



Extension of Section into Section of 24 of Sectional Titles Act. No. 95 of 1986

If an owner of a section wishes to extend his section, he shall, with the approval of the Body Corporate, authorised by a Special Resolution (75% of members or their respective proxies), the land surveyor/architect will submit a draft sectional title plan of the extension to the Surveyor-General.

The Plan will be accompanied by a certificate stating that it is not contrary to operative town planning schemes; the scheme was erected in accordance with approved building plans.

A revised schedule will be implemented if the floor area is increased, reflecting PQ.

The following additional documents will have to be attached to register the Sectional Title Plan:

- Two Copies of the sectional plan of the extension of section;
- Schedule of any registrable conditions imposed by Council;
- The sectional title deed – section to be extended;
- NEW AMENDMENT: 24(6)(A) inserted to provide that when a section is extended, and there is a deviation of more than 10%, the applicant must inform all bondholders, giving all relevant details, including an assessment of the impact on the bondholder's security. This must be sent by registered post to each bondholder and to the "headquarters" of any financial institution

If the PQ is extended more than 10%, then:

- NEW AMENDMENT: 24(6)(d) dealing with extensions of sections has been amended:
- First, to make it clear that the 10% deviation threshold applies to the section being extended.
- Secondly to provide that a land surveyor or architect rather than a conveyancer must certify the extent of the deviation where it is less than 10% and
- Third, to provide that where the deviation exceeds 10%, the conveyancer must issue a certificate confirming that all mortgagees have consented to the registration of the sectional plan of extension.

The Registrar will now make an endorsement to the title deed to reflect the new PQ.

Should members fail to adhere to these prescriptive provisions, it is recommended that an application be lodged with the Community Scheme Ombud Service under the auspices of Section 39 of the Community Scheme Ombud Service Act, No. 9 of 2011: Section 39(2) In respect of behavioural issues— (d) an order for the removal of all articles placed on or attached illegally to parts of a common area or a private area.