



NATIONAL ASSOCIATION
OF MANAGING AGENTS
SHAPING OUR PROFESSION

OCTOBER 2017 | NEWSLETTER/BULLETIN

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SECTIONAL
TITLE
SOLUTIONS



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bc **bridging**
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MAKE NEW LEGISLATION WORK FOR YOU

Article by Kimrie Ritchie, SSLR Inc.



The Community Scheme Ombud Service Act, No. 9 of 2011 (“the Act”) came into force on the 7th of October 2016. In terms of the Act, the term “community schemes” includes sectional title development schemes, share block companies, home or property owners’ associations, housing schemes for retired persons, and housing co-operatives.

This significant Act provides many services to the property industry, all of which are set out in section 4 of the Act. A noteworthy primary objective of this legislation is to provide a cost-effective and efficient dispute resolution mechanism, through an Ombud Service, servicing the entire community schemes industry.

Incorporated in the services provided by the act is the training of conciliators, adjudicators and other service employees. It provides the service of promoting good governance of community

schemes, and monitoring the governance which it promotes. It affords education, information, documentation and services, all of which raise the awareness of owners, occupiers, executive committees and others who have rights and obligations in community schemes.

A most exciting feature of CSOS is the dispute resolution aspect of the Act. In terms of section 38, which deals specifically with applications brought in terms of the Act, any person may initiate proceedings if that person is a party to, or is materially affected

by a dispute. This definition extends the availability to a body corporate, of referring a matter to CSOS, should this be necessary.

The Act does not have unrestricted jurisdiction over simply any dispute that relates to a community scheme. Section 39 of the Act precisely describes the categories over which CSOS is able to act.

Once a dispute is referred to CSOS,

it is a prerequisite that all internal dispute resolution mechanisms available to the scheme or person have been exhausted, and have proven to be ineffective prior to the matter being referred to CSOS.

Once a dispute is referred to the service, and your application has been lodged and registered, your application will then be assessed to determine its validity. Once the formal process has been followed, the initial step would be for the matter to proceed to professional conciliation, however, where this is not likely or able to resolve the matter, it will then be referred to an adjudicator.

In terms of section 39 of the Act, helpful relief, which may

be requested in respect of financial issues, involves a fantastic order requiring a tenant in a community scheme to pay to the association, and not to his or her landlord, all or part of the rentals payable under a lease agreement for the unit, from a specified date, and until a specified amount due by the landlord to the association has been paid.

Section 39(1)(f) provides the specific terms of such an order, which are as follows:

- i. the tenant must make the payments specified and may not rely on any right of deduction, set-off or counterclaim that he or she has against the landlord to reduce the amount to be paid to the association;

ii. payments made by the tenant to the association discharge the tenant's liability to the landlord in terms of the lease; and

iii. the association must credit amounts received from the tenant to the account of the landlord

These precise and easily understandable terms are coherent enough for any community scheme to follow and put into place. This ridiculously exciting option, which is now clearly available to a body corporate who is being affected by

a non-paying owner, has clarified this recourse which is available when a unit is being rented out.

Section 56 of the Act deals with the way in which an order made by the adjudicator will be enforced.

The section specifically provides that if an adjudicator's order is for the payment of an amount of money, or any other relief which is within the jurisdiction of a magistrate's court, the order must be enforced as if it were a judgment of such Court. It further provides that a Clerk of such

Court must, on lodgement of a copy of the order, register it as an order in such Court.

It is further stipulated that if an adjudicator's order is for the payment of an amount of money, or any other relief which is beyond the jurisdiction of the magistrate's court, the order may be enforced as if it were a judgment of the High Court, and a Registrar of such a Court must, on lodgement of a copy of the order, register it as an order in such Court.

In the event of non-compliance with an adjudication order, the party in whose favour the order has been issued, must approach the Community Scheme Ombud Service. The Ombud Service will then provide the said party, with a copy of the Notice to the Clerk of the Court / Registrar of the Court, together with the summary of the adjudication order, and a copy of the Writ of Execution.

The party is then able to present the order to the relevant Clerk of the Court/ Registrar of the Court in the scheme's magisterial jurisdiction. Once the Clerk of the Court or the Registrar of the Court has issued the order, then the normal court process for the execution of the property will follow. In certain instances, the South African Police Services may need to be approached for the

implementation of the adjudication order, which may require a specific performance or interdict.

A party who is displeased with an order made by an adjudicator is able to appeal to the High Court, however, the grounds are limited to a matter surrounding how the adjudicator applied the relevant law, and not the merits of the matter.

Community schemes must bear in mind that an order that has been referred to court, and is being proceeded with through the court process cannot run the matter simultaneously through the Community Schemes Ombud Service.

CLICK HERE
to download registration form

CLICK HERE
to view dates & times

CSOS ROADSHOW

CSOS PUBLIC ENGAGEMENT SESSIONS

Since the inception of the new Acts and Regulations on 7 October 2016 the industry has been inundated with uncertainty, queries and concerns.

To address these and to engage with the industry, the CSOS will host public engagement sessions.

NAMA has committed to assist the CSOS in promoting attendance at these events

to its members and their clients.

We kindly request that should you wish to attend that you complete the registration form and return it to our offices as soon as possible.

NAMA will only provide the registration documents to the CSOS for planning and all queries must be directed to the CSOS.

Yours truly,
Coenie Groenewald



NAMA ABSA BANK ACCOUNT

CLOSURE OF NAMA ABSA BANK ACCOUNTS

REMINDER

We wish to remind all our members that NAMA has changed its bankers.

On **31 October 2017**, NAMA will be closing its ABSA bank accounts.

All members should please update their details accordingly to ensure timeous payments towards membership and other fees and costs.

Should have any queries please contact Candice at accounts@nama.org.za

Our future has dawned



A big 'thank you' to NAMA, our guests, and all the delegates and speakers, for making the 2017 NAMA King Price Indaba such an interesting, successful and enjoyable event. We were honoured to be the event's diamond sponsor.

Thanks also to everyone who visited our stand at the Indaba. Your interest in our brand and our unique community schemes maintenance and insurance offering is truly appreciated. (And, to all those who voted our stand the best, you seriously rocked our world.)

In line with its theme 'A new dawn', the Indaba was an excellent opportunity to hear about the latest developments in the community schemes market. We saw an interesting balance between our industry's current challenges and exciting future, and all the signs point towards technology as the enabler of our future. So, we're now more certain than ever that our tech-enabled solution is the way forward for managing agents.

Keynote speaker Greg Nash, CEO of the PICA

Group, delivered practical advice on how managing agents can transform their business models to deliver more with less, by harnessing technology.

Of particular interest to us was PICA's dream of becoming an international 1-stop shop of leading property management services. Inspired by this, we look forward to playing a key role in the transformation of our local community schemes market and becoming the insurance and maintenance management partner of choice.

And, call us biased, but we also really enjoyed King Price CEO Gideon Galloway's insights into the future of insurance. Gideon not only helped delegates understand the trends that'll shape our future, but he also inspired delegates with his grand vision of building a next-generation insurer that'll change

the world. He highlighted innovative marketing, a winning culture and real-time management information as King Price's competitive advantage, and we think you'll agree that letting the king and his court look after your buildings is a great plan.

Everyone who visited our stand left with a voucher for some seriously good coffee and, we hope, the realisation that we also offer a seriously good community schemes solution. Remember that your voucher can be 'cashed in' at any time... Just give us a call or pop us an email, and we'll pop round to your office with good coffee, good advice, and a really good product. Chat soon!



ADVERTORIAL

'Here's how you can mitigate the negative impact of a challenging economy in your business', says Dave McCall, National Head of Nedbank Transactional Banking, Global Trade and Investment.



Dave McCall

National Head: Transactional Banking, Global Trade and Investment

As money expert Nedbank is mindful of the economic challenges business in South Africa has to face, compelling entrepreneurs to look for innovative ways to manage cashflow effectively and optimise savings for their businesses.

In support of the National Association of Managing Agent's goal to be recognised as an industry authority, Nedbank offers financial advice and tools, such as its innovative web-based Corporate Saver solution to help industry partners reach their goals.

In addition, in pursuit of its new brand promise to enable clients to 'see money differently', Nedbank believes that a better understanding of how the recession and

downgrades affect business and cashflow is key to planning how best to overcome these adversities.

The recent downgrades could mean that the cost of borrowing is more expensive, putting pressure on a business to remain viable. In challenging economic times, business owners have little choice but to manage cash flow and liquidity requirements better to remain sustainable and save on the bottom line. **One option of managing cash flow is through more effective debtor and creditor management, allowing businesses to receive funds quickly and extend creditor payment terms where appropriate.**

However, it is not only about managing payments and receipts. What is important is that businesses optimise the liquidity associated with those payments and receipts by reducing the amount of interest paid when borrowing

funds and increasing the amount of interest earned from excess funds in their accounts. This can only be achieved by understanding the flow of money through their accounts as well as the prevailing market conditions, both in an increasing and decreasing interest rate environment. By combining these two elements, businesses will be able to make the most appropriate investment and borrowing decisions on a sustainable basis.

'The days of 'business as usual' are over. Business owners must tap into the latest technology and information available to become more efficient and ride out the economic storm,' concludes McCall.

For more information please email business@nedbank.co.za.

see money differently

OUR BRAND

With the onset of the new Sectional Title Maintenance requirements in South Africa, Sectional Title schemes need to plan ahead for their paint maintenance cycles. Prominent Paints, being one of the leading redecoration paint manufacturers in South Africa, understands the paint requirements for Sectional Title Schemes maintenance plans.

Our brand is about :

- Responsibility
- Strong leadership
- Innovative paint solutions
- Real Partnerships
- Providing the best possible service & support

SPECIFICATION SERVICES

Preliminary Site Inspections

On-site assessment of buildings, environment, location & drawings.

Technical Specification

Tailored specification documents will provide you with best practice information.

Product Advice

Advice on preparation, application techniques & substrate assessment.

Colour Consultancy

Professional colour consultants will advise you on colour combinations.

Preferred Contractors

Our preferred painting contractors can assist with pricing.

TECHNICAL SERVICES

Regular Site Evaluations

Prominent Paints Consultants do site inspections at regular intervals to track the project.

Substrate & Paint Film Analysis

Technical On-site Support & Training

Problem Solving Support Services

On Site Training

Should onsite training of painting contractors be required, this can be arranged through our Technical & Training department

Warranties

Large project warranties are provided for specific periods, subject to correct specification conditions

PROMINENT
PAINTS 

PPG

MAKE TRADE BETTER

 For more information visit our website at www.prominentpaints.co.za
OR contact our customer care centre at **0861 77 66 46**

Shield yourself against the potential sting of community living schemes.

Our Community Living Insurance Policy offers world-class cover, compliant with the requirements of the Sectional Title and Community Schemes Acts for:

- Sectional Title / Bodies Corporate
- Share Blocks
- Home Owners Associations
- Retirement Villages

Contact us for a quote today

0861 242 777 | cia.co.za

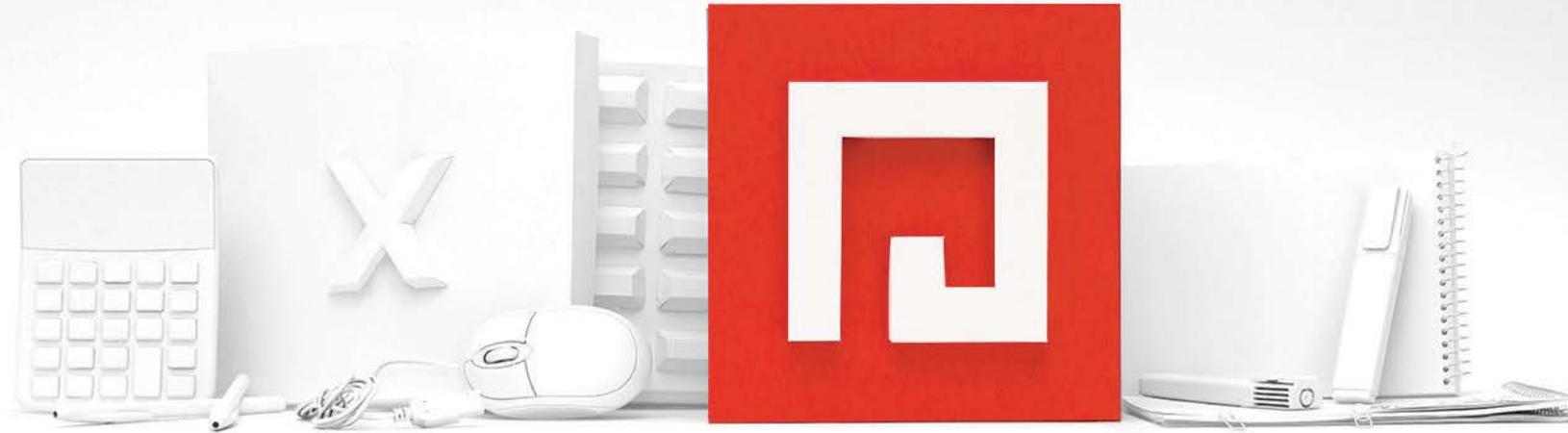
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The future of sectional title management



Compile and send your monthly management reports in three clicks!
Call us on **087 820 7368** or send an e-mail to **support@payprop.co.za**.



WHAT WE DO

BC Bridging Solutions (Pty) Ltd ("BCBS") is focused on providing value added solutions to the Sectional Title industry. Our success has been based on over 50 years combined experience within the Sectional Title industry, partnering with market leading service providers and offering significant value propositions to our clients nationwide.

FUNDING SOLUTIONS

BCBS specialises in facilitating loan funding to Sectional Title Bodies Corporate, offering various lending solutions to Bodies Corporate that have underlying levy debtor problems, or require funding for municipal arrears, maintenance and / or capital projects, but whose unit owners cannot immediately raise the necessary upfront cash.

Funding extended by BCBS, utilising our lending model, assists:

- Bodies Corporate to maintain their obligations required by the Sectional Titles Act;
- The Body Corporates financial position, preventing unit owners who pay their levies from subsidising their non paying co-owners; and
- Bodies Corporate in offering their non-paying owners debt rehabilitation opportunities so as to protect their home ownership and to avoid expensive legal costs.

BCBS offers tailor made financial solutions that are geared to meet its clients individual needs, at competitive rates. The BCBS funding model is founded on the principle of creating financial stability and sustainability for the Body Corporate, whilst protecting the rights of paying unit owners in this environment.

KEY FEATURES OF ARREAR LEVY DEBT FUNDING

- No repayment obligations on the paying unit owners in the Body Corporate (repayment only occurs when the Body Corporate collects its arrear levy debts);
- The Body Corporate and paying unit owners will not be required to service interest or capital repayments during the legal collection process.
- The Body Corporate is able to operate effectively on a fully funded basis, as if all unit owners were in fact paying their levies;
- All interest costs incurred are added to the arrear levy debtor accounts, therefore the paying unit owners are not prejudiced by the costs of the arrear levy funding; and
- The Body Corporate and its Managing Agent retain control of the legal collection process.

Our financial solutions are also geared to recognise, and NOT to interfere with / or replace any of the appointed Managing Agents functions. Our goal is to provide financial assistance to the Body Corporate which will unlock the Body Corporate Managing Agent to assist the financial sustainability of their clients, ensure cash flow requirements are met and the payment of essential services occurs.

We facilitate funding for the following:

- Arrear levy debtors;
- Municipal and creditor arrears;
- Maintenance and capital projects;
- Legal fees;
- Monthly levy shortfalls; and
- Financial reserves required in terms of Sectional Title legislation.

Please contact us for a free, no obligation assessment and funding proposal.

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 SOLUTIONS

Key features of the Fibre to the Home offering include:

- free installation of Fibre infrastructure, if feasibility is met
- no take-up requirements
- an open access network with a variety of ISPs
- lightning fast internet (up to 1GB speeds)

We facilitate funding for the following:

- arrear levy debtors
- municipal and creditor arrears
- maintenance and capital projects
- legal fees
- monthly levy shortfalls
- financial reserves required in terms of Sectional Title legislation

Cost-saving solar solutions:

- fully funded solar installations (daytime load reduction)
- saving from day 1
- ongoing maintenance and insurance included
- no production or performance risk
- guaranteed lower than NERSA tariff escalations

Contact us on +27 11 977 1977 or info@stsolutions.co.za



NAMA MANAGEMENT AGREEMENT

Terms & Conditions

INTERMEDIARY SERVICES BY MANAGING AGENTS I.R.O INSURANCE ADVISE

NAMA has been alluded by the Financial Services Board that concerns have been raised regarding the apparent rendering of intermediary services in providing insurance advise and the facilitating of insurance claims.

CLICK HERE

to read more



2017 NAMA King Price Indaba FEEDBACK



2017 NAMA King Price Indaba 4-6 September 2017, Kempton Park, Gauteng

Thank you for attending and to everyone who helped make this year's Indaba a success! If you weren't able to make it, we hope to see you in 2019. Here are snippets to refresh your memory or to see what you missed out on!

Best Stand Award – First 10:

- 1st King Price Insurance
- 2nd Curasure
- 3rd Stratafin
- 4th SSLR Attorneys
- 5th Insure City
- 6th Addsure
- 7th Prominent Paints
- 8th Konica Minolta
- 9th ST Solutions
- 10th Glovent Solutions



Statistics

- 351 delegates attended
- 320 people attended the gala dinner
- 42 companies exhibited
- 12 International and national speakers presented

Accolades

"... every aspect of the arrangements was well taken care of and we felt proud to be associated with your organization. We found it informative and have made some very good connections during the network sessions. Ian Thomas was the highlight for us – brilliant choice of motivator. No – actually the real highlight was the Gala on Tuesday evening! Top class event – we had such fun!"

"WOW! I have always said that the NAMA Indaba is the most prestigious event on the Community Scheme's industry calendar, and my word, did this statement ring true this year!"

"Thank you so much! We had a blast at the NAMA Indaba Conference"

"The event was certainly another watershed moment, not only for NAMA, but more importantly, for the entire industry"

"Dit was regtig die moeite werd vir ons om daar te wees en kan sien dat NAMA 'n baie goeie rol speel om die industrie na die volgende vlak toe te vat"

NAMA EVENTS

NAMA NATIONAL MEMBERS AGM

16 November 2017, Cape Town

Venue to be confirmed

Contact Coenie at coenie@nama.org.za for more information

GAUTENG EAST REGION

120 Breakfast Seminar - 24 October 2017 Glendower
Golf Club, 20 Marcis Road, Dowerglen, Edenvale

Contact Michaela at namaeast@nama.org.za for more information

GAUTENG NORTH REGION

Sectional Title Seminar – 4 November 2017,
CSIR, Pretoria

Contact Lizbé at namanorth@nama.org.za for more information

NAMA EVENTS

WESTERN CAPE REGION

120 Breakfast Seminar - 3 November 2017

Zambesi Room, River Club, Observatory

Contact Kate at namawc@nama.org.za for more information

KWAZULU-NATAL REGION

Sectional Title Training - 28 October 2017

Venue: Maritzburg Golf Club, Pietermaritzburg.

Presenter: Dave James

120 Breakfast Seminar – 15 November 2017

Venue to be confirmed

Sectional Title Training - 18 November 2017

Venue: Umhambi Lodge, Richards Bay.

Presenter: Dave James

Please contact Vanida at namakzn@nama.org.za

for more information



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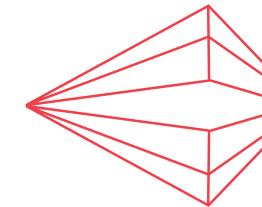
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