



MULTIPROF

PROPERTY INTELLIGENCE

PROMOTING COMPLIANCE IN SECTIONAL TITLE SCHEMES

**Why is compliance in Sectional
Title Schemes important?**

Ensuring compliance in sectional title schemes is crucial for a variety of reasons:

- 1) Legal Requirement:** Compliance is a legal obligation that must be followed by all residents and trustees within the scheme.
- 2) Protecting Investment Value:** Compliance safeguards the value of your investment by maintaining the integrity and quality of the property.
- 3) Ensuring Safety:** Adhering to compliance regulations helps to create a safe living environment for all inhabitants of the scheme.
- 4) Fiduciary Duty of Trustees:** Trustees have a fiduciary duty to enforce compliance to protect the interests and well-being of all residents.
- 5) Enhancing Quality of Life:** Compliance measures contribute to enhancing the overall quality of life within the sectional title scheme.
- 6) Ethical Responsibility:** Complying with regulations and rules is simply the right thing to do, promoting a sense of fairness and respect within the community.

Types of Plans for Sectional Title Schemes

It is essential to understand the distinction between different types of plans used in sectional title schemes:

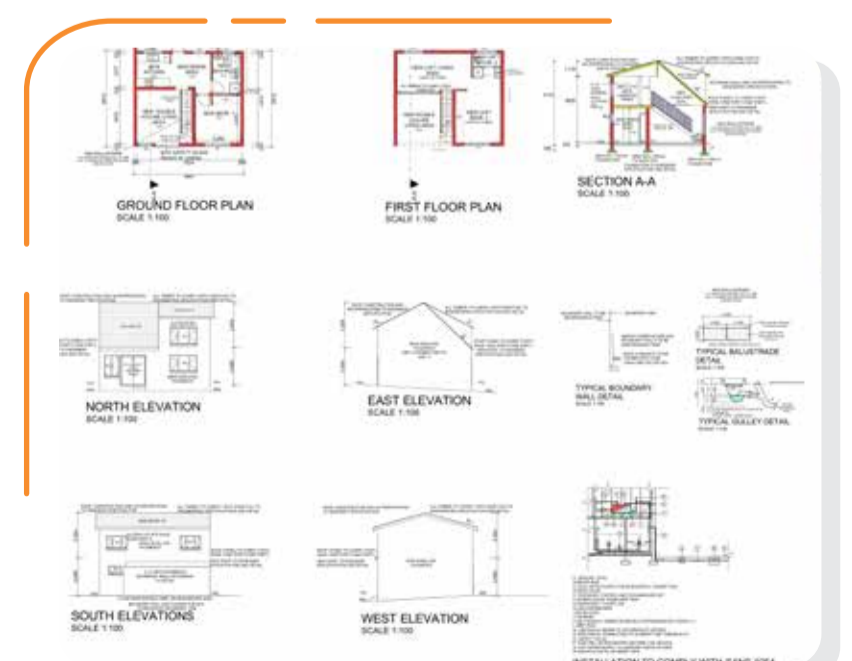
Site Development Plan

A site development plan provides comprehensive information about the complex, including building layouts, servitudes, building lines, landscaping, parking, and stormwater management. This plan is often required when properties have zoning different from residential 1.

The purpose of a site development plan is to evaluate the livability and compliance of a development with land use controls. It is usually a prerequisite for obtaining approval for a building plan. While local authorities may have exceptions, it is advisable to contact your local authority for confirmation.

Building Plan

Building plans are necessary to comply with the Building Regulations, primarily focusing on the safety of structures and adherence to relevant rules, regulations, and by-laws. All permanent and temporary structures require approved building plans.



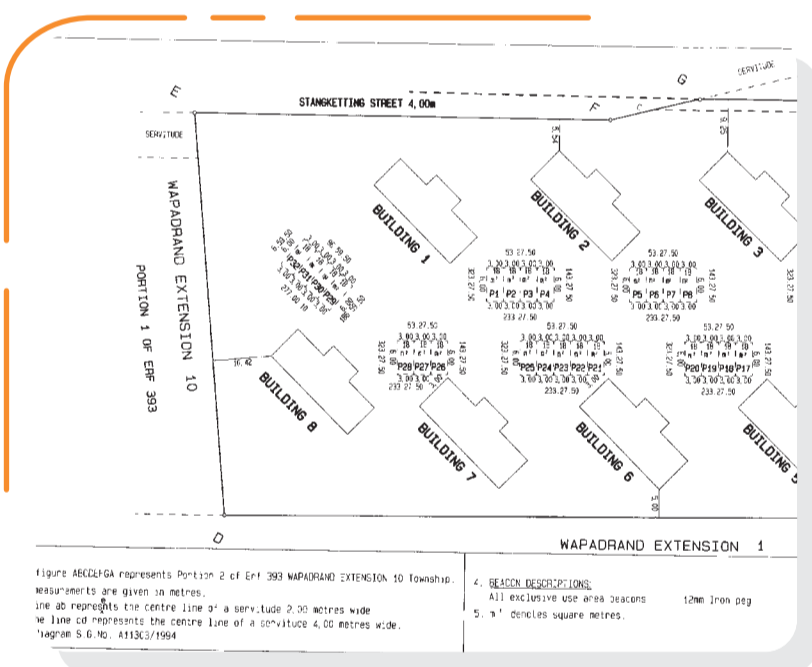


Obtaining planning permission before constructing, renovating, or extending a home or unit is a legal requirement in South Africa. Building plans are necessary, except for "minor building work", which requires consent from the local Council to be classified as such.

Sectional Title Plan

Sectional title plans primarily indicate ownership of sections within a sectional title complex and illustrate the division of the scheme into sections and common

property. In cases where exclusive use areas (EUAs) are created through the complex's rules, an exclusive use area plan is registered with the Community Schemes Ombud Service (CSOS). This plan specifies the area allocated exclusively to a particular unit and its designated purpose, including gardens, courtyards, and parking bays.



The Importance of Compliance:

Sectional Titles Schemes Management Regulations highlight the significance of compliance. MR 30 states that the body corporate must take reasonable steps to prevent the misuse of sections or exclusive use areas beyond their intended purpose, as specified on registered sectional plans, approved building plans, applicable town planning by-laws, or body corporate rules. It is crucial to understand that all these plans are necessary, and the existence of sectional title plans does not exempt the need for building plans. Site development plans and building plans are submitted to the local authority, while sectional title plans are approved by the Surveyor General's Office.

Assessing the Compliance Status of Your Complex:

To determine the compliance status of your complex, it is recommended to conduct a comprehensive complex audit that compares all existing structures with approved site development plans, building plans, and sectional title rules and regulations. Seeking professional assistance in this regard is advised. Additionally, it is essential to understand the procedures for approving additions and alterations within sectional title schemes. Any trustee approval should state that the Trustees have no objection in principle to additions or alterations, provided that they adhere to the provisions of the Town Planning Scheme, National Building Regulations, Sectional Titles Act, Sectional Titles Schemes Management Act, and Prescribed Rules.



For a free consultation and training session please contact us

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