

# Dealing with a body corporate

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WHEN more than two parties are involved in a dispute the situation can become intolerable and hostile.

Several queries from Gauteng, Western Cape and KwaZulu Natal in recent weeks related to trustees and supervisors embroiled in tenant-landlord relationship.

In all in the cases, there appeared to be a cordial relationship between the tenants and the owners of the sectional title units.

In one query, a potential tenant-landlord contract was at risk because of the body corporate insisting in being one of the parties to, what was termed, “ a multi-party” lease agreement.

The confrontation develops at the instance of the body corporate writing letters to the owners to evict their tenants or “withholding permission” for concluding a contract with a prospective tenant.

A distraught landlady followed my advice and attended a meeting with her tenant but denied the opportunity to present their side of

the story or challenge the allegations.

The next step would be to follow the procedure for arbitration and allow the dispute to be settled by an independent person.

Tenants cannot rely on arbitration in terms of the provisions of the regulations to the Sectional titles Act, 95 of 1986 that details arbitration procedure for owners.

Where bona fide tenants do not have the co-operation of their owners, they cannot lodge a complaint with the provincial Rental Housing Tribunals (RHTs) regarding the “interference” by bodies corporate.

The RHTs do not have jurisdiction over sectional titles schemes. A mechanism is urgently required to deal with disputes involving a tenant, an owner and the body corporate.

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