

# NAMA NEWS

October 2018



NATIONAL ASSOCIATION  
OF MANAGING AGENTS  
SHAPING OUR PROFESSION

## The Use of Cannabis in a Sectional Title Scheme

CORPORATE MEMBERS



SECTIONAL  
TITLE  
SOLUTIONS



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*by Ziegh Steenkamp, Candidate Attorney, EY Stuart Inc.*

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# THE **USE OF CANNABIS** within a sectional title scheme

*by Ziegh Steenkamp, Candidate Attorney, EY Stuart Inc.*

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In a recent Constitutional Court judgment, the use of cannabis (also known as marijuana) was legalised for personal use on your private property. Sectional Title ownership differs from full title ownership in

that you only have full ownership of your section and only own an undivided share in the common property. The point of departure is to determine what constitutes ‘private property’ for purposes of Sectional Title Schemes.



**CLICK TO READ ARTICLE**



# New laws for managing estate agents put a premium on expert advice



**Dave McCall**  
Executive: Investments, Nedbank

Recent changes to the Community Schemes Ombud Service (CSOS) Act, 9 of 2011, makes the establishment of a reserve fund and a mandatory maintenance, repair and replacement plan the responsibility of managing agents. This puts a premium on the financial advice given to managing agents, according to Dave McCall, Executive of Investments at Nedbank.

Therefore, advice given to the National Association of Managing Agents (NAMA), while helping them navigate the changing terrain, is paramount. NAMA has, for the past four decades, played a key role in educating its members on the laws, rules, regulations and terms and conditions that govern the property industry.

There is now an extra duty on managing agents to carefully select the best vehicle in which to put aside a portion of collected funds for future or emergency expenses, as is now prescribed by law. 'It is, therefore, crucial to ensure that managing agents are better

skilled and informed about their management and fiduciary responsibilities, and that they have the option of engaging professionals for advice. In support of NAMA, who is recognised as an industry authority, Nedbank provides financial advice and tools through our innovative web-based Corporate Saver offering.

**// Having the right partner who understands your needs and can journey with you to meet these goals is critical. //**

'Our Corporate Saver offering is a userfriendly, internet-based administration system for intermediaries managing large amounts of money on behalf of their clients, such as property managers, estate agents, property developers, and other NAMA

members,' he says. It also allows these organisations to perform basic banking procedures and reporting and increases yields.

'Having the right partner who understands your needs and can journey with you to meet these goals is critical,' adds McCall. Furthermore, **Nedbank Whole-View Business Banking™ provides a bird's-eye view of your business and a different perspective on how your money needs to flow to match your goals.** 'As such, we have effective ways to handle cash, card, and electronic payments. With a full view of your business we are able to craft integrated solutions that maximise your liquidity and keep your business going by offering a range of payment options that enables you to make local and international payments easily and securely, and at your convenience,' concludes McCall.

For more information please send an email to [business@nedbank.co.za](mailto:business@nedbank.co.za).

## see money differently

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## NEDBANK

# New Introductory Programme

NAMA AND ENTERPRISES UNIVERSITY OF  
PRETORIA – ANNOUNCES NEW INTRODUCTORY  
PROGRAMME IN SECTIONAL TITLE MANAGEMENT

**NAMA believes that education is the best investment. It is also NAMA's mission to nurture growth in the industry and to adequately train professionals to effectively manage the affairs of community schemes.**

It is not only important that a community scheme employs the services of an accredited, well-trained and successful managing agent but that a managing agent company can employ a professional property manager.



Since the latter part of 2016 the NAMA Executive envisioned a joint collaboration with Enterprises University of Pretoria to develop a programme that will not only professionalise the industry but provide a career path for people working in the industry. It was further envisaged that this would move NAMA and the industry closer to widespread acceptance of community scheme management as a profession.

**We are delighted to announce that NAMA and the University of Pretoria, have completed the development of the 1st phase, being the introductory programme, of a three-year course in sectional title management.**

It is anticipated that this programme will improve standards of professional practices and enhance the reputation of the community scheme profession.

NAMA envisions that this programme will align the organisation with international standards and be at the forefront of endorsing and accrediting membership to the organisation in the future.

# THIS IS YOUR RENEWAL SEASON!

Take responsibility and renew your  
2019 Fidelity Fund Certificate before 31 October 2018



Ensure payment is made within the prescribed period. Failure to pay on time leads to the accrual of monthly penalties.

It is important to note that the renewal of your Fidelity Fund Certificate will only be issued provided that the estate agency firm is not disqualified in terms of section 27 of the Estate Agency Affairs Act.

Both Fidelity Fund Certificate annual renewals and late renewal penalty fines are managed through the link <https://www.eaab.org.za/myffc> “Renew Individual FFC” to obtain your FFC for the preceding year.

The renewal of Fidelity Fund Certificates for 2019 will be open on **01 July 2018** via the MyEAAB agents portal available on the EAAB website [www.eaab.org.za](http://www.eaab.org.za)

For further assistance contact our Contact Centre  
**+27 (0)87 285 3222**



# Welcome

to the following  
new NAMA  
Members:

COMPANY NAME

REGION

TYPE

Paintage	KZN	Affiliate
Elite Decorators cc	WC	Affiliate
Body Corporate Assistance Bedfordview	GE	Full ( 1 )





# CSOS Media Update

## Letter from NAMA: Withholding of payments – CSOS levies and contributions

Since the release of various media articles and opinions relating to the controversial investment of CSOS levies with VBS Mutual bank and the suspension of the Chief Ombud and Financial Officer, pending an investigation, NAMA has obtained legal guidance on the matter, with particular reference to the proposal to withhold the payment of CSOS levies.

To confirm, CSOS levies are compulsory in terms of the Community Schemes Ombud Service Act 9 of 2011.



Contrary to statements made in the media, the advice received confirms that community schemes cannot seek a directive from its members in terms of where the payment of CSOS levies are to be withheld and deposited into a trust account or the trust account of an attorney. The Community Schemes Executives cannot contravene provisions of the Act.

**While the consequences for a Community Scheme and/or its members where payment is withheld are not clear, NAMA cannot support any such action that is in contravention of the Act.**

Section 34 of the CSOS Act dealing with offences and penalties *inter alia* stipulates

that a person who intentionally refuses to perform a duty or obstruct any person in the exercise of a power or performance of a duty in terms of this Act is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding 5 [five] years, or both a fine or such imprisonment.

NAMA confirms having met with the Acting Chief Ombud, Ndivhuo Rabuli, who assured NAMA of her commitment to its members, as well as addressing the administrative challenges at the office of the Chief Ombud. She further confirmed that pending finalizing of the investigation into the allegation raised, the office of the Community Scheme Ombud is committed to service delivery, reiterating that the service is fully functioning and is performing its duties. Further, she confirmed that a

report will be issued by CSOS in due course and they will engage with role players and the public in due course.

**In summary therefore with regard to the proposal to withhold the payment of CSOS levies, we confirm the following:**

- a. Community Scheme executives cannot act on a directive of Community Scheme members to withhold payment of CSOS levies;**
- b. It is an offence for a Community Scheme not to affect payment of CSOS levies**
- c. NAMA will continue to engage with the office of the chief Ombud.**



# Events

## WESTERN CAPE REGION

**26 OCTOBER 2018 | Breakfast Seminar, Lagoon Beach Hotel**

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

## EASTERN CAPE REGION

**24 OCTOBER 2018 | Regional Meeting, FSPA Offices**

For more information email Nelia at [namawest@nama.org.za](mailto:namawest@nama.org.za)

## FREE STATE REGION

**26 OCTOBER 2018 | Breakfast Seminar, Kopano Nokeng,  
Masselspoort**

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



## GAUTENG EAST REGION

**7 NOVEMBER 2018 | Golf Day, Killarney**

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

## GAUTENG NORTH REGION

**10 NOVEMBER 2018 | Sectional Title Seminar, CSIR Pretoria**

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

## GAUTENG WEST REGION

**7 NOVEMBER 2018 | Golf Day, Killarney**

**21 NOVEMBER 2018 | Breakfast Seminar and AGM**

For more information email Nelia at [namawest@nama.org.za](mailto:namawest@nama.org.za)

## KWAZULU-NATAL REGION

**3 NOVEMBER 2018 | Sectional Title Training Seminar,  
Oceanic Hotel**

**21 NOVEMBER 2018 | Cocktail Function, Westville**

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







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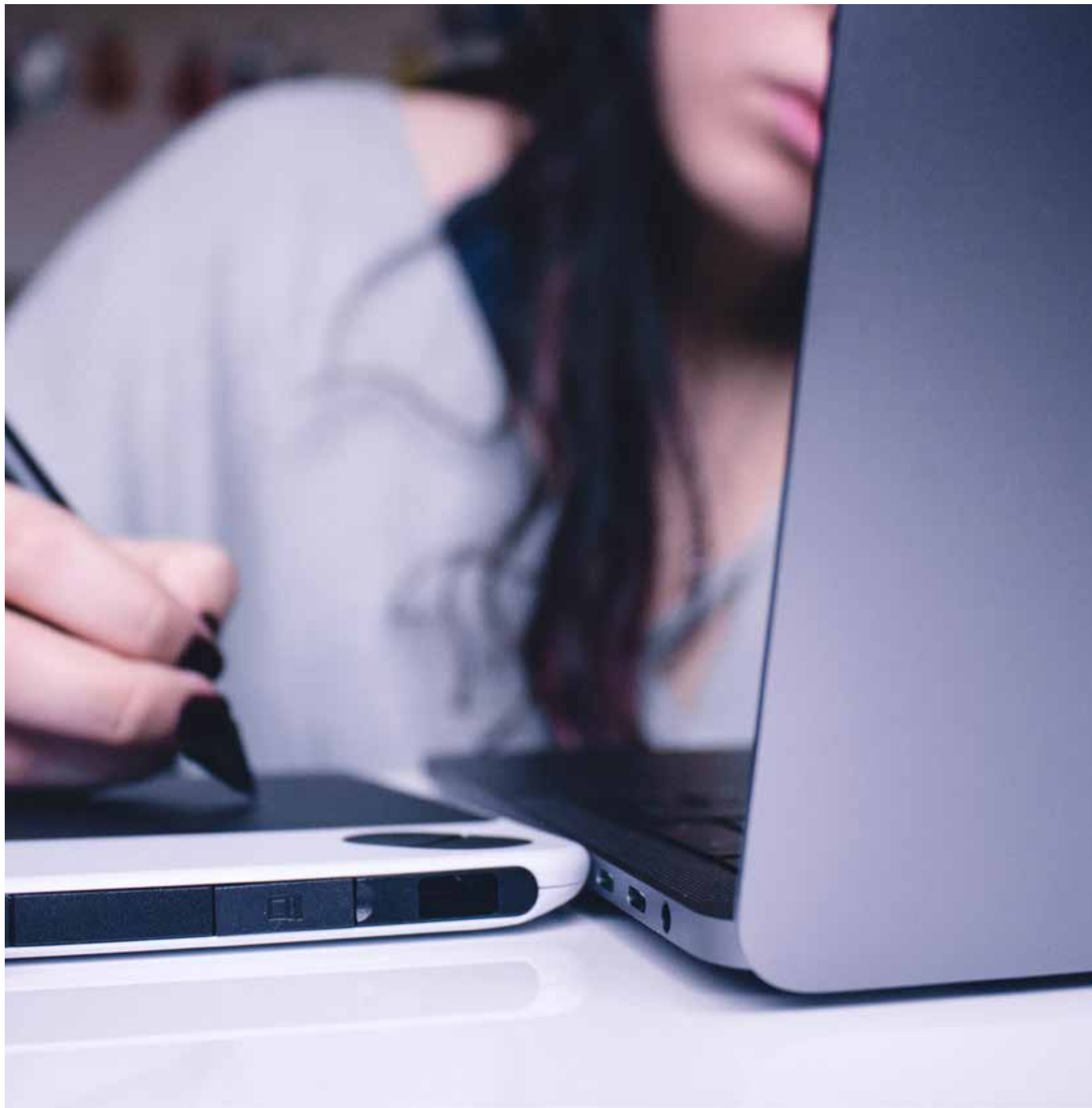
**Publisher : NAMA**

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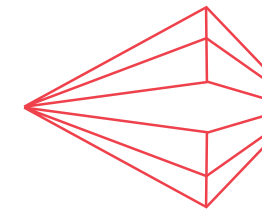
**NEXT ISSUE: NOVEMBER 2018**





THIS MAGAZINE IS DESIGNED &  
PUBLISHED IN PARTNERSHIP BY :

**GLOVENT**  
S O L U T I O N S



**THAT Touch**  
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