

**MINISTRY**

**HUMAN SETTLEMENTS**

**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: PQ 1959 (NW2299E)**

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**Ms E L Powell (DA) to ask the Minister of Human Settlements:**

Given that trustees and not managing agents, manage sectional title schemes and that managing agent have a conflict of interest and are consequently unable to represent the best interest of owners, how will she ensure that owners, via their trustees, are given direct representation on the Sectional Titles Schemes Managing Advisory Council in terms of section 18(2)(c) of the Sectional Titles Schemes Management Act, Act 8 of 2011?

**REPLY:**

The body corporate is represented by all the owners of a sectional title scheme. Regulation 5(3) of the Sectional Titles Schemes Management Act, Act 8 of 2011 provides for the election of trustees by the body corporate. The trustees exercise the body corporate’s powers and functions assigned and delegated to them in terms of section 7(1) of the Sectional Titles Schemes Management Act, Act 8 of 2011.

Body corporates are not obligated to appoint a managing agent but may do so to perform the functions and exercise the powers that would otherwise be performed by the trustees in terms of Regulation 28(1) of the Sectional Titles Schemes Management Act, Act 8 of 2011. The appointment of a managing agent is not imposed upon a body corporate but elected by the body corporate. As such, a body corporate has the right to challenge a managing agent through the available legislative mechanisms should it be of the view that its rights have been infringed through misconduct by the managing agent.

In appointing the Sectional Titles Schemes Management Advisory Council, the skills, knowledge and experience of the candidates in the management of a range of types of schemes will be taken into account. This includes trustees or owners who have skills, knowledge and experience in the management of schemes.