



Biccari Bollo Mariano Attorneys

December 2010 SS8/10

# Sectionally speaking



- 1. THE YEAR THAT WAS....**
- 2. I SEE TREES OF GREEN.....**
- 3. GAS vs ELECTRIC**
- 4. VAT AND SECTIONAL TITLE?**
- 5. NAMA IN 2010**
- 6. WITH THANKS...**



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## 1. 2010 in Review

Whew, it has been a chaotic, intense, full year, showing no signs of slowing down. We have had the privilege of meeting hundreds of new clients and interacting with different roleplayers from all walks of life within the Sectional Title community. Our Sectional Title Department is growing in leaps and bounds. We look forward to welcoming Mareldia Dolly in our Cape Town office and Marionette Bubb in Rosebank next year. We also await the imminent changes to the legislature with bated breath, and prepare for the NAMA Indaba taking place in May 2011.

There are so many great things to come! We cannot wait to embrace all the new challenges and exciting opportunities that 2011 promises!!

Best regards

Marina

## 2. Trees of Green

We have been approached by a significant number of worried owners advising us that small trees have been planted on common property of their respective schemes. The concern is that when these trees grow, they will eventually spoil the view. We have just obtained an award made in favour of Desir e Candiotes against the Helderberg Village Master Homeowners' Association which deals with this matter. If you are interested in receiving a copy of this award, please contact Belinda at [bruckard@bbmlaw.co.za](mailto:bruckard@bbmlaw.co.za).





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### 3. Gas Appliances in Sectional Title

Buyers, Sellers, Estate Agents, this is for you!!!

There is no doubt that gas appliances are becoming more popular in modern households, including Sectional Title homes.

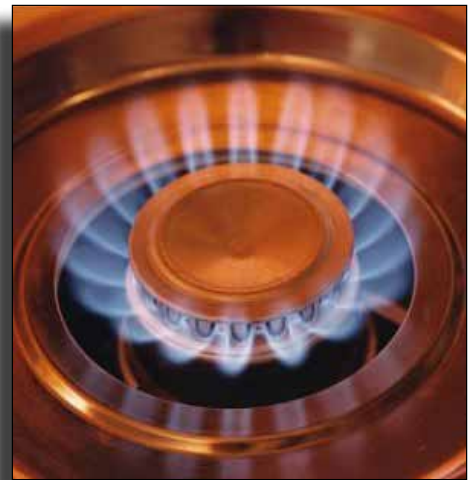
With the onslaught of increased rates in respect of electricity, it is no wonder that alternate solutions are being sought.

Did you know, however, that if you sell your unit, and have a gas stove for instance, you must obtain a Certificate of Conformity?

This is the equivalent of an Electrical Compliance Certificate of which most of us are aware. In other words, a seller will require a certificate for built in fireplaces, braais, stoves and hot water systems. This is in terms of the Machinery and Occupational Safety Act of 1983, as amended in 2009.

The certificate must be issued by an authorised person registered with the Liquefied Petroleum Gas Safety Association of Southern Africa (LPGAS). Insurance Companies will most definitely try to get out of paying for a defective gas appliance if no valid Certificate of Conformity can be produced. This can have huge ramifications if a Sectional Title scheme is damaged or destroyed by a gas explosion.

Should you require a drafted clause for an offer to purchase, do not hesitate to contact us.





## 4. VAT in Sectional Title

There have been rumours circulating that Bodies Corporate will have to register for VAT. As the law currently stands, these rumours are unfounded. We know that Homeowners' Associations have always had to register in respect of income over a certain threshold, but Bodies Corporate are exempt!

The Value Added Tax Act 89 of 1991 states:

"The supply of any of the following goods or services shall be exempt from tax imposed under section 7(1)(a):

- (f) the supply of any services to any of its members in the course of the management of-
  - (i) a body corporate as defined in Section 1 of the Sectional Titles Act 1986;
  - (ii) a share block company; or
  - (iii) any housing development scheme as defined in the Housing Development Schemes for Retired Persons Act 1988.

We trust this will put an end to any more rumours of this nature which are certainly causing a stir amongst the Sectional Title community!!!

## 5. NAMA is Growing

Well done to NAMA (National Association of managing Agents) – the organisation is going from strength to strength. NAMA increased membership by 23% during this year.

During 2010 NAMA has:

- Organised 7 seminars , 7 breakfasts and 7 trustee training sessions;
- Applied to the Minister of Justice to have Managing Agents exempted from the requirement to register as debt collectors;
- Been represented on the Sectional Title Regulations Board.

In the New Year, NAMA will be focusing on the qualifications for Managing Agents; training; the new Ombud; and relations with Municipalities.

We will, as always, be giving them our full support!



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## 6. With Our Thanks

Finally, we wish to send a very special thank you to all our clients for your unwavering support throughout the year. We send you our most sincere good wishes for the Festive Season and look forward to continuing our service to you in 2011.

Have a safe and fabulous holiday!!





Ready to serve...



Nationwide!

*Standing: (left to right) Trevor Simon (Jhb); Kelly Northmore (Dbn); Jannie Cornelissen (Cpt). Seated: (left to right) Emile Strydom (Pta); Marina Constas (Jhb).*



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