



It is hard to believe that we are nearing the end of another year. 2008 has indeed been a year to remember: the power outages that left South Africa in the dark in the beginning of the year, the appointment of a new President and the world-wide financial crises.

HAPPY HOLIDAYS!

More specifically for owners of sectional title properties has been the change of the billing system. The City of Johannesburg has experienced a few teething problems with the new system. Please read the very important media release on page 2. Compeg has done its part in ensuring that the municipality has all the information it needs. However, I would also like to urge you to make sure that you have been registered - go to [www.joburg.org.za](http://www.joburg.org.za). If not, you could be facing heavy penalties and fines.

The good news is that it is almost time for the long, lazy summer holidays! (We give a few safety tips on page 2).

On behalf of the management and staff of Compeg and Landsec, I wish you all a great Festive Season, a wonderful holiday and a prosperous New Year!

- The first edition of Management Matters for 2009 will be published in March.

Clive

## TALK TO US!

Your feedback and comments are valuable to us. Please write to me at [cliveg@compeg.com](mailto:cliveg@compeg.com) should you have any comments, suggestions or questions. Please note: Letters and information will be included in this publication at the discretion of the editor.

### Disclaimer

Any views and opinions expressed in our newsletter are not necessarily those of Compeg and Landsec, nor its directors and staff.

## PARKING BAYS

### HOW DOES THE ALLOCATION THEREOF WORK?

It happens quite often that an owner of a section in a sectional title scheme lays claim to the use of a parking bay, averring that he "bought" it from a previous owner and that he has a contract of sale evidencing his claim that he bought the parking bay.

Unfortunately for this owner and despite the fact that the right to the use of the parking bay was "included" in the purchase price of his section, it is possible that he is not entitled to the right to use of that parking bay at all and that his predecessor in title was under a mistaken belief that he was legally entitled to the use of the parking bay.

There is no provision in the Sectional Title Act of 1986 ("the Act") which provides that each owner of a section must have the use of a parking bay. If it is possible to create parking bays at a scheme, the Act provides that the rights to the use of parking bays can be ceded to owners by the way of notarial deed of cession, registered in the Deeds Registry, or the developer or the owners, by unanimous or special resolution, can make rules conferring the right to the exclusive use of parking bays to owners of sections from time to time.

These methods of allocation rights to the parking bays do not generally cause problems on the resale of sections. The problems arise when no parking rights have been legally allocated and owners have only "customary" rights to use of particular parking bays for reason of the bays

that were made available to them by the developer or a subsequent owner. The trustees are also entitled to rent parts of the common property to owners for use as parking but, more often than not, no rental agreement is entered into and parking bays are "transferred" from the one owner to the next based on oral agreements and without proper legal foundation.



If there is uncertainty as to owners' entitlement to the rights to the exclusive use of parking bays the trustees should attempt, on behalf of the body corporate, to formalise the use of the parking rights, taking into account existing rules and practices at the scheme. If an owner can successfully prove that he is entitled to the use of a parking bay, whether the rights to the bay were ceded to him and whether or not there are valid rules allocating the rights to the use of the parking bay to him, such rights cannot now in practice be taken away from the owner. If, however, it transpires that a previous owner was not entitled to rights which he "sold" to his successor in title, this new owner's claim for losses suffered by him will be against the previous owner and not against the body corporate.

(Source: Paddock Press)

URGENT  
NOTICE

### >>JOBURG APOLOGISES FOR GLITCH IN BILLING

The City of Johannesburg recently experienced a few problems with sectional title water and sewer billing. For the latest developments in this regard, we publish the following media release from the City of Johannesburg.

Johannesburg Water (JW) and the City of Johannesburg (CoJ) would like to apologise to sectional title property owners for glitches in the billing. The billing problem occurred because of the recent change whereby the Revenue & Customer Relations Management Department embarked on a process of combining the City's nine customer databases into one database, and moving it to a new IT platform.

In order to facilitate this move, all databases have to be aligned in terms of billing and meter reading dates.

It is necessary to change the billing and meter reading dates for all customers on our database, in

Although **Compeg** provided the municipality with all the necessary information, we would like to **request** you to make sure that they have all your details. To register go to [www.joburg.org.za](http://www.joburg.org.za).

order for the City to accomplish the move from nine individual databases to one.

Individual sectional title property owners have been incorrectly charged an amount of R114.00 for water and sewer services, while during the same period a similar amount was charged to the body corporate and managing agents. This happened over a three month period; 1 July to 30 September 2008.

JW and CoJ would like to reassure sectional title property owners that were billed individually that they will receive a reversal with interest for the past three months.

### >>QUERIES

Customers who have queries about the change of the billing can call 011 688 1500 or e-mail us at [customer.service@jwater.co.za](mailto:customer.service@jwater.co.za) for more information.

### RATHER SAFE THAN SORRY

Before leaving for your holiday destination ensure that the following is done:

- Switch the lights off! Do not forget to unplug as many appliances as possible. If the appliances are plugged in they still use electricity even if they are switched off.
- Advise your security company if you are going away and ensure that you supply all the necessary information regarding nearby key holders, in case of an emergency.
- Inform your neighbours of your holiday plans so that they can keep an eye on your property.
- Stop all newspaper deliveries and ask a friend or neighbour to collect your post.
- If hiring a house sitter, ensure that you teach them how to use your alarm correctly.
- And remember your sunscreen!

#### USEFUL NUMBERS

SAPS crime stop  
08600 10111  
Crime line  
10111

# LANDSEC

PROPERTY  
MANAGEMENT

## ARE YOU HAPPY WITH YOUR RENTAL AGENT?

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2nd floor • 9 St Davids Place • Parktown • 2193  
Tel: 011 481 3400 • Fax: 011 484 8460

[www.compeg.com](http://www.compeg.com)