



How to navigate extensions to sections and EUAs

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Discussion points

- Definition of exclusive use areas (EUA)
- Types of EUAs
- Ownership of EUAs & selling EUAs
- Q & A with Zerlinda van der Merwe

Definition of exclusive use areas

Sectional Title Schemes Management Act & Sectional Titles Act

means *part or parts of the common property* for the exclusive use by the owner or owners of one or more sections

Fundamentally an agreement amongst all the owners in the scheme that an identified portion of their jointly-owned property will be used only by a specified owner, or a defined group of owners.

Types of EUAs

- Parking bays, storerooms, passages, garages
- Balconies, terraces, decks, patios
- Roofs – solar installations (new)
- Portions of walls – external signage
- Gardens

Ownership & selling of EUAs

Real right of ownership (section 27 of the Act):

- “If a part or parts of common property is or are *delineated on a sectional plan for a specific purpose...*”
- “...may transfer his or her interest in such right to the *owner of another section in the scheme...*”
- “...by the registration of a unilateral notarial deed in their favour.”
- May be subject to a mortgage bond or lease agreement

Ownership & selling of EUAs

Right of use into the scheme **rules** (section 27 of PMR)

- “...whether the rights to each area are conferred in terms of section 27 of the Sectional Titles Act or in terms of a *rule*...”
- “...a prominent reference to *any rules* that confer *exclusive use rights*...”
- Must be indicated on a plan as an annexure to the rules
- Must indicate which section has the right of use
- On transfer the use is ceded to the purchaser
- Cannot be sold or be subject to a mortgage bond

Q & A – Zerlinda van der Merwe

1. Can the trustees approve an owner's application for work to their EUA?
2. Is there a difference when the EUA is allocated into the rules?
3. Can I do renovations or alterations to the common property?
4. Can I buy common property?
5. Must I pay the body corporate for an extension of a section?
6. Must I submit an amended sectional plan of extension of my section to the members?
7. What if it is an EUA? – refer 6 above
8. Is it an extension of a section when I build a mezzanine floor?

THANK YOU