

Maintenance responsibilities regarding a "rented" sectional title property

The question of who is responsible for the maintenance of the different areas in a sectional title scheme is frequently misunderstood and presents rental agents with an on-going challenge, as they have to explain the situation to their clients, says Wayne Albutt, national manager of the Rawson Rentals.



"There are three different types of property in sectional title schemes," says Albutt. "These are: 'sections', 'common property' and 'exclusive use areas'. The maintenance of each of these is the responsibility of either the owner or the body corporate. Sections and exclusive use areas have to be maintained by the owners or the users while common property has to be maintained by the body corporate.

In almost all sectional title schemes, adds Albutt, the section includes the unit itself and its garage, storeroom and other facilities (if it has any). Other facilities would usually be indicated on the sectional title plan and in the title deed. The boundary line of all sectional title indoor areas will always be the middle of the external walls, if a window lies on the median line then this boundary will also be divided down the middle.

Common property is defined as all roofing and roof space below the top roofing (i.e. not the ceilings of the units), gutters, downpipes, all below ground and basement areas and the external half of all outer, common walls. Common property also includes all outdoor areas such as: gardens and parking bays, driveways, perimeter walls, gates, security systems, street lights, communal swimming pools, clubhouses, guard houses, all communal passages and staircases as well as the associated plumbing and electric services.

An exclusive use area is not common property, the use of which is reserved for specific owners. Typically, exclusive use areas include outside patios, balconies and enclosed gardens.

As there can often be misunderstandings on maintenance responsibilities especially when a property is rented to a tenant, Albutt recommends that any sectional title owner planning a maintenance/upgrade task should check where his responsibilities begin and end with the body corporate.

Other important advice from Albutt for those planning improvement work on sectional title properties, especially if this is supervised by the estate agent is:

1. Get a detailed written quote of the work to be done and ensure that this ties in with the final invoice. Extras should only be condoned if they have been agreed on in advance.
2. If the work is supervised by the agent, he must get the landlord's signed approval for all sums to be spent.
3. It is always advisable to take photographs of work areas before and after the workmen start and complete the work.
4. At least two quotes should be called for, or as per the mandate with the property owner. Again this is particularly important for agents, as they should not be seen to favour one contractor.

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