

## **Sectional Title owners must stick to the rules when renovating**

Problems often arise when an owner of a sectional title unit plans to make changes his property without following the correct procedures.

An alteration to a unit, is not permitted without the prior consent of the trustees of the body corporate and the local municipality, especially if the improvement involves structural changes, an extension of a section or an alteration to the external look of the building, or any major building work, says Michael Bauer of the property management company IHFM.

If electrical work is involved then a qualified electrician must be used and a compliance certificate has to be obtained. The same is necessary if plumbing work is called for: a plumber's compliance certificate has to be issued on completion of the work depending on the province of the scheme.

"These requirements are often overlooked, especially by those doing kitchen and bathroom renovations as they seem minor changes, but they sometimes can have serious consequences with regards to resulting damages to other units," said Bauer.

Any renovation that goes ahead without the trustees' approval is likely to be a breach of the scheme's conduct rules and needs to be stopped. The conduct rules of the scheme are usually filed with the Deeds Office and should be an addendum to the Deed of Sale. They vary from scheme to scheme, but owners should make a point of reading them carefully, this should be done before buying a unit in the complex, not only when renovations or alterations need to be made to the unit. '

The most common problems caused by alterations and renovations in sectional title schemes, said Bauer, relate to material deliveries and the associated increased risk of theft, noise, dirt and rubble piles. Combined these can cause severe disruption to other residents' lives.

"Typically in the worst cases, a new owner will take transfer of a unit and two or three days later start a major makeover - without the trustees' consent. This can mean bringing in noisy jackhammers, grinders and floor sanders. It can also mean tons of rubble being moved from the unit to the ground floor in all probability using the lifts of the building. If the plumbing is to be revamped cutting off the entire scheme's water supply for a few hours may be necessary.

"On top of all this, is that there will be a group of strangers (the contractor's staff) in and out of the complex, which is a breach of the security."

"Matters can get even worse if the changes cause damage to the structure, common property, or the neighbouring units e.g. by a support wall being removed. If the owner has gone ahead without the trustees' consent and possibly without his contractor having the obligatory contractors risk insurance, he will be in very serious trouble."

The correct procedure, said Bauer, is first to apply for the body corporate's permission (submitting plans of the work to be done) then to get their approval of the municipality, then appoint a contractor (and his all builders risk insurance policy) and then register every one of his employees with the body corporate, preferably with photographs. It has to be remembered, too, that delivery vehicles are also a hazard and can cause damage to common property - and should be covered by the insurance policy of the principle contractor.'

It is also important, said Bauer, to get photographs of the areas to be worked on before work begins and on completion. This will act as evidence if and when an insurance claim arises or the contractor over-claims.

The trustees, said Bauer, have the right to ask for a building deposit and to stipulate what hours the contractors will work - and to ban any evening, early morning or weekend work. They can also ban the use of the scheme's common property for vehicle parking or rubble collection.

"Sectional title members have to be aware at all times that what might suit them does not always suit other members - and these matters are governed by the conduct rules, which no member can ignore."

If those conduct rules do not provide for a strict process, then the trustees should amend the conduct rules as soon as possible to cover the body corporate and the owners' responsibilities during this process.

IHFM Press Release