

NAMA NEWS

November 2018



NATIONAL ASSOCIATION
OF MANAGING AGENTS
SHAPING OUR PROFESSION

THE DOCTRINE OF PRECEDENT AND CSOS

CORPORATE MEMBERS



SECTIONAL
TITLE
SOLUTIONS



GLOVENT
SOLUTIONS

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by Werner Loock, LDP Attorneys.

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THE DOCTRINE OF PRECEDENT AND CSOS

By Werner Loock, LDP Attorneys



The doctrine of precedent, also known as the doctrine of stare decisis, applies in the South African legal system.

South African Courts, when preparing a judgment, must consider previous judgements in similar cases and are bound to the approach followed and

rulings made in the past. The purpose of the doctrine of precedent is to promote fairness and transparency in the South African legal system.

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A short story about a gate, a car, and a trustee's questions

Liability claims in community schemes

Imagine: A complex's gate closes onto a tenant's car... The gate and car are damaged, the tenant refuses to pay for the car repair, the unit owners refuse to pay for the gate repair, and you, as a trustee, need to figure out what to do and who's responsible for what. It happens! So, firstly, the Sectional Title Schemes Management Act (ST SMA) makes it clear that it's the body corporate's responsibility to insure the building and all improvements to the common property, for their full replacement value, against the prescribed risks and damages.

And secondly, King Price community insurance has legally-compliant insurance and maintenance solutions for sectional title developments. We also really know what we're talking about, and here's how we suggest you deal with incidents like the 1 described above.

What to do

You need to tell your insurer about any incident that may result in a liability claim... And you need to do this when the incident happens.

Your insurer will list the docs and other info you'll need to submit a claim. These could include:

- Descriptions of the incident, from both the body corporate and the third party.
- Why the third party is holding the body corporate liable.
- Photos of the damage and incident location.
- A copy of your scheme's security report.
- Video footage and statements from witnesses.
- Any disclaimer boards applicable to the incident.
- Info about the object that caused the damage (the gate, in our example) including its condition before the incident. Was it in full working order? Was it under maintenance? When last was it maintained? Does it have a sensor and, if so, was the sensor working? And so on.

Your insurer will ask you to provide reasonable assistance and co-operation while defending a claim if liability is questioned. Their requests are however, almost always, reasonable and necessary.

Who's responsible

The only answer to this question (in this example and any other insured incident) is: Never admit liability. Leave it to your insurer to determine who's at fault.

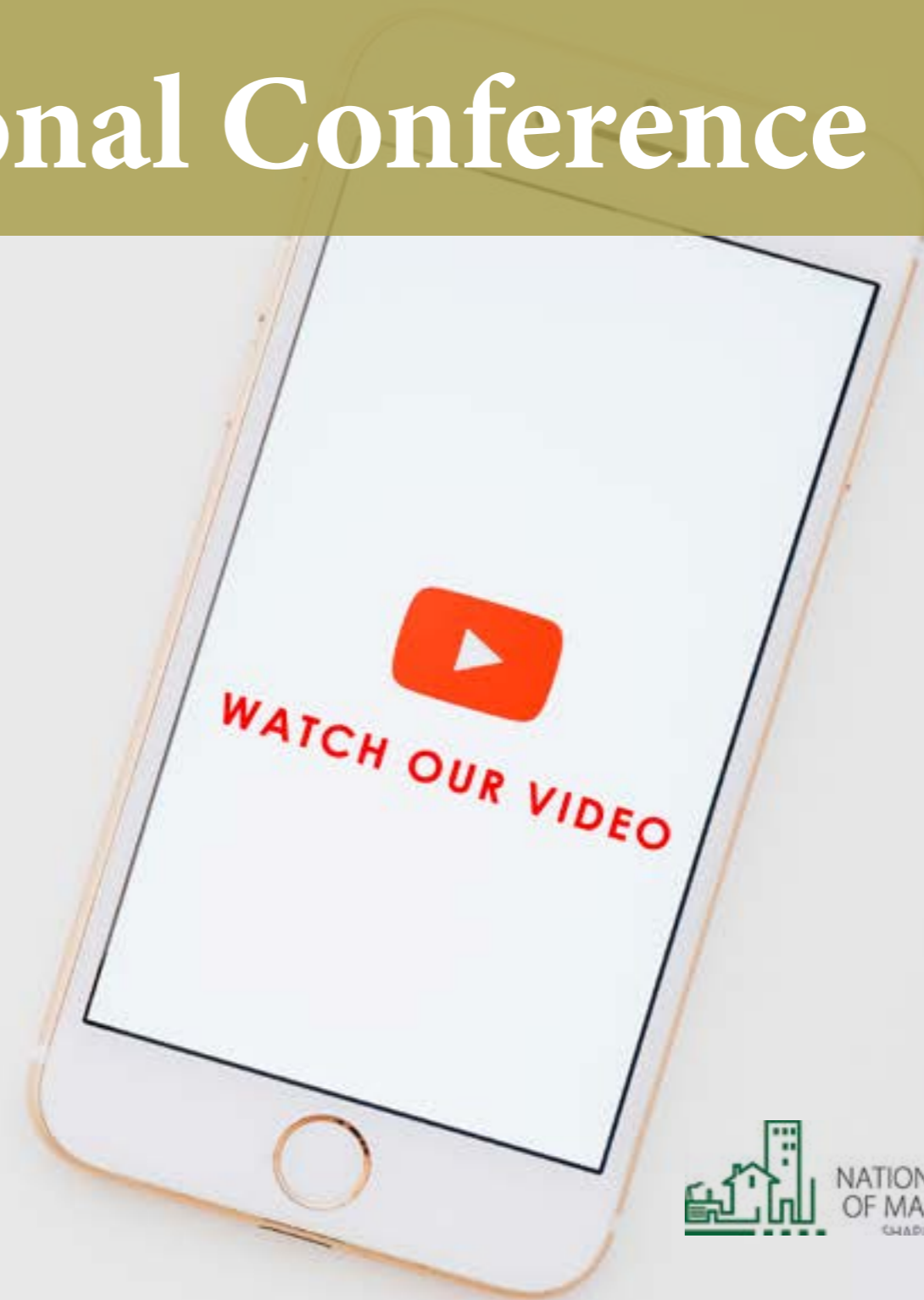
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NAMA 2019 National Conference

**SAVE
THE
DATE**

18 - 20 SEPTEMBER 2019

The Boardwalk Hotel,
Port Elizabeth



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.

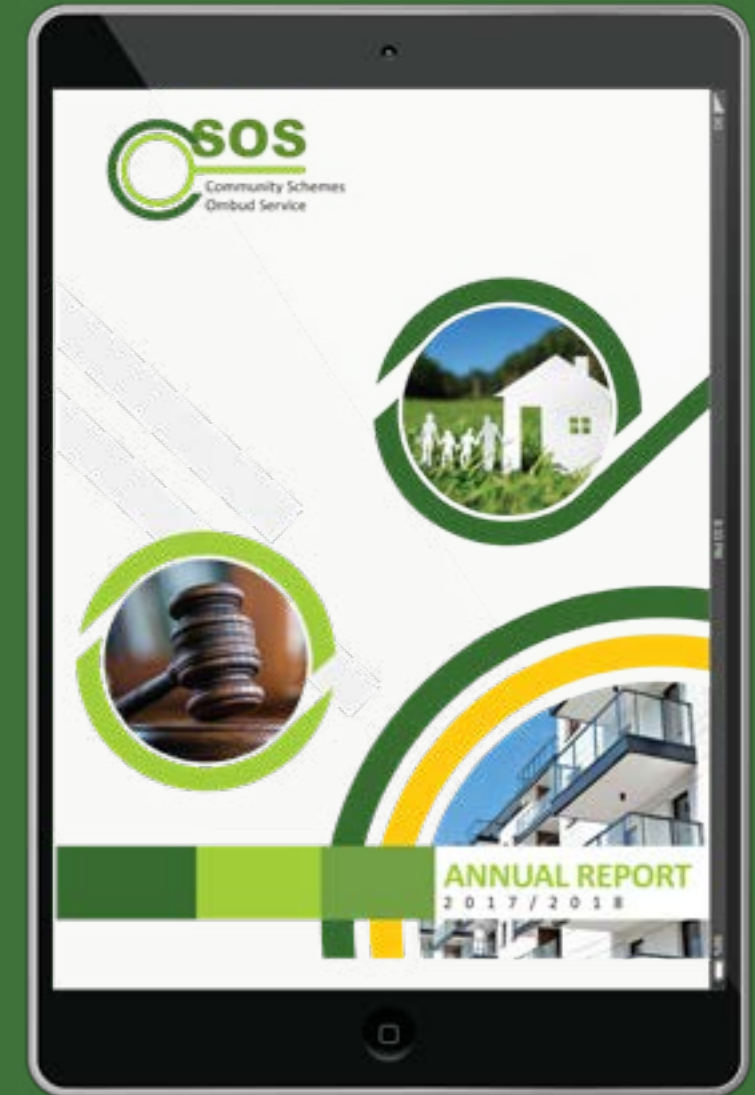
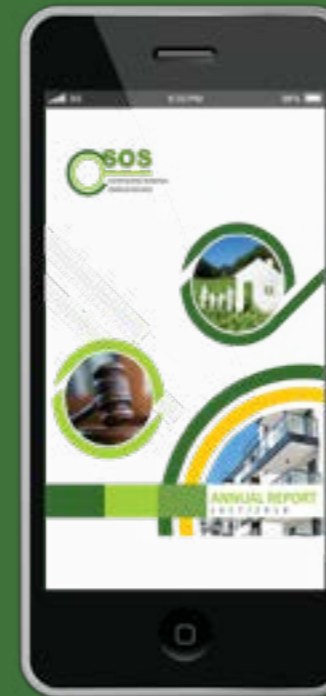
Community Schemes Ombud Service (CSOS)

CSOS 2017/2018

Annual Report

is now available online

For your convenience, the Annual Report for the **Community Schemes Ombud Service (CSOS)** is now available online. Simply click on the link and read it at a time that's convenient for you.



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EVENTS

KWAZULU-NATAL REGION

21 NOVEMBER 2018 | Cocktail Function, Westville

For more information email Vanida at namakzn@nama.org.za

GAUTENG WEST REGION

21 NOVEMBER 2018 | Breakfast Seminar and AGM

For more information email Nelia at namawest@nama.org.za

WESTERN CAPE REGION

23 NOVEMBER 2018 | Breakfast Seminar, Durbanville Golf Club

For more information email Kate at namawc@nama.org.za

EASTERN CAPE AND BORDER REGIONS

7 December 2018 | Regional Year-End Function

For more information email Lizbé at namanorth@nama.org.za



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