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WHO'S WHO IN THE ZOO.

People in a sectional title complex need to be familiar with the different groupings of parties involved in the running of the complex, what they are called and what their powers are. So here goes....



A Body Corporate is formed when transfer from the developer of the first unit to another person, takes place. All further persons who purchase units become part of the Body Corporate. The Body Corporate is responsible to control, administer and manage the common property. It has the functions and powers confirmed upon in terms of Section 37 and Section 38 of the Act. In terms of Section 39 its functions and powers are performed by the Trustees.

The Trustees perform and exercise the functions and powers of the Body Corporate. The number of Trustees are determined by the owners. There should however be at least 2 Trustees. Trustees need not themselves be owners provided that the majority of the Trustees are owners or spouses of owners. The managing agent or an employee of the agent may not be a trustee. Trustees who are owners are not entitled to remuneration save for disbursement of expenses reasonably incurred, unless determined differently by the owners. Trustees are indemnified for any act done by them in the discharge of their duties unless they act mala fide or grossly negligently. The Trustees elect the **Chairman**.

The Managing Agent is appointed in terms of a written contract by the trustees to control, manage and administer common property and the obligations of the Body Corporate. Its powers include the powers to collect levies.

The Owner is an owner of a section in the unit. Various instances in the Act provide for certain decisions only to be taken if a unanimous or special resolution is taken by the owners.

The views in this article are not intended to be and should not be construed as legal advice. If legal advice is required, a suitably qualified attorney should be consulted with.

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