NAMA NEWS
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What the Eye Misses: How Our Perception Shapes the Way We Interpret Rules

BY PROF. GRAHAM PADDOCK

It’s tempting to think of rules in sectional title schemes as straightforward instruments of control—clear, written provisions that owners and occupiers must obey. After all, they’re adopted by majority vote, approved by the Community Schemes Ombud, and binding on all residents, whether they’re aware of them or not.

But in practice, interpreting and enforcing these rules is anything but straightforward. And the reason for this lies not only in the text of the rules themselves, but in the way we perceive, interpret, and respond to conflict.

An Analogy: From Photograph to Painting

Consider the difference between a photograph and a painting. A photograph is designed to record. It offers clarity, shape, and detail. A painting—particularly in expressive styles like impressionism or palette-knife oils—does something different. It interprets. It highlights certain elements, distorts others, exaggerates contrasts, and evokes moods that the eye might not have noticed.

Our visual system is not a camera. It simplifies what it sees, filtering colour, contrast, and detail in favour of recognition and speed—our evolutionary priorities. A cloudy sky might contain ten distinct colours, shades and graduations, but we see “blue and white”. A rock face may be streaked with purples and browns, but we call it “grey.”

Painters, in revealing these ignored colours, don’t falsify reality—they restore its complexity. And this is precisely what’s at stake when we interpret rules.

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ALL ABOUT PROPERTY | 'WITHOUT GOOD CAUSE IN LAW': CAN A COURT ORDER A SECTIONAL TITLE OWNER TO CONSENT TO A SCHEME EXTENSION?

In The Body Corporate of San Sydney v Shivani Singh and Others, the San Sydney body corporate ('the Appellant') sought to implement an agreement it concluded with HF Property Investments ('HFP') in May 2018. In terms of this agreement, HFP would, inter alia, acquire the right to extend the scheme by the addition of three proposed units, which were constructed by the developer on the common property, and procure the registration of a sectional plan of extension for R500 000.00.

Crucially, the developer – which has since been liquidated – had no legal right to extend the scheme after the right of extension it reserved for itself lapsed in March 2013. Despite this irregularity, the buildings were completed and occupancy certificates were issued by the local municipality in December 2014. Although the units were sold and have been occupied for years, the transfer of ownership of the properties cannot be formally registered absent the registration of the extension of the scheme.

According to section 25(6) of the Sectional Titles Act ('STA'), if a developer's right to extend a scheme lapses, the right of extension vests in the body corporate. To formalise the extension of the scheme and enable the registration of the additional units, the Appellant resolved to sell and cede its right to HFP. To accomplish this, the Appellant is required to obtain a CRR in respect of the scheme's extension pursuant to section 25(6) of STA, which it may then cede to HFP via a notarial deed of cession.

Under section 5(1)(b) of the Sectional Titles Schemes Management Act ('the STSMA'), obtaining a CRR and ceding the right both require the written consent of all owners and mortgagees. Notably, section 5(1)(b) provides that an owner or mortgagee may not withhold their consent 'without good cause in law'.

An owner, Ms Singh ('the Respondent'), refused to furnish her approval. Maintaining that her decision to withhold her consent was reasonable, the Respondent argued that the disposal of the right of extension involves alienating a portion of the scheme's common property, which mandated a unanimous resolution by all members of the body corporate per section 5(1)(a) of STSMA. This resolution was never concluded.

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THE ROLE OF PAINT IN BUILDING MAINTENANCE: MORE THAN JUST A FRESH COAT

When we think of paint, we often focus on colour and visual appeal. However, for property owners, facility managers, and contractors, paint should also be viewed as a key part of building maintenance.

A good paint system does more than enhance curb appeal, it protects your investment.

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IS YOUR COMPLEX'S RETAINING WALL COVERED?

Following the recent heavy rainfall, one of our clients experienced a collapsed retaining wall within their complex. While a claim was submitted, the insurer unfortunately declined it—simply because the retaining wall wasn't specified on the policy.

Do you have a retaining wall in your complex?

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RAISING THE BAR: HOW TO BE VALUED AND VALUABLE

The blueprint to closing the value gap and elevating your impact.

Let's face it—community management has never been an easy job. You're expected to lead, support, resolve, report, and do it all under mounting pressure. The stakes are high, and recognition is often low.

At WeconnectU, we believe it's time to change that.

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INDUSTRY RELATED INFORMATION

SECTIONAL TITLE SOLUTIONS

MAINTAINING YOUR POWER: A GUIDE TO SOLAR PANEL AND BATTERY BACKUP SYSTEM MAINTENANCE IN SECTIONAL TITLE SCHEMES

As solar and battery systems become more common in South African complexes, flats and estates, one question often arises: Who is responsible for keeping it all running smoothly?

While solar power offers a cleaner, more reliable, cost-effective energy alternative, it's not a "set it and forget it" solution. Ongoing maintenance is essential to keep your system operating efficiently, and in a sectional title scheme, clarity around maintenance responsibilities is just as important as the maintenance itself.

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GARDEN MAINTENANCE IN SECTIONAL TITLE SCHEMES: EXCLUSIVE USE VS COMMON PROPERTY?

In South African sectional title schemes, the issue of who is responsible for garden maintenance, whether within Exclusive Use Areas ("EUAs") or on common property, remains one of the most misunderstood and frequently contested elements of scheme management. Clarity on this matter is essential for trustees, owners, and managing agents to avoid disputes, ensure proper budgeting, and preserve the aesthetic and financial value of the scheme.

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SOLAR POWER & SECURITY: STAYING SWITCHED ON DURING LOAD SHEDDING

Load shedding poses a serious risk to security, leaving systems like alarms, cameras, and electric fencing vulnerable. Solar power offers a reliable solution, ensuring critical security infrastructure remains active during outages. TRSS supports solar-integrated security solutions — from panic systems to offsite monitoring — to keep your estate protected even when the grid goes down. Combining sustainable energy with advanced security, TRSS helps you stay safe, day and night.

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SECTIONAL TITLE INSURANCE SPECIALISTS

WHO PAYS THE EXCESS WHEN COPPER PIPES OR TAPS ARE STOLEN IN A SECTIONAL TITLE SCHEME?

It's a frustrating situation that many sectional title owners face: copper pipes or taps are stolen from just outside your unit, and suddenly there's a question of who foots the bill for the insurance excess.

Is it you, the body corporate, or someone else entirely? The answer isn't always straightforward and depends heavily on your scheme's management rules, especially when exclusive use areas (EUAs) are involved. Before you assume it's covered, find out what Prescribed Management Rule 23.2(b) says, and why it matters.

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SECTIONAL TITLE SOLUTIONS

NAVIGATING DELAYS IN LEVY COLLECTIONS: UNDERSTANDING THE CHALLENGES

Community schemes are the backbone of shared living in South Africa, offering residents security, well-maintained spaces, and collective benefits. Yet, ensuring their financial sustainability requires timely contributions from all owners, a balance that has become increasingly complex in recent years. We explore the realities of recovering arrear levies, the broader implications for stakeholders, and how collaborative efforts are shaping solutions.

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UPCOMING EVENTS

NAMA ROADSHOWS

The Roadshow's objective is to create awareness of NAMA, its members, and Stakeholders. NAMA will present its vision and objectives for the Association and the Community Scheme Industry by visiting several towns. This traveling communication campaign has the purpose of introducing NAMA's service provider members to prospective members and giving the public an opportunity to learn more about the Association and how to be compliant as a managing agent.

The venues will be confirmed closer to the date. **The Roadshow dates are:**
9 July 2025 - Mbombela, Mpumalanga
10 September 2025 - Kimberley, Northern Cape
12 November 2025 - Polokwane, Limpopo

By attending the Roadshow events, sponsors and delegates actively participate by sharing knowledge and enhancing their organisation's visibility and reputation in the industry.

If you are interested to join us, please click on the links below to find out more about the Roadshows. Hope to see you there!

Sponsor/Exhibitor Registration Form
Delegate Registration Form
Programme

UPCOMING EVENTS

NAMA MBOMBELA ROADSHOW

NAMA is visiting cities near you, and our second stop is Mbombela! We will be exploring Community Schemes Compliance, register to stay ahead! Details are as follows:

📅 9 July 2025
🕘 08:00 am
📍Khayalami Hotel, 29 Vanwijk Street, Mbombela, 1201
To register here: vanida@nama.org.za

NAMA KWAZULU NATAL

Calling all KZN managing agents, trustees, and service providers to attend a Sectional Title Introductory Training Seminar. Details are as follows:

📅 26 July 2025
🕘 08:30 am
📍The Palace Hotel, 211 Marine Parade, North Beach
To register here: vanida@nama.org.za