

Thinking Inside the Box

A Paddocks Sectional Title Lifestyle Blog

CheatSheet: Summary of Consent Levels for Body Corporate Decisions



In sectional title schemes there is often confusion about what level of body corporate consensus is required for certain decisions. Is a simple majority enough or do we need a special or unanimous resolution? When is the written consent of all owners required?

I thought I'd give you a summary of some of the decisions set out in the Sectional Titles Act and the Prescribed Rules and what level of consensus is required for them. Please note that this is not intended to be a fully comprehensive list.

Ordinary resolution

(simple majority vote):

- approval of the budget
- approval of insurance
- appointment of an auditor or accounting officer
- determination of the number of trustees
- election of trustees
- removal of trustees
- removal of the chairperson
- appointing a trustee to take the place of one who has been removed
- the giving of directions or restrictions to the trustees in terms of section 39(1) of the Act
- the determination of the body corporate's service address
- the decision to approach the court to obtain a unanimous resolution
- instruction to trustees to appoint a managing agent
- suing in respect of any contract or damage to the common property

Special resolution

(At a meeting – ordinary quorum and 75% in number and value to vote in favour. By round robin – 75% of all owners in number and value to vote in favour)

- adding to, amending or repealing conduct rules
- authorising the extension of a section
- authorising the creation of exclusive use areas in terms of section 27A of the Act
- cancelling a section 27 exclusive use area
- making servitudes that burden or benefit the land
- making rules in terms of section 32(4) of the Act that provide for different voting values or contribution liability (also need written consent of adversely affected owners)
- suing the developer in respect of the scheme
- deciding that the body corporate must insure against more than the prescribed risks
- authorising remuneration for owner-trustee
- authorising non-luxurious improvement to the common property (if any owner requests a meeting to discuss and vote on the issue after trustees have notified owners of their intention to proceed with improvement)
- revoking the managing agent's appointment
- deciding to hold a special general meeting outside of the magisterial district

Unanimous resolution

(at a meeting – 80% quorum and all to vote in favour with abstentions counting as votes in favour. By round robin – all owners to vote in favour)

- adding to, amending or repealing management rules
- authorising a luxurious improvement to the common property
- directing body corporate to alienate or let all or part of the common property
- authorising the creation of section 27 exclusive use areas or exclusive use areas in terms of the management rules under section 27A
- deciding that the buildings are deemed to be destroyed
- deciding to rebuild/reinstate buildings if buildings have been damaged or destroyed, or not to do so

Written consent of all owners

- to exercise or alienate a future development right
- to purchase or otherwise acquire land to extend the common property
- to authorise a section or exclusive use area to be used for a purpose other than shown on the sectional plan