

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

In this, the fifty-second set of notes for your STSMA Reference Guide, Prescribed Management Rule 31 is discussed.

	<u>PRESCRIBED MANAGEMENT RULE 31 (PART 7: PHYSICAL MANAGEMENT) – OBLIGATION TO MAINTAIN</u>	<u>REFERENCES & SEARCH WORDS</u>
<p>PMR 31(1)</p>	<p>This rule deals with the enforcement of general maintenance obligations of owners but specifically also deals with geysers! The maintenance of the latter are often the subject of questions or disputes because although belonging to one section only, they are often situated on parts of the common property and uncertainty arises as to who is liable to maintain them and who is responsible for damage, if the units malfunction.</p> <p>If a geyser (or "water heating installation") serves an owner’s section or exclusive use area then that owner is responsible for the necessary repairs and maintenance and, when necessary, replacement, notwithstanding that it may be installed on the common property and is insured by the body corporate.</p> <p>If the geyser serves sections or exclusive use areas held by more than one owner, the owners concerned must share the expenses pro-rata.</p>	<p>Maintenance obligations</p> <p>Geyser maintenance (who is responsible)</p>
<p>PMR 31(2)</p>	<p>If an owner fails to perform repairs or maintenance:</p> <ul style="list-style-type: none"> • as per the general obligation to so do in terms of section 13(1)(c); or • as ordered by a competent authority (e.g., a court or Ombud or municipal authority); 	<p>Demand to effect repairs, maintain the property</p>

then the trustees/managing agent must send a written demand to the owner to do so.

Should the owner still fail to adhere AND the failure threatens the stability of the common property, the safety of the building or otherwise materially prejudices the interests of the body corporate, its members or the occupiers generally, the body corporate must do the necessary to effect the repairs or maintenance.

It may then claim the reasonable costs of doing so from that owner.

In the case of emergency, it is not necessary first to demand from the owner to effect the repair or maintenance.

Failure to maintain by owner: When the body corporate must step in

Claiming costs from owner

Procedure in case of emergency

CONTACT US

- CAPE TOWN
Tel: 021 406 9100
- SOMERSET MALL
Tel: 021 850 6400
- TYGER VALLEY
Tel: 021 943 3800
- FOURWAYS
Tel: 010 001 2632
- CLAREMONT
Tel: 021 673 4700
- STELLENBOSCH
Tel: 021 001 1170
- MENLYN
Tel: 012 348 1682
- CENTURION
Tel: 012 001 1546
- FISH HOEK
Tel: 021 784 1580
- BLOUBERG
Tel: 021 521 4000
- ILLOVO
Tel: 011 219 6200
- BEDFORDVIEW
Tel: 011 453 0577