

# Response to legal action for breach

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WHAT should an owner of a sectional title unit do when she receives an attorney's letter alleging a breach of a house rule?

The first response should be whether there is a violation of the house rule and this requires a careful examination of the rules.

Does it make provision for the procedure to be followed when a house rule is violated? It may be prudent to examine the management and conduct rules as well to ascertain what restrictions exist.

If the standard management and conduct rules were modified, find out if proper procedures were followed for making the changes.

In common law one party places the other on terms to rectify a breach.

Does the house rule or a resolution by the body corporate authorise engaging the services of attorney to write a letter to an owner?

Who pays for the legal costs in terms of any rule or resolution? What amount can an attorney charge for a letter?

This can be established from the law society who should oblige the tariffs or rates specified for legal costs.

Arbitration may be an option to settle a dispute relating to the alleged breach, the legal letter and costs pertaining to it.

Rules are made to protect the rights of owners and ensure responsibilities to the fellow owners and the scheme as a whole are discharged.

It is necessary to observe rules as long as they do not contravene any law or go against the spirit of the Sectional Titles Act.

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