



NATIONAL ASSOCIATION  
OF MANAGING AGENTS  
SHAPING OUR PROFESSION

FEBRUARY 2018 | NEWSLETTER/BULLETIN

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



SECTIONAL  
TITLE  
SOLUTIONS



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**We have been requested to furnish comment on a dispute concerning allocation of common property parking bays.**

THE FACTS ARE AS FOLLOWS:

A Body Corporate comprises of ten units, i.e. five garages and five parking bays. Five garages were sold, allocated and registered for the exclusive use of five of the units with establishment of the Body Corporate (the EUA parking). The remaining five parking bays, which

are part of the common property, are utilised by the other five units (the CP parking). The trustees have resolved to allocate three CP parking bays to specific units for their exclusive use and to keep two CP parking bays as for visitors' parking.

# ALLOCATION OF COMMON PROPERTY PARKING BAYS

*By EY Stuart, EY Stuart Inc.*



Implementation of the trustees' resolution will have the result that two units have no allocated parking and must therefore use the visitors' parking.

### **QUESTIONS:**

1. Is the conduct of the trustees appropriate and lawful?
2. What process must the trustees follow for implementation?
3. Is there merit in the objection by the two units without allocated parking?
4. Can the trustees allocate the five CP parking bays for the exclusive use of the five units without garages as a result that there will be no visitors' parking?

### **DISCUSSION:**

Common property areas such as the five CP parking bays can be allocated to members of specific units for their exclusive use.

In terms of Section 10(7), A Body Corporate is entitled to make management or conduct rules which confer rights of exclusive use and enjoyment of parts of the common property upon members of a Body Corporate.

Trustees are therefore entitled to propose management and/or conduct rules for creation of exclusive use areas, but depending whether these exclusive use areas are created in terms of the

management or conduct rules, same must be authorised by the members by unanimous and/or special resolution respectively.

The prerequisites for a special resolution and/or unanimous resolution, as defined in Section 1 of the STSM Act (the definitions), must be adhered to.

**For the trustees to implement their proposed resolution in terms of the management rules, eight (8) of the ten (10) members must be present or represented by proxy at a general meeting (80% quorum), and all present must approve the resolution or alternatively all the members must agree thereto in writing.**

If it is intended to create the exclusive use areas in terms of the conduct rules, then 75% of the members (calculated in value and number) present or represented at a general meeting (4 members constitutes a quorum), must consent, alternatively the resolution can be adopted in writing by members holding at least 75% of the voting rights in value and number.

If it is intended to create exclusive use areas in terms of the management rules it is theoretically possible for the resolution to be approved if all members excluding the two (2) objecting members are in attendance and all members vote in favour of the resolution.

It is also theoretically possible to implement the trustees' proposed resolution in terms of the conduct rules if the

two objecting members do not attend the meeting and provided that there is a quorum present (four members) and at least three of those members present vote in favour of the resolution (75%). MR20(9) stipulates that if the resolution is passed with less than 50% of the total value of members' votes then the trustees may not implement the resolution for a period of one week and members holding 25% of the total votes may demand within 7 days a general meeting for reconsideration of the resolution.

**Therefore, the answers to the questions, given the aforesaid facts and information, are as follows:**

1. Yes, theoretically, the proposal can be implemented;
2. Exclusive use areas can be created in terms of the

management and/or conduct rules;

3. Yes. The two units without garages can object to the proposed resolution and they can also, by participating in the resolution, ensure that the resolution is defeated by objecting thereto. Should they, however, abstain from participating or voting, then the proposed resolutions can be carried;
4. If all five CP parking bays are allocated to the five units without garages, then there will be no visitors' parking. There is no obligation on trustees or on a Body Corporate to provide visitors' parking. Common property is primarily for the use of members and not for visitors.

## CONCLUSION

Even if the two objecting members do not participate in the resolutions and should the resolutions be approved and implemented, we believe that the two-unit owners will still be in a position to object to the creation of the exclusive use areas and allocation for visitors' parking as common property is primarily for the use and enjoyment by owners and where they should have equal use and enjoyment of the common property. Where three members, who are allocated exclusive use areas, benefit and the other two members have to rely on visitors' parking, such action can definitely be considered unfair. Furthermore, common property is owned in undivided shares by all members of the Body Corporate and implementation of the proposed trustee resolution would as such interfere with the proprietary rights those two members hold in the common property. Circumstances may also permit implementation of MR 20(9).

## WHAT WE DO

Solar energy is becoming increasingly popular amongst commercial and residential users, who are looking for alternatives to carbon-based electricity supplied by South African utilities. Electricity in South Africa is becoming more expensive each year with regular double-digit tariff increases. In comparison, the technology improvements and reduction in cost of alternatives, particularly in the solar photovoltaic (PV) space, has resulted in solar energy solutions becoming more cost efficient to the end-user.

More and more end-users are now turning to the alternative space to reduce costs and cut emissions. The solar industry continues to experience unprecedented growth due to this movement away from carbon-based electricity supply.

Bright Light Solar specialises in providing cost effective solar energy solutions to gated residential estates, commercial office parks and industrial clients, offering its clients the opportunity to access cheaper cleaner energy. We offer fully funded (no upfront capital required) solar solutions as well as the opportunity to own the solar infrastructure, resulting in immediate reduction in costs.

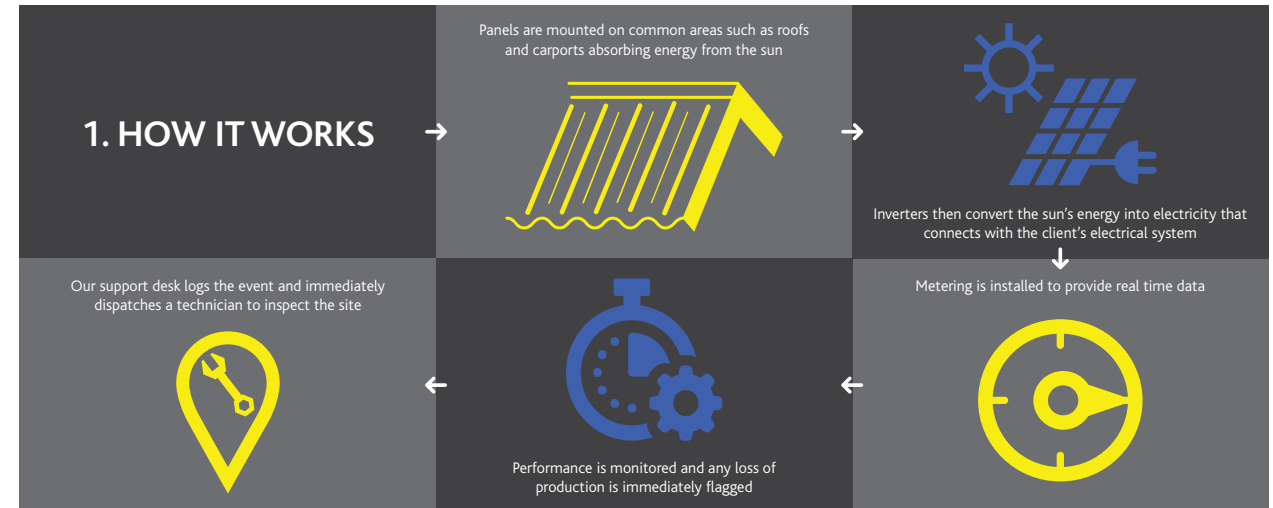
## WHY SHOULD YOU CHOOSE SOLAR?



## Key benefits to our clients:

- fully funded solar installations (daytime load reduction with option for bolt on storage when feasible);
- payment purely consumption based (pay for what is used) with guaranteed savings to the client from day 1;
- guaranteed lower than NERSA tariff escalations
- insurance and maintenance covered for the period of the contract (no hidden ongoing costs, the systems are fully maintained);
- annual renewal option after contract period;
- panel performance monitoring and fault detection for maximum benefit (no production or performance risk).

Please contact us on +27 11 977 1977 or [info@brightlightvcc.co.za](mailto:info@brightlightvcc.co.za) for a free, no obligation assessment and solar proposal.



**BRIGHT LIGHT  
SOLAR VCC**

## 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](mailto:info@stsolutions.co.za)



SECTIONAL  
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SOLUTIONS



# CSOS PRACTICE DIRECTIVE

## WAIVER OF LEVIES AND FEES

Section 29(1) (b) and (c) of the Act, authorises the Minister to make Regulations setting out Schemes and person which may be entitle to discount or waivers of fees respectively.

Click to view the  
latest Shared  
Living Issue

The Minister has under Community Scheme Ombud Service Regulation on Levies and Fees, 2016, published the criteria for determining the persons and Schemes which qualifies for discount or waivers.

READ FULL ARTICLE



Service Excellence, Transparency, Integrity  
Innovation, Fairness, Independence

# REVISED CODE OF PRACTICE

FOR THE INSPECTION AND  
TESTING OF PASSENGER  
AND GOODS LIFTS:

**Occupational Health and Safety Act,  
Act 85 of 1993 (WTP Livsey)**

## LIFT, ESCALATOR AND PASSENGER CONVEYOR REGULATIONS INCORPORATION OF THE CODE OF PRACTICE FOR INSPECTION AND TESTING OF LIFT.

The Chief Inspector of Labour intends, in terms of section 43 of Occupational Health and Safety Act, Act 85 of 1993 on the recommendation of The Advisory Council for Occupational Health and Safety, to incorporate the code of practice for inspection and testing of lift in to the Lift, Escalator and Passenger Conveyor Regulations, 2010.

Interested persons are invited to submit any substantiated comments or representations on the proposed code of practice to the Director General, Department of Labour, Private Bag x 117, Pretoria, 0001 (For the attention of the Chief Inspector: Occupational Health And Safety), within 90 days of publication of this notice.

**WTP Livsey** - [info@buildconsult.co.za](mailto:info@buildconsult.co.za)

City of  
Johannesburg

# RATES POLICY

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## GENERAL VALUATION

There are different categories of properties allocated, it is important to understand these property categories based on which property value among other aspects is established. A general valuation roll is compiled and produced every four years, as stipulated within the Municipal Property Rates Act No6 of 2004. The City of Johannesburg was granted a 12 month extension by MEC for local Government. The current City's valuation roll was implemented with effect from 1 July 2013, as result of the extension of 1 year granted by the MEC for Local Government, the City will implement its next general valuation roll on 1 July 2018.

General Valuation (GV) 2013 was implemented on 1 July 2013, it forms the assessment rates base for the City of Johannesburg. There were 812,000 properties implemented. The GV was compiled with the property market as at 2 July 2012 (valuation date). The GV 2013 will be valid until 30 June 2018. The next GV 2018 will be implemented as at 1 July 2018. The valuation date for GV 2018 is 1 July 2017.

Legislation (Municipal Property Rates Act 6 of 2004 as amended) requires that the valuation roll is updated on a regular basis when changes take place to property. These valuations are called supplementary valuations. Supplementary valuations are done, amongst others, for the following reasons:

- Properties omitted from the Valuation Roll
- New property registrations
- Subsequent property developments or amendments
- Properties that were incorrectly valued during the last General Valuation Roll
- Where property categories have changed

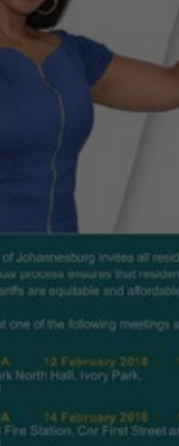
The City has done more than 60 000 supplementary valuations since the implementation of GV 2013. The number of properties in the GV as at 23 July is 872 223

### Know more about valuation

The City of Johannesburg allocates different categories of properties to its valuation roll. It is important to understand your property category because property rates are levied taking into account property category. Property categories are as follows in the current financial year:

1. Business and commercial
2. Sectional title business
3. Sectional title residential
4. Sectional title other
5. Freehold business
6. Freehold residential
7. Municipal
8. State
9. Farming
10. Public service infrastructure
11. Agricultural business
12. Agricultural residential
13. Agricultural other
14. Vacant land
15. Mining
16. Education
17. Religious
18. Public Service Infrastructure-private
19. Private open space
20. Public benefit
21. Multipurpose residential
22. Multipurpose business
23. Unauthorised use

Johannesburg



# WE WANT TO HEAR FROM YOU









Help us craft the  
City of Johannesburg's  
**PROPERTY RATES POLICY**  
for 2018/2019

The City of Johannesburg invites all residents and interested parties to give input into the City's Property Rates Policy. This annual process ensures that resident's voices are heard so that the Rates Policy remains sustainable and the related tariffs are equitable and affordable.

Join us at one of the following meetings and have your say!

Region	Date	Time	Location
Region A	12 February 2018	18:00 - 20:00	Ivory Park North Hall, Ivory Park, Midrand
Region A	14 February 2018	18:00 - 20:00	Midrand Fire Station, Cor First Street and Smuts Street, Midrand
Region A	15 February 2018	18:00 - 20:00	Diepsloot Community Hall, Midrand
Region B	24 February 2018	18:00 - 20:00	Danville Zyl Reformation Church, Danville, Claremont
Region B	19 February 2018	18:00 - 20:00	Marks Park, Pavilion Hall, Emmarensia
Region B	24 February 2018	18:00 - 20:00	Braamfonteinville MPCC, Loetsebaars Avenue, Braamfonteinville
Region B	27 February 2018	18:00 - 20:00	Cosmo City MPCC, Angola Drive, Cosmo City
Region B	28 February 2018	18:00 - 20:00	Rondepoort City Hall, Cnr Dieperink Street and Berlandia Streets, Rondebop
Region D	27 January 2018	10:00 - 12:00	Dumini Hall, Koma Road, Soweto
Region D	27 January 2018	14:00 - 16:00	Orlando East Community Hall, Soweto
Region D	43 February 2018	10:00 - 12:00	Protea Glen Library, Milkwood Street, Protea Glen Ext 2, Soweto
Region E	10 February 2018	10:00 - 12:00	East Bank Hall, Cor Springbok, and Impala Street, Alexandra
Region E	21 February 2018	18:00 - 20:00	Jabula Recreation Centre, Hlasek Hall, Cor Anne Street and Athlone Ave, Sandringham
Region E	26 February 2018	18:00 - 20:00	No 1 Alina Street, Gallor Manor
Region E	28 February 2018	18:00 - 20:00	Clarendon Park Community Centre, Clarendon King, Clarendon Park, Sandown
Region F	30 January 2018	19:00 - 21:00	Clarendon Centre, Cor Robins Avenue, Sandown
Region F	31 January 2018	18:00 - 20:00	Eureka House, Wimmer Park, No 30 Marlborough Road, Springfield
Region G	04 February 2018	18:00 - 20:00	Emmadike Civic Centre, Corner Katz and Smith Street, Ennerdale
Region G	15 February 2018	18:00 - 20:00	Don Mateman Civic Centre, Line Road, Eldorado Park Ext 5
Region G	15 February 2018	18:00 - 20:00	Lenasia Civic Centre, No 1 Rose Avenue, Lenasia Ext 1
Region G	08 February 2018	18:00 - 20:00	Orange Farm Multi-Purpose Hall, Orange Farm Ext 4

**CLICK HERE TO VIEW PROPERTY RATES POLICY**

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 www.joburg.org.za



City Of Tshwane announced

# CHANGES IN PROPOSED IMPLEMENTATION OF CITY CLEANING

## CITY CLEANSING TARIFF

The City of Tshwane implemented the approved City Cleansing tariff in October 2017, to levy city cleansing for all consumers

that reside in the City of Tshwane municipal area. The approved tariffs were published in the Provincial Government Gazette 153 of 28 June 2017.

[CLICK HERE TO READ FULL ARTICLE](#)





# NAMA CORPORATE MEMBERSHIP

**FOR AFFILIATES**

*Apply Now!*

2018

Please contact Lizbe ([namanorth@nama.org.za](mailto:namanorth@nama.org.za)) or  
Coenie ([coenie@nama.org.za](mailto:coenie@nama.org.za)) for further information.

# *Welcome*

## TO THE FOLLOWING CORPORATE MEMBERS FOR 2018



A woman with dark hair, wearing a grey long-sleeved shirt, is shown in profile, looking down at a tablet computer she is holding with both hands. The background is a blurred brick wall.

# NEWSLETTER COST

## FOR NON-NAMA MEMBERS

Dear NAMA Newsletter and  
Bulletin Subscriber,

For the past three years  
NAMA provided the NAMA  
newsletter to the industry,  
sharing valued information  
and providing an effective  
platform for NAMA Affiliate  
Members to promote their  
services.

In order to ensure that we  
continue to provide a value-  
add, not only to our members  
but also to all our subscribers,  
NAMA must endeavour to

improve content, layout and  
distribution.

**To achieve this, we must  
inform you that as from  
1 March 2018 the NAMA  
Newsletter will be available  
to NAMA members at no  
cost and to our valued and  
regular Subscribers at an  
annual fee of R80.00.**

All Non-NAMA Members are  
requested to first register on  
our website and then register  
for the Newsletter.  
[[www.nama.org.za](http://www.nama.org.za)]

# NAMA EVENTS

## EASTERN CAPE REGION

**17 MARCH 2018 – Trustee Training Seminar, Port Elizabeth**

Please contact Lizbé at [namanorth@nama.org.za](mailto:namanorth@nama.org.za) for more information

## KWAZULU-NATAL REGION

**24 MARCH 2018 - Trustee Training Seminar**

Please contact Vanida at [namakzn@nama.org.za](mailto:namakzn@nama.org.za) for more information

## WESTERN CAPE REGION

**14 APRIL 2018 – Flagship Seminar, Cape Town.**

Please contact Kate at [namawc@nama.org.za](mailto:namawc@nama.org.za) for more information

## GAUTENG WEST REGION

**18 APRIL 2018 - Breakfast Seminar, Johannesburg**

Please contact Meriechen at [namawest@nama.org.za](mailto:namawest@nama.org.za) for more information





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

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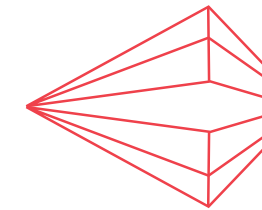
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**THAT Touch**  
MEDIA

**FOR DESIGN ENQUIRIES:**  
**076 041 8933**  
**INFO@THATTOUCH.CO.ZA**