property, which common property inter alia includes the exterior of the buildings, fencing, garden’s, drive ways, security fencing, access gate, etc.

Subject to Prescribed Management Rule 17(2), the owners must further

conduct meetings and take minutes. They must also issue clearance certificates (a certificate issued by the trustees confirming that the owner has paid all funds due to the Body Corporate) where an owner decides to sell a unit.

An owner of a duet house that intends to extend his/her section for example, will also have to comply with the provisions of Section 24 of the STA (as amended), which compliance will include the following:

- Consent of your neighbour as co-member of the Body Corporate;
- Building Plans, duly approved by the Local Authority;
- Amendment of Sectional Title Plan and approval by the Surveyor General, once the building is constructed; and
- Registration at the Deeds Office of the amended plan of extension and amended participation quotas.

- Arrange appropriate endorsement on the title deed.

Since the STSM Act finds application on duet developments, the prescribed rules as per Annexure “1” (Management Rules) and Annexure “2” (Conduct Rules), promulgated under the Regulations to the STSM Act, also finds application.

A duet development is however not a sectional title development in the traditional sense of the word, such as a high rise building with numerous sections and in practise the administration of a duet scheme is hardly ever complied with by the owners as is required in terms of the legislation under discussion.

In terms of Section 10(2)(a) read with Regulations 6(6) of the STSM Act, the prescribed Management Rules may be added to, amended or repealed by unanimous resolution,

provided that at least 30% of the units must be owned by persons other than the developer before that can be done. Owners can thus in theory decide to repeal the Management and Conduct Rules, but will still have to comply with the provisions of the ST Act, the STSM Act and the CSOS Act.

It is rather advisable to amend the Rules to provide clarity on the responsibility for maintenance and obligations concerning the use of common property areas. The Rules can provide for joint responsibility, for shared use of common property such as a shared driveway, electric fencing, motorised access gate, etc. and can confer the obligation on each owner to him-/herself to maintain other common property areas where such common property areas can also, in terms of the Rules, be allocated for the exclusive use thereof by the relevant owner.

As a duet owner, you and your neighbour may have a good understanding, respect one-another and contribute to common expenses, but one day the devil may move in next door and as such it is advisable to have an appropriate set of Rules in place, governing the specific requirements for the maintenance and enjoyment of your duet Scheme.

Any dispute between the co-owners should be referred to CSOS that will consider the adjudication process.

Izak Du Pisanie

EY Stuart Inc. Attorneys

SECTIONAL TITLE SOLUTIONS

WHAT WE DO:

Sectional Title Solutions is a solutions driven consultancy business, focusing on delivering value-added products and services to Sectional Title Bodies Corporate and Homeowner Associations.

We aim to provide sustainable solutions that will benefit all unit owners and stakeholders, while reducing inefficient costs and generating much needed revenue for Bodies Corporate and Homeowner Associations. Ultimately, we aim to ensure financial sustainability and protection of the unit's investment value for its owner.

Our value-added solutions include:

- State of the art Fibre to the Home and wireless **Internet** solutions
- Innovative arrear levy and project funding solutions
- Cost-saving energy efficiency and solar solutions
- Revenue generating outdoor media and advertising solutions
- Legal and levy advisory services

Our solution-based approach, combined with our emphasis on a symbiotic

working relationship with managing agents and their estates, is what adds real value to our clients.

Guided by this “win, win, win” philosophy, STS has partnered with several industry leaders as well as smaller niche specialist service providers, to provide our clients with the most effective value-added solutions, regardless of the size of their unique project requirements.

FEATURED SOLUTION: FIBRE TO THE HOME (FTTH)

STS offers a wide range of FTTH and wireless Internet solutions to meet the unique requirements of Sectional Title Bodies Corporate and Homeowner Associations.

STS has partnered with the largest, **privately owned**, open access network operator in South Africa and is rolling this Fibre to the Home initiative out to gated communities nationally. With no fixed-line rental costs and a wide array of **Internet Service Providers**

(ISPs) to choose from, residents are able to connect to business grade Internet at retail prices.

Key features of our Fibre to the Home offering include:

- **Free installation of Fibre infrastructure (if our feasibility requirements are met)**
- **No take-up requirements**
- **An open access network with a variety of ISPs**
- **Lightning fast Internet (up to 1GB speeds)**

Additional value-adds include:

- **Free Wi-Fi at the estate clubhouse**
- **Additional Fibre capacity for security cameras (if requested)**
- **Free calls between residents and the guardhouse through our on-net network**



Professional Property Maintenance, Construction and Repairs - First Time, Every Time GUARANTEED

WE PUT ALL OUR EXPERIENCE, SKILLS AND TECHNIQUES IN YOUR HANDS

Only the best and most experienced
tradesman for your project

At Arcstone we understand that your property is one of your most valuable assets. Just as you would not trust just any doctor or lawyer off the street to help you with your medical or legal problems, so too one cannot entrust the needs of ones property to just any contractor or tradesman.

Unfortunately in South Africa today there are far too many so called “experts” misleading honest property owners into paying for substandard repair and maintenance work.

The barriers to entry in this industry are low enough for just about anyone with a hammer to call themselves a contractor!



OUR CORE VALUES, STRATEGY AND PHILOSOPHY

The growth and success of our brand depends on one thing - Customer satisfaction

Our goal is to generate a base of highly satisfied customers who will confidently recommend our services to whoever may need them and the only way we can achieve this goal is by delivering on our promise of top notch quality and customer service.

We take our customers feedback very seriously and act upon it immediately. In summary, it is our goal to help you achieve yours!

Don't let the often temptingly low prices of the average fly-by-night contractor fool you, choose Arcstone and get the job done right first time, every time.



Arcstone offers a wide range of services for all your **Property Maintenance** requirements



- PAINTING
- RENOVATIONS AND EXTENSIONS
- GUTTER REPAIR AND CLEANING
- WATERPROOFING
- RISING DAMP
- PLASTER AND BRICK WORK
- TILING
- FLOORING
- PAVING
- CEILINGS
- PLUMBING
- DRAINAGE
- WINDOW & DOOR INSTALLATION
- CARPENTRY
- ELECTRICAL WORK



PROMINENT
PAINTS



Honesty, Integrity, Accountability - these are the cornerstones of our company philosophy



The Arcstone Promise

Whatever the size of your project we aim to treat each and every customer as if they are our only customer. After all, your home is your castle and you have a right to expect the best.

We operate throughout JHB and offer a free inspection, assessment and quotation without any obligation to use our company. Please compare our quotes with competitors and ask all the necessary questions - we have nothing to hide and our pricing reflects the quality and care of our handiwork. From large complexes to office parks, apartment blocks to free standing houses - we are here to help. Give us a call and see for yourself, we can't wait for you to join the scores of satisfied Arcstone customers.

Contact us today for an *obligation-free* inspection, assessment and quotation call (011) 440 8939 or visit www.arcstone.co.za

PROMINENT
PAINTS



CEMENT

At the end of the day, **The Proof is in the Pudding!** Here is what some of our customers have to say-

Nathan Stern (Renprop)

"I manage a number of properties and I was in need of a reliable maintenance contractor. I gave Arcstone a try and to date, there work has been great and I'm only receiving positive client feedback to date. I only recommend Arcstone to my other clients and trust them with service levels and communication. Keep up the professional level of service!"

Tanya Kramer (Investec)

"Arcstone has come to my investment properties on more than 3 separate occasions for different issues and each time has quickly provided me with a quote and an action plan to repair the problem. On one occasion they went out of their way to send a team here on a Friday afternoon when it was threatening to storm and patched the roof until a proper repair could be done on the Monday. Your team have been efficient, helpful and professional on all 3 instances and I will continue to use them and to refer them to friends and colleagues alike. They are client conscious and service orientated, and their efficiency is a pleasure to deal with."

Gillian Schneiderman (Rosemount Body Corp)

"I am more than happy to go on record and recommend Arcstone for waterproofing, and I am confident, any other projects you may have. Our 1st project with them was a 3 week extensive waterproofing one but we will be calling on them again in the future because we are a block of flats - an old building with the inevitable, multiple, constant challenges. We, therefore, have plenty experience of knowing how rare it is to actually get a team you can completely rely on and who are not only professional and reliable, but who communicate throughout. We consequently hope to have a long relationship with this 1st class team."

John Solomon (Property Developer)

"Arcstone have recently completed a major renovation on a newly purchased residential property. Their personal approach went beyond the norm. They spent hours getting details as to what needed to be done, giving advice and planning the renovation. They are a warm dedicated team who will do anything to make sure the client is happy. Their work was of a high and professional standard. When problems arose they were dealt with in a proper and direct manner. I highly recommend them as a professional, caring and personal touch team who can provide the right TURN KEY SOLUTIONS."

Steven Krein (Head of FixMyLife.co.za)

"I cannot speak highly enough of Arcstone and the absolute professionalism they demonstrate on all their jobs. Their workmanship is of the highest level and they pride themselves on this quality which in my experience they deliver time after time. Arcstone have always given us reliable, dedicated and professional service and go over and above to ensure that the client is completely satisfied with every aspect of a job. I would definitely recommend Arcstone for any project you are considering them for. If you have any questions or wish to discuss the above in more detail, please don't hesitate to contact me."

Garth Robbins (Virgin Active)

"Morning David, Thank you for your Team's excellent work ethic and world class service. Grant was phenomenal and, Rox and I could see how genuinely concerned he was for the result and service the Team was providing. We only have positive feedback and recommendations to give. If anything does arise, we will definitely let you know"



So... what are you waiting for? Call **Arcstone** and Get It Done! **011 440 8939** or visit **arcstone.co.za**



PROMINENT
PAINTS



The cloud, the king, your community... And the future



King Price community insurance is building the future of insurance... And, we think you'll find it much improved!

We're also making our mark in the community schemes insurance industry as we prove that our direct insurance product is:

- Easy to understand, buy, manage and use.
- Cost-effective, convenient and efficient.
- Relevant, transparent and secure.
- Able to make life easier for the entire value chain, including managing agents, trustees, suppliers, unit owners and tenants, and ourselves.

With our building management tech provider, Urbanise, we con-

nect this value chain instantly with all building related products and services. This means that all the parties are on the same page, all the time, with the added benefits of convenience, cost savings and greater transparency.

At its core, Urbanise is a sophisticated accounting and administration system for managing community schemes. It exceeds any other building management tech solution in its agility and breadth of functionality and also ensures that our insured schemes' maintenance and insurance data flows across the Urbanise platform to custom-developed mobile apps and our insurance back-end systems, to deliver an 'always up' user experience.

Our investment in this cutting-edge cloud-based tech, of R80 million over 5 years, is the largest investment ever made in the SA building and sectional title insurance space, and demonstrates our long-term commitment to this market.

We've got you covered

Ultimately, we provide comprehensive, tailored building insurance solutions that protect our clients from the financial impacts of community scheme risks and, with tech on our side, we've moved away from risk-based underwriting to proactive risk management, whereby we help our clients find and fix risks before disaster even strikes.

Our building inspection, planned maintenance and IoT (Internet of Things) building monitoring capabilities work seamlessly with our specialist risk reporting and supply chain management services to reduce the risks that community schemes face. What's more, we're able to pull all the findings together on Urbanise for your ease of access and peace of mind.

With Urbanise, we aim to transform the community schemes industry that we service and, ultimately, also to impact on entire cities. Together, we can shape a future in which everyone benefits from the digital economy and the potential that tech offers to manage community living more easily, cost-effectively and efficiently.

We're looking forward to seeing you at the NAMA Indaba, in September, for a free demonstration!

COMMUNITY SCHEME OMBUD SERVICE UPDATE

TO ALL NAMA FULL MEMBERS:

“During June 2017 NAMA engaged with the Executive of the Community Scheme Ombud Service [CSOS].

It was agreed that there are various issues of mutual interest and that NAMA and the CSOS should strengthen its communication programme, especially to benefit NAMA members.”

Follow the link below to read more about information sharing and registration of schemes:

[CLICK HERE TO READ MORE](#)



SECTIONAL TITLES ACT, 1986: **AMENDMENT OF REGULATIONS**

I, Gugile Ernest Nkwinti, Minister of Rural Development and Land Reform, acting in terms of section 55 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), after consultation with the sectional titles regulation board hereby amend the Regulations promulgated by Government Notice No. R. 664 of 8 April 1988, as set out in the Schedule hereto. The Regulations will come into operation one month from the date of publication hereof in the Gazette.

[CLICK HERE TO READ MORE](#)



NAMA EVENTS

KZN REGION

21 JULY 2017

120 Breakfast Seminar

Email Vanida at namakzn@nama.org.za

GW REGION

4 AUGUST 2017

Seminar

Email Johan at namawest@nama.org.za

Click to view NAMA Event details

A NEW DAWN

JOIN US FOR THE
2017 NAMA KING PRICE INDABA
4-6 SEPTEMBER 2017 EMPERORS PALACE

NATIONAL ASSOCIATION OF MANAGING AGENTS
SHAPING OUR PROFESSION

KingPrice
INSURANCE

REGISTER AS A DELEGATE OR EXHIBITOR

MAIN SPONSORS

KingPrice
INSURANCE
2017 INDABA SPONSOR DIAMOND SPONSOR

PROMINENT PAINTS
A PPG Brand
2017 INDABA SPONSOR PLATINUM SPONSOR

NEDBANK
2017 INDABA SPONSOR PLATINUM SPONSOR

CIA
2017 INDABA SPONSOR GOLD

PayProp
2017 INDABA SPONSOR GOLD

OTHER SPONSORS

MidCity Utilities
Your Smart Solution

MG TAUTE
GENERAL TRADING & DISTRIBUTION • REGISTERED AUDITORS

Salute Estates

myfin
countrywide valuations
PREFERRED BY INSURERS
1ST CHOICE FOR MANAGING AGENTS

Prepaid Meters
Power to Your World

CURASURE
building maintenance solutions

PRO ADMIN

ADDSURE
NATIONAL FIRE INSURANCE SPECIALISTS

DE
Du Plessis Eksteen
PROFESSIONAL ATTORNEYS

Bidvest
PROTEA COIN

ESD
ELECTRICITY SUPPLY DISTRIBUTION



Disclaimer : The opinion expressed in this Newsletter is not necessarily that of NAMA. The article pertaining to content is based on that of the writer and should only be used as such. The editor may elect to make amendments to the initial content but this should not be seen as an official opinion or correction of the content . The use of such information or advice is at the user's own risk and should not be considered as a formal opinion or be considered as legal advice or legal opinion of any kind. NAMA will not be held liable for any damages, losses or causes of actions of any nature whatsoever arising from the information or advice given.

Publisher : NAMA

**Contact person : Lizbé Venter
(namanews@nama.org.za)**

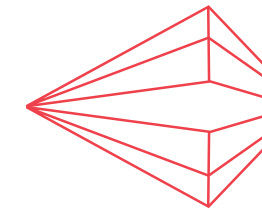
Copyright : NAMA – Nothing in this newsletter may be reproduced in whole or part without the written permission of the publishers.

NEXT ISSUE: AUGUST 2017



This magazine is designed & published in partnership by :

GLOVENT
S O L U T I O N S



THAT Touch
MEDIA

FOR DESIGN ENQUIRIES CONTACT:

Office: 086 101 7424

Email: info@thattouch.co.za