



DYKES VAN HEERDEN GROUP OF COMPANIES
professionals striving for excellence

SECTIONAL TITLE AMENDMENT ACT 11 OF 2010

The long awaited Sectional Title Amendment Act 11 of 2010 has finally been published on 7 December 2010. The Amendment Act aims to clarify, define and redefine a number of issues related to the everyday dealings with Sectional Title concepts. The most important amendments for Estate Agents are discussed below.

1. **BOUNDARIES OF A SECTION:** Section 5(4) states that the common boundary between any section and another section or common property shall be the median line of the dividing floor, wall or ceiling, as the case may be. Section 5 (5)(a) now clarifies the question regarding maintenance issues of any window, door or other structure which divides a section from another section or from common property.

A door, window or other structure that forms part of a dividing wall floor or ceiling shall be considered to be part section and part common property *or* part of one section and part of another section depending on the circumstances. This shall be the case irrespective of whether it falls inside or outside of the "median line". The maintenance costs shall hence forth be considered to be shared between the body corporate and the owner of the section or between the respective section owners.

2. **LEVIES / CONTRIBUTIONS:** The date from which the levies or contributions as they are now called are due and payable is specified in that tri-partite agreements are no longer required. The new owner of a section, exclusive use area or real right of extension becomes liable in respect of ordinary levies/contributions as from date of change of ownership on a pro rata basis.

Distinction is now made between Ordinary Contributions and Special Contributions. By insertion of Section 37 (2A) and (2B) special contributions (levies) becomes due on passing of the resolution by the trustees and are recoverable from the owner at the time of the passing of the resolution. Section 37 (2B) defines special contributions.

For a more detailed discussion, please contact one of our offices referred to below.

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