

**STBB's REFERENCE GUIDE TO THE SECTIONAL TITLES SCHEMES MANAGEMENT ACT
For Managing Agents, Trustees, Owners and Property Practitioners**

In this, the fifty-first set of notes for your STSMA Reference Guide, Prescribed Management Rule 30 is discussed.

	<u>PRESCRIBED MANAGEMENT RULE 30 (PART 7: PHYSICAL MANAGEMENT) – USE OF SECTIONS AND COMMON PROPERTY</u>	<u>REFERENCES & SEARCH WORDS</u>
	<p>This rule empowers the body corporate (i.e. via its trustees and/or executive managing agent) to do what is necessary to ensure that owners/occupiers use the property (including making alterations thereto) in an orderly fashion.</p> <p>At the same time it saddles the body corporate with a significant obligation in that it must take <u>all reasonable steps</u> to ensure that owners act reasonably when using/making alterations to their own sections or exclusive use areas.</p>	<p>Management powers regarding owners' use of sections and EUAs</p>
<p>PMR 30(1) (a)–(c)</p>	<p>It is required of the body corporate (in practice, via its trustees or executive managing agent) to take all reasonable steps to ensure that owners/occupiers do not:</p> <ul style="list-style-type: none"> • Use the common property/ a section/ an exclusive use area in a way that unreasonably interferes with the rights of others (who are lawfully exercising their rights). (This provision mirrors sections 13(1)(d) and (e).) • Contravene any laws relating to the use of sections/exclusive use areas (for example, where an owner or occupier wants to use a section for business purposes where it is against zoning provisions); or where it would contravene conditions of a license relating to use of the building/common property; or where it would contravene conditions in the property's title deed. 	<p>Body corporate responsibility to ensure owners/occupiers use property within prescribed rules and limitations</p>

<p>PMR 30(1)(d)</p>	<ul style="list-style-type: none"> • effect alterations to a section/exclusive use area that are likely to: <ul style="list-style-type: none"> ○ impair the stability of the building; or ○ interfere with the use and enjoyment of other sections/the common property/any exclusive use area; 	<p>Requirements for alterations to sections/EUAs</p>
<p>PMR 30(1)(e)</p>	<ul style="list-style-type: none"> • do anything to a section or exclusive use area that would have a material negative affect on the value or utility of any other section or exclusive use area; 	
<p>PMR 30(1)(f)</p>	<ul style="list-style-type: none"> • use a section/exclusive use area for a purpose other than for its intended use. (PMR 30(1)(f) mirrors section 13(1)(g) of the Act.) <p>(The 'intended use' is the use shown on the registered sectional plan or an approved building plan; or which can be inferred from the relevant town planning by-laws or the rules of the body corporate; or which is obvious from the construction, layout and available amenities of the section/exclusive use area).</p>	<p>Limitations on what sections/EUAs may be used for</p> <p>'Intended use' of sections/EUAs</p>
<p>PMR 30(1)(g)</p>	<ul style="list-style-type: none"> • construct or place any structure/building improvement on an exclusive use area which in practice constitutes <ul style="list-style-type: none"> (i) a section or (ii) an extension of the boundaries or floor area of a section <p>without complying with the STA and STSMA.</p>	<p>Limitation on construction/placing of structure (i.e. 'wendy houses')</p>

The body corporate may however by ordinary resolution-

- (i) give consent for such a structure/building improvement, if it is satisfied that it does not require compliance with such requirements;
- (ii) prescribe any reasonable condition in regard to the use or appearance of the structure or building improvement; and
- (iii) withdraw any consent if the member or other occupier of a section breaches any such condition.

Consent to such specific structure / construction – ordinary resolution

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