

New sectional title arbitration panel has formed

A new sectional title arbitration panel has been formed, which will mean that sectional title home owners can look forward to a more affordable and expedient process to resolve the disputes that inevitably arise in complexes.

With the buy-in of the chief registrar in Pretoria, applications for the new panel were reviewed by a task team comprising leading South African property industry figures, including specialist sectional title attorney Marina Constas, a director of BBM Attorneys and co-author of the book *Demystifying Sectional Title*.

The 16 individuals selected for the panel are professionals from the legal, accounting and property industries around South Africa, Constas reports, and, having undergone an intensive training programme, they are now set to take sectional title arbitration and mediation to a new level.

Obtain a unanimous resolution

Elaborating on the arbitration process in sectional title disputes, she explains that any disputing parties who agree can approach the Association of Arbitrators directly for an appointment. "We shall also be meeting with the chief registrar, to enable him to utilise this panel in cases where parties do not agree and have approached his office." Constas said that, in addition, sectional title home owners are urged to obtain a unanimous resolution to change their management rules to include a clause referring their disputes to the Association of Arbitrators. "This will bypass the need to go to the Deeds Office at all," she stated.

The new sectional title arbitration panel is expected to eliminate some of the other major problems that have cropped up during the resolution of disputes - such as the arbitrators having little knowledge of, or experience in, dealing with sectional title matters, and overcharging. In addition to completing training to ensure that they are properly qualified, the arbitrators on the panel also have guidelines on fees.

"Disputes are bound to arise in sectional title complexes, where people live in close proximity, but this new sectional title arbitration panel will streamline the process of arbitration and mediation that I believe is the best way to resolve these," Constas concluded.