

Trustees

- **What and Who are Trustees**
- **I have been asked to be a Trustee, what should I do?**
- **So Who and What is a Trustee?**
- **How do I look after the Investment?**
- **What are some of the other duties of a Trustee?**

WHAT AND WHO ARE TRUSTEES

A Sectional Title Scheme or Complex, as it is often called, is controlled and managed by a Body Corporate. Trustees are persons who are appointed to look after the finances and running of the Sectional Title Scheme on behalf of the Body Corporate.

I HAVE BEEN ASKED TO BE A TRUSTEE. WHAT SHOULD I DO ?

The Trustees of a Body Corporate are appointed by the owners in a Sectional Title Scheme. They act in a position of trust and manage the affairs of the scheme on behalf of the body corporate. The determination of the number of Trustees and the election of Trustees for the ensuing year is done at the Annual General Meeting. The Trustees appoint a chairman as their “leader” or manager of the group. A Trustee is trusted to act honestly and for the interests of the Body Corporate. They play such an important role that their appointment, duties, and conduct of meetings is dealt with in great detail in the 2011 promulgated Sectional Titles Scheme Management Act.

SO WHO AND WHAT IS A TRUSTEE?

A Trustee is a person or persons appointed by the owners of the various Units in the complex to look after their investment in the complex.

HOW DO I LOOK AFTER THE INVESTMENT?

The most important duties of a Trustee are to:

1. Check that each owners pays his/her fair share (levy) towards the monthly running costs of the complex,
2. Check that the moneys received (levies) are banked and used correctly,
3. Check that owners, who are in arrears, bring their accounts up to date and do not sponge off the goodness of those who keep their payments up to date.
4. Check that payments as determined by the budget are made as and when required,
5. Check that the expenses as specified in the budget are not exceeded,
6. Check that the common property is always in good repair and does not depreciate in value,
7. Check that the Complex is adequately insured at all times so that the owners investment is not ever at risk,
8. Check that the owners, and their tenants, abide by the rules as determined by the owners of the complex,

9. Check that he/she and the other Trustees abide by the Sectional Titles Act and Sectional Titles Schemes Management Act.
10. Check that the Managing Agents, or any other agents used to assist in the Trustees in their duties abide by the Sectional Titles Act and Sectional Titles Schemes Management Act.

WHAT ARE SOME OF THE OTHER DUTIES OF A TRUSTEE?

The Trustees shall, on behalf of the Body Corporate, control, manage and administer through its appointed agents and employees:

- The cleaning, maintenance, management and security of the Common Property.
- The Insuring of the buildings against natural disasters,
- The maintenance, management and improvement of the communal facilities.
- The establishment of a fund for the repair, upkeep, control, management and administration of the Common Property by levying contributions on the owners in proportion to the quotas of their respective units.
- The establishment of a separate, mandatory maintenance reserve fund for the replacement, repair and maintenance of the complex's major capital items such as painting, waterproofing, wood refurbishment, etc.
- The drafting of a 10 year maintenance plan for the complex that would incorporate the replacement, repair and maintenance of the major capital items mentioned in the previous point.
- The preparation and presentation of financial statements and reports to the Annual General Meeting. This entails: -
 - An itemized estimate on the anticipated income and expenses of the Body Corporate during the ensuing year. This will include an estimate of the anticipated costs related to the 10 year maintenance plan.
 - An audited financial statement of the period under review.
 - The Trustees' Report on matters attended to during the period under review.