

Legal standing and composition of body corporate

THE following are some of the essential factors to remember for owners in a sectional titles scheme:

- The body corporate is made up of owners
The body corporate is the engine room of the scheme. It has the executive board comprising of elected trustees that oversee the administration of the scheme and members in general meetings
- Trustees are the majority of the owners or their spouses.
- Tenants cannot be part of a body corporate
- Managing agents, their employees and employees of a body corporate cannot serve as trustees
- Trustees cannot act as managing agents

- At the general meeting however, tenants or other persons can, by written permission of the owner, represent her or him (proxy vote), but managing agents, their employees and employees of a body corporate cannot be appointed as proxies
- The body corporate is a legal (juristic) person, but its members can be held personally liable if the debts cannot be paid by the body corporate (unsatisfied debt). In other words, each owner will have to pay a pro rata share to the creditor in respect of the judgment debt.

Sayed Iqbal Mohamed: Chairperson,
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Member of the KwaZulu Natal
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