

Handling noisy lift problem

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WHAT does an owner do in a sectional title block that has a noisy goods lift adjacent to her unit?

Her use and enjoyment of her unit is seriously affected by the on-going noise emanating from the goods lift that probably needs to be overhauled or replaced.

The body corporate fails to respond adequately to her complaints, often shifting blame and responsibility, making it impossible to resolve the problem.

Arbitration is one effective way to deal with the matter which is provided for in the Regulations and Management Rule. Section 39 of the regulations of the Sectional Titles Act refers to arbitration proceedings in relation to the Arbitration Act 42 of 1965.

Rule 71(1) states: “Any dispute between the body corporate and an owner or between owners arising out of or in connection with or

related to the Act, these rules or the conduct rules, save where an interdict or any form of urgent or other relief may be required or obtained from a Court having jurisdiction, shall be determined in terms of these rules”.

A written notice by the owner is given to the offending party with copies that must be given to the trustees and managing agent.

There is a period of 14 days for the parties to resolve the dispute / complaint, failing which the aggrieved party can demand the appointment of an arbitrator.

The procedure is outlined in rule 71 that together with the entire management and conduct rules to the regulations should be read and understood by owners in a sectional title scheme.

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