

WHAT POWER DOES A BODY CORPORATE POSSESS?

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CAN a body corporate seize a tenant's property for non-payment of rental due to an owner of a unit?

Can the supervisor, acting on the instructions of a trustee, lock out the tenant for ignoring a house rule?

A body corporate has wide powers to do all things legally necessary to enforce rules, especially the Management and Conduct rules. Owners and their tenants are required to respect the rules so that every person has full use and enjoyment of occupancy.

Conduct Rules contained in the Regulations (annexure 9) to the Sectional Titles Act and the house rules apply to tenants.

It is the landlord's responsibility to attach the relevant copies of the rules to the lease contract or hand it to the tenant. It is the landlord who must ensure his or her tenant adheres to the rules.

The body corporate can direct the landlord to remedy any breach caused by the tenant.

The landlord in turn can take action against the tenant for failing to comply with the relevant rules, having given due notice to do so within a specific period. Should the tenant fail to rectify the breach, the landlord can terminate the lease contract.

If the tenant defaults regarding rentals, the body corporate has no powers to interfere. Its relationship is with the owner / landlord for the payment of levy.

Preventing the tenant access to the unit or the seizure of the tenant's property without a court order is illegal and unconstitutional.

A verbal or written lease contract concluded between a tenant and an owner of a unit in a sectional title block, excludes the body corporate and the supervisor.

Dr. Sayed Iqbal Mohamed, Chairperson, Organisation of Civic Rights; Member of the KwaZulu Natal Rental Housing Tribunal
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