

Sectional Title units are not meant to house businesses

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For various reasons, more and more people want to work at home rather than commute to an office every day, but this can pose a problem if they live in a sectional title (ST) scheme, and they may need to get the permission of the body corporate before they go ahead.

That's the word from Berry Everitt, MD of the Chas Everitt International property group, who says: "It is clear from the Sectional Titles Act that flats and townhouses, for example, are intended for residential use, and cannot be used as offices or places of business unless the owners of all the other units in that ST scheme agree in writing to a 'change of use'.

"However, as in other ST matters, there is likely to be a high degree of subjectivity when it comes to deciding what actually constitutes a change of use."

For example, he says, a consultant working at or from home, in a spare bedroom that has been converted to an office by installing a desk and computer, could hardly be said to be using his or her section for a purpose for which it is not intended. After all, many homes have computers and internet connections, and many people bring some work home from the office every day.

"However, a garage in an ST scheme is intended as a parking place for a motor vehicle and a storeroom is intended for storage purposes. Neither of these is designated a 'habitable' area and even if the consultant's growing business requires more space, neither can be converted for this purpose without the written consent of all the other owners."

Writing in the Property Signposts newsletter, Everitt says that running a business from within a flat or townhouse that involves deliveries or storage of trade materials, or perhaps the use of visitors' parking for clients and staff, is quite a different proposition, and that an application to the body corporate for "change of use" in this way is unlikely to be approved.

"Similarly, the applicant's fellow residents are hardly likely to give consent to anything they think might create a noise or nuisance problem – such as a music school, for example.

"In addition, the prescribed management rules for ST schemes prevent owners or residents from operating any enterprise that might harm the 'reputation' of the scheme – and what that might be is of course open to very wide interpretation."

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