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THE SECTIONAL PROPERTIES REGULATIONS

NO. 236 OF 2021

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Kenya

Sectional Properties Act

The Sectional Properties Regulations

Legal Notice 236 of 2021

Legislation as at 31 December 2022

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SECTIONAL PROPERTIES ACT

THE SECTIONAL PROPERTIES REGULATIONS

LEGAL NOTICE 236 OF 2021

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1. Citation

These Regulations maybe cited as the Sectional Properties Regulations.

2. Sectional plans

(1) Pursuant to section 4(1) of the Act, an existing structure may be designated a building containing a unit or part of a unit or divided into two or more units by the registration of a sectional plan prepared, by a surveyor in accordance with these Regulations.

(2) A sectional plan to be presented for registration under section 4 of the Act shall—

(a) be drawn in waterproof ink, on tracing linen or polyester film or such other material that is of size and nature that is acceptable to the authority responsible for survey;

(b) be prepared in sheets, each sheet of the plan being endorsed in the upper right hand corner with the words "Sheet... of.... Sheets" with the appropriate numbers filled in; and

(c) consist of—

(i) the first sheet on which matters prescribed in section 9 and 11 of the Act are set out; and

(ii) further sheets containing such elevations, sections, plans diagrams and other information required under section 9 of the Act;

(d) be accompanied by the rent apportionment form in Form SP 1 set out in the First Schedule, where applicable; and

(e) be submitted to the authority responsible for survey for authentication.

3. The signing and endorsement of sheets

(1) The first sheet of the plan shall before being presented for registration, be endorsed, in the manner set out in Form SP 2 set out in the First Schedule, by—

(a) a surveyor in accordance with section 11(1)(a) of the Act and the licence number of the surveyor indicated;

(b) a certificate from the County Executive Committee Member in charge of approval of buildings in accordance with section 11 (1)(b) of the Act;

(c) the owner of the property; and

(d) the Land Administration Officer confirming that rent has been apportioned to each unit on the sectional plan, where applicable.

(2) An application for endorsement under paragraph (1)(b) shall be made in Form SP 3 set out in the First Schedule.

(3) Upon receipt of an application under paragraph (2), the County Executive Committee Member in charge of approval of buildings shall endorse on the face of the sectional plan, in accordance with section 11(1)(b) of the Act, where the sectional plan is in conformity with the building and architectural plans.

4. Requirements of plan sheets

(1) The sheets containing the requirements of section 9(1)(b) and (d) of the Act shall bear the statements "Site and Building Location Plan" and "Floor Plan", respectively and shall—

(a) be drawn with the north point directed upwards and parallel to the sides of the plan form; and

(b) be to a scale, selected from the standard scales prescribed in the regulations relating to survey, that will enable all details and notations to be clearly shown and ensure that the area of a unit is not less than five square cm.

(2) Every detail shown on a plan shall be distinct, and the figures not cramped.

5. Expression of words, letters, figures and symbols

All words, letters, figures and symbols appearing on the sectional plan, shall, except where the authority responsible for survey otherwise approves, be—

(a) shown in capital letters;

(b) open in formation and construction; and

(c) drawn in an upright style.

6. Illustration of units on a floor plan

(1) Every floor plan of a sectional plan to be presented for registration shall illustrate the units, numbered consecutively, commencing with the first unit and terminating with a unit number that corresponds to the total number of units comprised in the parcel:

Provided that every numbered unit shall also bear the number of the parcel.

(2) Where a numbered unit is shown as consisting of more than one part, each part shall be described as part of that numbered unit.

7. Expression of units

(1) For the purposes of section 9(1)(f) of the Act, the Schedule specifying the unit number, unit factor, the approximate floor area and use for each unit shall be in Form SP 4 set out in the First Schedule.

(2) There shall be assigned, to each unit, a unit factor determined in the manner indicated in Form SP 5 set out in the First Schedule so that the total of the unit factors for all units in the parcel is equal to ten thousand.

8. Matters to be set out in a site and building location plan

(1) A site and building location plan presented in support of a sectional plan or a sectional plan of subdivision or sectional plan of consolidation shall in addition to matters referred to in regulation 2(2)(c)(i) set out—

(a) abutting boundaries, co-ordinates of beacons, lengths and bearings of the external boundaries of the parcel as may be required by the Survey Regulations;

(b) the georeferenced external limits of the building, the building dimensions and the tie line measurements relating the building to the parcel boundary;

(c) any subsisting easement or utility rights of way;

(d) where any encroachment exists in respect of a wall, the relationship of the inner surface of the wall to parcel boundary beyond which the wall encroaches;

(e) exclusive possession areas and extent of the common property area; and

(f) a legend to explain, among other items, the boundaries of the units, unit measurements, building locations, dimensions and symbols, as shown in Form SP 6 set out in the First Schedule.

(2) The building dimension and tie measurements shall be recorded to 0.01 of a meter.

(3) The areas of a unit shall be recorded to 0.1 square meters.

9. Registration of sectional plans

(1) A person who wishes to register a sectional plan in accordance with section 4 of the Act shall apply for registration in Form LRA 9 set out in the Sixth Schedule to the Land Registration (General) Regulations (Sub. Leg).

(2) The application under paragraph (1) shall be accompanied by—

(a) the original certificate of title or lease to the parcel in respect of which the sectional plan is made; and

(b) an application for the registration of the corporation in Form SP 7 set out in the First Schedule.

(3) The registrar shall consider the applications made under paragraphs (1) and (2)(b) and—

(a) register the sectional plan in a Sectional Plan Register kept in Form SP 8 for freehold and Form SP 9 for leasehold, set out in the First Schedule; and

(b) register the corporation in the Corporation Register kept in Form SP 8 and Form 9 set out in the First Schedule, for freehold and leasehold as the case may be and issue a registration certificate for the Corporation in Form SP 10 set out in the First Schedule.

(4) The Registrar shall pursuant to section 5(1)(a) of the Act close the register of the parcel described in it upon the registration of the sectional plan under paragraph (3)(a).

(5) The Registrar shall upon the closure of a register under paragraph (4), open Unit Registers in Form SP 11 set out in the First Schedule if the parcel is freehold, and Unit Registers in Form SP 12 set out in the First Schedule if the parcel is leasehold.

(6) The Registrar shall issue a certificate of title in Form SP 13 set out in the First Schedule for every respective Unit Register opened for freehold or a certificate of lease in Form SP 14 set out in the First Schedule for every respective Unit Register for leasehold.

(7) Pursuant to section 29(2), the by-laws set out in Second Schedule shall be the by-laws of the Corporation on the first registration.

(8) The provisions of the Land Registration (General) Regulations (Sub. Leg) relating to the circumstances under which the Registrar may reject a defective instrument presented for registration and right to appeal shall be applicable in relation to an application for registration of a Sectional Plan and a Corporation.

10. Recording of the particulars of sectional plans

(1) The Registrar shall record, in the Sectional Plan Register kept under regulation 9(3)(a), particulars of all the sectional plans as registered under the Act.

(2) Every registered sectional plan shall be allocated a progressive number by which it may be identified in the Sectional Plan Register.

Provided that the parcel number shall form part of the progressive number allocated to a sectional plan.

11. Registers to conform to the Land Registration Act

Pursuant to section 5 of the Act, a register opened and maintained under the Act shall meet the requirements of section 7 of the Land Registration Act (Cap. 300).

12. Submission of sectional plan to county governments

(1) Pursuant to section 9(2) of the Act, the registrar shall within twenty-one days from the day a sectional plan is registered submit to the county government of the area in which the parcel is located a copy of the sectional plan.

(2) The county government shall with effect from the date of receipt of a sectional plan submitted under paragraph (1) apportion rates to each unit on the sectional plan to enable individual unit owners pay their rates separately.

13. Presentation of units in sectional plan of sub-division or consolidation

In a plan presented for registration as a sectional plan of sub division or sectional plan of consolidation, the original unit shall be cancelled in the existing sectional plan and the new unit shall be numbered consecutively, the lowest new unit number being greater by one than the highest number in the existing sectional plan.

14. Notification of subdivision and illustration of units

(1) The Registrar shall, before registering a sectional plan of subdivision of a unit or units, cause to be —

(a) endorsed on the original registered sectional plan, a notification of the subdivision; and

(b) indicated on the diagram in the original registered sectional plan, illustrating the unit or units being subdivided that the unit or units are subdivided.

(2) Where the subdivision is in respect of a unit or units that is or are charged or otherwise encumbered, the registrar shall require production of consent of the chargee or encumbrancer before the sectional plan of subdivision is registered.

15. Notification of consolidation and illustration of units

(1) The Registrar shall, before registering a sectional plan of consolidating of a unit or units, cause to be—

(a) endorsed on the original registered sectional plan a notification of the consolidation; and

(b) indicated on the diagram in the original registered sectional plan, illustrating the unit or units being consolidated that the unit or units are consolidated.

(2) Where the consolidation is in respect of a unit or units that is or are charged or otherwise encumbered, the registrar shall require production of consent of the charge or encumbrancer before the sectional plan of consolidation is registered.

16. Incidental rights

Where the sub-division of a unit or consolidation of units is likely to affect the incidental rights of any unit owner in respect of common property and all other rights appurtenant as provided under section 7 of the Act, a sectional plan for sub-division or consolidation in that respect shall not be registered unless an affected owner has given prior consent in Form SP 15 set out in the First Schedule, to inform the giving of consent by the corporation and approval by the county government pursuant to section 12(1) of the Act.

Provided that an owner or corporation shall not unreasonably withhold such consent.

17. Addition of continuation sheets

(1) The Registrar may add continuation sheets to a sectional plan register on which may be made any endorsement, registration memorandum, notification or other entry that is to be or may be made on the register.

(2) Each such sheet added to the register by the Registrar pursuant to paragraph (1) shall—

(a) be numbered consecutively; and

(b) be signed by the Registrar.

18. Conversion to sectional units

(1) Pursuant to section 13(2) of the Act, long-term leases shall be converted to sectional units in accordance with these regulations, where—

(a) all the units have been transferred to the respective owners and the reversionary interest has been transferred to the management company to hold in trust for the owners as noted on the title; or

(b) all the units have been transferred to the respective owners and the reversionary interest is by written agreement intended to be transferred to the management company to hold in trust for the owners; or

(c) part of the units have been transferred to the respective owners and the reversionary interest is by written agreement intended to be transferred to the management company to hold in trust for the owners.

(2) The management company shall apply for conversion under paragraph (1)(a) and (b) in Form SP 16 set out in the First Schedule to the Registrar for registration.

(3) Where the shares in the management company have not been issued to the owners as per agreement and the management company has failed to apply for conversion under paragraph (2), any owner or owners may apply for registration in accordance with paragraph (2).

(4) The developer shall apply for conversion under paragraph (1)(c) in Form SP 16 set out in the First Schedule to the Registrar for registration.

(5) Where the developer has failed to apply for conversion u n der paragraph (4), the management company or any owner or owners may apply for registration in accordance with paragraph (4).

(6) Subject to paragraph (7), the Registrar may on reasonable grounds dispense with the production of the title to the parcel for applications made under paragraph (3) and (5).

(7) Where a property is charged or otherwise encumbered, the application for conversion shall be made by the respective applicants and be delivered to the encumbrancer or appointed representative who shall submit for issuance of a new certificate of lease or certificate of title, as the case may be, noted with the encumbrances, to the encumbrancer.

(8) The failure by a registered proprietor of a parcel, a developer, a management company or an owner of a unit to submit a sectional plan to the Registrar for registration under paragraph (7) shall not invalidate the security or interest held by the encumbrancer.

(9) In the event that the chargee exercises its statutory power of sale in respect of a unit, the Registrar shall issue a new certificate of lease in the name of the transferee upon registration of transfer by chargee.

19. Conversion

(1) An application for conversion under regulation 18 shall be accompanied by—

(a) the sectional Plan;

(b) the sublease or long-term lease;

(c) certificate of lease; or

(d) the parcel title or a copy of the parcel title.

(2) Where the management company or owners of the units intend to apply for conversion under regulation 18 but are unable to avail the original title to the parcel, which is not otherwise encumbered, an indemnity shall be provided in accordance with regulations 27 and 28 of Land Registration (General) Regulations, 2017 and the Registrar shall by notice in the *Gazette* call for the title for purpose of conversion.

(3) Upon the expiry of sixty days from the date of notice, the Registrar shall, if the title is not availed—

(a) register the sectional plan;

(b) issue the respective unit owners with certificate of title or lease for sectional units under this Act; and

(c) close the parcel register.

20. Preparation and approval of sectional plans without approved architectural plans

Where the management company or owners have initiated the preparation of a sectional plan during conversion and where they fail to avail the approved architectural plans or the available approved architectural plan is at variance with the development—

(a) the management company or the owners shall avail a sworn affidavit detailing the loss or inability to avail the said documents;

(b) the sectional plan may be prepared by the surveyor without necessarily relying on the approved architectural plan;

(c) the county government may endorse its certificate on the sectional plan without the production of the approved architectural plans based on the sworn affidavits.

21. Winding-up of management companies.

(1) A management company in respect of long-term leases that are the subject of conversion shall transfer all its assets and liabilities to the corporation within a period of one year from the date of registration of the corporation.

(2) The By-laws of the Corporation may be amended by including duly modified terms and conditions of long-term leases that are subject of conversion.

22. Long-term leases exempt from conversion

Regulation 18 shall not apply to long-term leases not falling in the category specified in that regulation including those in respect of—

(a) which it is expressly provided by agreement that reversionary interest belongs to the developer or lessor or management company as legal owner and not as trustee;

(b) large mixed-use developments and phased developments where it is by agreement provided that reversion shall be retained by the developer or to be otherwise held by a management company; or

(c) projects of strategic national importance, substantial transactions, and special economic zones, which by their nature, renders it impractical to relinquish reversionary interest.

23. Amendment of by-laws

(1) Where the corporation deems it necessary to amend its by-laws pursuant to section 29 of the Act, the amended copy shall be filed with the Registrar who shall note on the sectional plan if satisfied that the amendments are in conformity with the Act.

(2) On noting amendment of the by-laws in paragraph (1), the Registrar shall endorse on the relevant corporation register a notification which shall—

(a) contain any particulars the Registrar directs; and

(b) be signed by the Registrar.

24. Registration of corporation on registered sectional plans

(1) Where a sectional plan was registered and sectional titles issued without the registration of a corporation, the owners shall apply for the registration of a corporation in Form SP 7 set out in the First Schedule by providing the Registrar with the list of names on the sectional plan.

(2) The registrar shall proceed to register the corporation in the corporation register kept in Form SP 8 and Form SP 9 and thereafter issue the certificate of the corporation in Form SP 10 set out in the First Schedule.

25. Notice by owner

(1) An owner desiring to rent out his unit shall notify the corporation in Form 17 set out in the First Schedule wherein the owner shall provide the address for effecting a notice under regulation 23.

(2) Upon renting out the unit, the owner shall within twenty-one days from commencement of the tenancy notify the corporation of the name of tenant residing in the unit in Form 18 set out in the First Schedule.

(3) On lapse of tenancy agreement, the owner shall within twenty days give notice to the corporation in Form SP 18 set out in the First Schedule.

26. Notice by the corporation

(1) Where a tenant occupying a unit is in breach of the by-laws as provided under section 46, the corporation shall notify the owner of the unit in Form 19 set out in the First Schedule to take necessary action.

(2) Where a notice under paragraph (1) has been given and the owner has failed to take necessary action, the corporation shall refer the matter to the Internal Disputes Resolution Committee for determination as a dispute.

(3) Where the dispute under paragraph (2) is decided against the tenant, the corporation shall issue a notice to the tenant to vacate the premises in Form 20 set out in the First Schedule.

27. Termination of sectional status

(1) Upon termination of sectional status pursuant to section 47, the corporation shall file with the Registrar a notice of termination of the sectional status of a building in Form SP 21 set out in the First Schedule.

(2) On receipt of a notice referred to in paragraph (1), the Registrar shall give a notice of thirty days in the *Gazette* before endorsing on the relevant Sectional Plan Register a notification of the termination of the sectional status and the vesting of the parcel in the owners.

(3) The notice under paragraph (2) shall contain any other particulars the Registrar directs and besigned by the Registrar.

28. Transfer of parcel

Where a parcel is transferred by a corporation pursuant to section 49 of the Act, the Registrar shall—

(a) enter on the relevant sectional plan register a notification of the cancellation of the plan; and

(b) indicate in an appropriate manner on any relevant register that the sectional plan has been cancelled.

29. Internal Disputes Resolution Committee

(1) Pursuant to section 20(6) of the Act, the Corporation shall during every annual general meeting elect members to the Internal Disputes Resolution Committee to hear disputes whenever they arise.

(2) The Committee shall comprise not less than three members and not more than five members of the Corporation.

(3) The Board shall designate the chairperson and the secretary to the Committee.

(4) The Committee shall sit and dispense on any dispute within reasonable time-lines as may be directed by the Board.

(5) Where the dispute is relates to the Board or a member of the Board, a member of the Board who may have been appointed to the Committee shall not participate in the proceedings.

(6) The Committee shall hear and determine the matter within the timelines specified and communicate its determination to the disputing parties with a copy being given to the Board.

(7) The Committee may upon receiving notification of a dispute from an aggrieved party, at any time and with sufficient notice, to summon parties to the dispute to appear before the committee, at such place and time as shall be specified in the summons.

(8) The Committee shall provide a written notice of not less than seven days when such summons are given.

(9) Where a party fails to appear after being summoned, the Committee shall proceed to determine the matter and give its verdict.

(10) A party aggrieved by the decision of the Committee they may seek other legal redress mechanisms.

(11) The Committee in its deliberations shall ensure impartiality in determining the matter brought before it and give every member a fair hearing.

30. Notification of change of address

Where there is a change of address, the Corporation shall notify the registrar of change of address, in Form SP 22 set out in the First Schedule.

31. Notification of change of Board membership

Where there is a change to board membership as provided under section 26(2) of the Act the corporation shall give notice to the Registrar in Form SP 23 set out in the First Schedule and such changes shall be noted in the Corporation Register.

32. Notification of change of corporation

(1) Upon the change of membership of the corporation by way of exit or entry of a unit owner, the corporation shall give notice to the registrar in Form SP 24 set out in the First Schedule, to be attached to the transfer of certificate of title or certificate of lease as the case may be by the transferee.

(2) The Registrar shall accordingly amend the unit register and the corporation register.

33. Extension or renewal of lease

An application for extension or renewal of the lease term shall be made by individual owners of units in a sectional plan, as provided under the Land (Extension and Renewal of Leases) Rules 2017.

34. Submission of forms and plans electronically.

All forms and plans referred to in these regulations may be submitted in electronic form.

35. Execution of instruments

The provisions of sections 44 and 45 of the Land Registration Act and the Land Registration (General) Regulations (Sub. Leg), on the execution and verification of instruments shall apply to instruments specified under this Act and registered under the Land Registration Act.

36. Fees

The fees prescribed under the Land Registration Act (Cap. 300) shall be payable for any procedure or function under the Act.

37. Power of attorney

A power of attorney executed and verified in accordance with section 45 of the Land Registration Act (Cap. 300) shall where applicable, be valid for the purpose of this Act.

FIRST SCHEDULE

FORMS

Form SP 1 (r. 2(2)(d))

RENT APPORTIONMENT FORM

PARCEL NO: ..... Rent: ..... Wef .....

REF/FILE NO: .....

NO.	UNIT NO.	UNIT FACTOR	RENT (KSHS.)

Issues this.....day
of .....20.....

SIGNATURE .....

NAME OF
OFFICER .....

DESIGNATION OF
OFFICER .....

Form SP 2 (r. 3(2))

SECTIONAL PLAN

SECTIONAL PLAN FOR PARCEL

SITE AND LOCATION SECTIONAL PLAN

CO-ORDS REF TO .....

UNITS.....

Station	Y(Northings)	X(Eastings)	Height	Class of beacon	SURVEYOR 'S CERTIFICATE :	Line	distance	Bearing
					This is to certify that I, performed the sectional survey represented by this plan and endorse it in compliance with section 11.1(a) of Sectional property Act Name ..... Survey License No. ..... Signature ..... Date ..... Licensed Land Surveyor/ Government Land Surveyor			

							OWNER/ DEVELOPER: This is to certify that I ..... being the registered owner of Parcel No. ..... has given permission for my property to be surveyed and registered and hereby endorse in compliance with section 9.1(g) of Sectional Property Act NAME: ..... P.O BOX ..... Tel ..... Email ..... Signature ..... Date			
							COUNTY CERTIFICATE; This is to certify that the sectional property survey is a representation of approved building plan No. ..... and is hereby endorsed in compliance with Section 11.1(b) of Sectional Properties Act. DESIGNATION ..... No. ..... SIGNATURE ..... Date			
s/no	unit no.	use	unit area	exclusive unit area	Total Unit area	unit factor	LAND ADMINISTRATION OFFICER :	Folio		
							This is to certify that Land Rent has been	Register		

I certify that all the work performed in the field and in the office by my assistant Mr. ..... has been carried out under my personal supervision and take full responsibility for all the work so performed Name ..... Survey License No. ..... Signature ..... Date	Registration Date Received ..... File reference ..... Computations No. ..... Field book No	Transactions Provisional Approval ..... Final Approval ..... Charted By	Authentications Examined by ..... Approved by ..... Authenticated by ..... For the Director of Surveys	Date	Records Traced by ..... Compared by ..... Cadastral sheet R.I .M	Date	Plot/ Parcel No..... Ref Map/ R.I.M Registration Block ..... Registration County ..... Locality .....
I hereby certify that I, in person made, and on the ..... 20 ..... completed the survey represented by this plan, on which are written the bearings and lengths of the lines surveyed by me, and that the survey has been executed in accordance with the existing regulations and with the approved scheme. Letter No. ..... of ..... Surveyor							

Form SP 3 (r. 3(2))

APPLICATION FOR ENDORSEMENT BY COUNTY GOVERNMENT

(To be submitted to appropriate County Government in Triplicate)

To;

County Executive Committee Member

(Responsible for Approval of Building Plans)

COUNTY GOVERNMENT OF .....

I/We hereby apply for the endorsement of the Sectional Plan in respect of building developed on parcel No: (Original Parcel no: .....) to confirm its conformity with the building plan.

Owner:.....

Address:.....

Applicant .....

Address .....

Signature .....

Date: .....

Form SP 4 (r. 7(1))

SCHEDULE OF UNIT FACTORS

Unit Number Factor	*User*	*Approximate Floor Area m2*	*Unit*

			Total 10,000

Form SP 5 (r. 7(2))

DERIVATION OF UNIT FACTORS

There appears to be no prescribed formul a for allocating unit factors or unit entitlement. Its determination is based on unit floor area or on the selling/value of the unit or on location/position of the unit or on combination of these factors. Whatever method is used, it is important that the unit factors are made equitable.

Generally the method based on Unit floor area is commonly used and it is recommended that until such a time as other considerations will come to play , we base our unit factor determination on floor areas of the units.

For units numbered 1, 2, 3 and 4 in a sectional property building of floor areas a, b, c and d square metres respectively the corresponding unit factors shall be:

Unit 1:

$\frac{a}{\#A} \times 10,000$

Unit 2:

$\frac{b}{\#A} \times 10,000$ etc

Where #A=a+b+c+d, ie, sum of the floor areas of all the units in the building(s).

Since a/#A or b/#A will be a fraction cumbersome to work with in ordinary life the figure of 10,000 is used in the multiplication purely for the convenience of obtaining whole numbers for the units.

Also since in a given situation #A is a constant the sum pf all the derived units factors should, in the rounding up/down of the figures be equal to 10,000.

In the sectional plan of sub-division or consolidation, the unit factor or factors for the unit or units in the original sectional plan that are included in the sub-division or consolidation shall be apportioned among the newly created units or unit-section 12(4) of the Act.

Important role of the unit factors necessitates accurate determination of the unit floor areas based on precise measurements of unit boundaries.

Form SP 6 (r. 8(1)(f))

LEGEND

A legend is to explain, among other items, the boundaries of the units, unit measurements, building locations and dimensions. An example of a typical legend is as follows:

All building location dimensions are perpendicular to the property lines unless otherwise shown (radical tie distances if used should be specified (R))

All building location dimensions and exterior building dimensions are to the exterior of the concrete foundation walls (or to the exterior surface walls or an inset may be drawn to show clearly the point of measurement)

The boundary of any unit with common property is the undecorated interior surface of the unit floor, wall or ceiling as the case may be (or is as stipulated in section 6(1) of the Sectional Properties Act and illustrated thus .....)

All unit dimensions and floor areas are measured to the undecorated interior surface of the unit at floor level.

Or

All major plumbing, electrical, mechanical and structural facilities passing through or existing within unit boundaries that are required for the operationand support of the main building are common property.

Balconies and patios designated B1, etc and P1, etc respectively are common property that may be leased to the owner of the unit pursuant to section 22 and 23 of the Sectional Properties Act (and /or exclusive possession areas are common property and delineated thus ..... and/or all carports are denoted C15 delineated thus .....and/or are exclusive possession common property and may be leased or otherwise granted by the corporation to a unit owner pursuant to section 22 & 23 of the Act.

Form SP 7 (r. 9(2)(b), 24(1))

APPLICATION FOR REGISTRATION OF CORPORATION

To the Land Registrar

..... Land Registy.

I/We, the owner(s) of Units built on land parcel no. ..... on this ..... day of ....20 .....

hereby apply for registration of Corporation for Sectional Property within the said land parcel.

My/Our details are as follows:

Name	*ID/PP No*	Unit No.	*Address*	Signature
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

Form SP 8 (r. 9(3)(a),(b))

SECTIONAL PLAN REGISTER AND CORPORATION REGISTER (FREEHOLD)

SECTIONAL PLAN NO .....

PART A - PROPERTY SECTION	
Edition: Opened:	Particulars of Sectional Property
Registration Section:	Proprietor .....
Parcel Number (Orig. Parcel no.)	User .....
Approximate Area ..... Ha No. of Units	

Cadastral Map Sheet No ..... Cadastral Plan No.	Easements .... For Appurtenance See Registered Lease

PART B: PROPRIETORSHIP SECTION				
CORPORATION				
Entry No.	Date	Name of Corporation	Address	Initials of Registrar
BOARD MEMBERS				
Entry No.	Date	Name of Board member/ Changes in Membership	Address	Initials of Registrar
CHANGE OF BY-LAWS				
Entry No.	Date	Change in the By-law	Address	Initials of Registrar

Form SP 9 (r .9(3)(a), (b), 24(2))

SECTIONAL PLAN REGISTER AND CORPORATION REGISTER (LEASEHOLD)

SECTIONAL PLAN NO .....

PART A -PROPERTY SECTION		
Edition: Opened:	Particulars of Sectional Property	
Registration Section:	Lessor	
Parcel Number (Orig. Parcel no.)	Lessee..... User	
Approximate Area ..... Ha Total unit factor	Rent ..... Term ..... From	
Cadastral Map Sheet No.....	Easements	
Cadastral Plan No	For Appurtenance See Registered Lease	

PART B : PROPRIETORSHIP SECTION				
CORPORATION				
Entry No.	Date	Name of Corporation	Address	Initials of Registrar

BOARD MEMBERS				
Entry No.	Date	Name of Board member/Changes in Membership	Address	Initials of Registrar
CHANGE OF BY-LAWS				
Entry No.	Date	Change in the By-law	Address	Initials of Registrar

---

Form SP 10 (r .9(3)(b), 24(2))

CERTIFICATE OF IN CORPORATION

This is to certify that the Owners, Sectional plan No. ..... in the County of ..... has been duly registered as a corporation on this ..... day of ... .20 under my hand and the seal of ..... Land Registry.

.....

Land Registrar

Form SP 11 (r .9(5))

UNIT REGISTER (FREEHOLD)

Edition:	PART A - PROPERTY SECTION	
Opened:	User:	Nature of Title
Registration Section		Freehold

Unit Number ..... and ..... one Ten thousandth		

Shares in the Common Property Therein		
Approximate Unit Floor Area .....m^2		
(Original Parcel/Unit Number .....)		
Sectional Plan N umber		

PART B - PROPRIETORSHIP SECTION

Entry No.	*Date*	*Name of Registered Proprietor*	*Address or Description of Reg. Proprietor*	*Consideration and Remarks*	*Signature of the Registrar*

PART C - ENCUMBRANCE SECTION

Entry No.	*Date*	*Nature of Encumbrance*	*Further Particulars*	*Signature of Registrar*

Form SP 12 (r .9(5))

UNIT REGISTER (LEASEHOLD)

Edition:	PART A - PROPERTY SECTION	
Opened:	Easement, etc	Nature of Title
Unit Number ..... and ..... One Ten Thousandth Shares in the Common Property Therein	Lessor ..... Lessee ..... Rent ..... User ..... Term ..... Years ..... From	Leasehold
Approximate Unit Floor Area m2		
(Original Parcel/Unit Number .....)		
Sectional Plan Number		

PART B - PROPRIETORSHIP SECTION

Entry No.	*Date*	*Name of Registered Proprietor*	*Address or Description of Reg. Proprietor*	*Consideration and Remarks*	*Signature of the Registrar*

PART C - ENCUMBRANCE SECTION

Entry No.	*Date*	*Name of Registered Proprietor*	*Address or Description of Reg. Proprietor*	*Consideration and Remarks*	*Signature of the Registrar*

Form SP 13 (r .9(6))

CERTIFICATE OF TITLE FOR SECTIONAL PROPERTY

Title Number .....

Unit Number ..... and ..... one ten thousandth shares in the common property herein.

Approximate Unit Floor Area .....m2 User .....

Sectional Plan No.

.....

THIS IS TO CERTIFY THAT

.....

.....

.....

is (are) now registered as the absolute owner(s) of the freehold interest comprised in the above mentioned title, subj ect to such of the overriding interests set out in section 28 of the Land Registration Act (Cap. 300) as may for the time being subsist and af fect the unit.

GIVEN under my hand and seal of the

.....

Land Registry this ..... day of

..... 20 .....

.....

Land Registrar

At the date stated on the front hereof, the following appeared in the register relating to the unit:

Edition:	PART A - PROPERTY SECTION	
Opened:	Easement, etc	Nature of Title
Registration Section		
Unit Number ..... and ..... One Ten Thousandth Shares in the Common Property Therein		Freehold
Approximate Unit Floor Area m2		
(Original Parcel/Unit Number)		
Sectional Plan Number		

PART B - PROPRIETORSHIP SECTION

Entry No.	Date	Name of Registered Unit Owners	Address and Description of Registered Unit Owner	Consideration and Remarks	Signature of Registrar

PART C - ENCUMBRANCE SECTION

Entry No.	Date	Name of Encumbrance	Further Particulars	Consideration and Remarks	Signature of Registrar

---

Form SP 14 (r .9(6))

CERTIFICATE OF LEASE FOR SECTIONAL PROPERTY

Title Number .....

Unit Number ..... and ..... one ten thousandth shares in the common property herein

Approximate Unit Floor Area ..... M^2

User ..... Rent .....

Term ..... Years from .....

Sectional Plan No .....

THIS IS TO CERTIFY THAT .....

.....

.....

is (are) now registered as the unit owner(s) of the leasehold interest comprised in the above mentioned title, subject to such of the overriding interests set out in section 28 of the Land Registration Act (Cap. 300) as may for the time being subsist and affect the unit.

GIVEN under my hand and seal of the .....

Land Registry this ..... day of ..... 20 .....

.....

Land Registrar

At the date stated on the front hereof, the following appeared in the register relating to the unit:

Edition	PART A - PROPERTY SECTION

Opened:	Easement, etc.	Nature of Title
Registration Section		
Unit Number ..... and ..... One Ten Thousandth Shares in the Common Property Therein	Lessor ..... Lessee ..... User ..... Rent ..... Term ..... Years From	Leasehold
Approximate Unit Floor Area m2		
Approximate Unit Floor Area m2		
(Original Parcel/Unit Number .....)		
Sectional Plan Number		

PART B - PROPRIETORSHIP SECTION

Entry No.	*Date*	*Nature of Encumbrance*	*Further Particulars*	*Signature of Registrar*

PART C - ENCUMBRANCE SECTION

Entry No.	Date	Name of Registered Unit Owners	Address and Description of Registered Unit Owner	Consideration and Remarks	Signature of Registrar

---

Form SP 15 (r . 16)

CONSENT OF UNIT OWNER(S) FOR SUB-DIVISION OR CONSOLIDATION OF A SECTIONAL PLAN

Reference is made to an application by ..... the registered owner(s) of unit(s) number ..... for Sub-Division/Consolidation of the unit(s).

I/We, ... of Post Office Box Number ..... being the registered owner(s) of the below listed unit(s) HEREBY CONSENT to Sub-Division/Consolidation of the units. I/We further confirm and under take that in the event of the Commission exercising its statutory power of sale we shall issue a Share Certificate in favour of the Purchaser.

Name of Unit Owner	ID/PP No.	Unit No.	Postal Address	E-mail Address	Signature	Date
.....						.....
.....						.....
.....						.....

Form SP 16 (r . 18(2), (4))

APPLICATION FOR CONVERSION OF SUB-LEASES/LONG-TERM LEASES

To the Land Registrar

..... Land Registry

I the developer/Management Company/I/We, the owner(s) of Units built on land parcel no..... on this ..... day of ..... 20 .....

hereby apply for registration and issuance of certificates of lease/title under the Sectional Properties Act.

The following documents are enclosed.

	Document/Instrument	Number *(where applicable)*	confirmed
1.	Sectional Plan		
2.	Sub-leases/Long-term leases		
3.	Original Title of the land parcel		
4.	Certificate of title		
5			

My/Our details are as follows

Name	*ID/PP No.*	*Unit No.*	*Address*	*Signature*
.....	.....	.....	.....	.....
.....	.....		.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

Form SP 17 (r . 25 (1))

NOTICE OF INTENTION TO RENT (ISSUED TO THE CORPORATION)

To;

(Name of Corporation)

I/We the owner(s) of Unit No. intend(s) to rent out my unit and for purposes of service of a notice under Regulation 23, please use:

NAME .....

TEL; .....

E-mail: .....

P.O. Box .....

I hereby give my undertaking that I shall be liable for any damages caused by the tenant.

(Signed) Name of Owner(s)

Form SP 18 (r . 25(2),(3))

NOTICE OF TENANCY/END OF TENANCY TO CORPORATION

To:

(Name of Corporation)

I/We .....the owner(s) of Unit No..... has/have entered into/ended a tenancy agreement with the person whose details are as hereunder:

NAME (of tenant) .....

ID NO .....

PIN NO. .....

TEL:.....

E-mail:

.....

P.O.Box .....

(Signed) Name of Owners(s)

Form SP 19 (r . 26(1))

CORPORATION NOTICE TO UNIT OWNER ON BREACH OF BY-LAWS BY TENANT

To:

Name .....

Owner Unit No .....

This is to notify you pursuant Section 45 of the Sectional Properties Act (Cap. 286) that the tenant currently in occupation of Unit No. has caused the contravention/has contravened the by-laws by:

1. .....
2. .....

Please take necessary action to ensure compliance within ..... days from the date hereof.

If necessary action is not taken within the period specified, a vacation notice shall be issued to the tenant pursuant to Section 46(2) of the Sectional Properties Act (Cap. 286) without further reference to you.

(signed) (name of person signing)

FOR: (Name of Corporation)

Form SP 20 (r . 26(2))

VACATION NOTICE TO TENANT BY CORPORATION

To

(Name & addresss of tenant)

Unit No. .....

This is to notify you that you are required to vacate Unit No ..... pursuant to Section 46(2) of the Sectional Properties Act (Cap. 286) within ..... days from he date hereof having caused the contravention/contravened the by-laws by:

1 .....

2 .....

3 .....

TAKE NOTE that the Corporation shall take all necessary action to ensure compliance of this notice upon expiry of the specified period.

(signed) (name of person signing)

FOR: (Name of Corporation)

Form SP 21 (r . 27(1))

PUBLIC NOTICE ON THE TERMINATION OF SECTIONAL STATUS

Whereas Owners of Sectional Plan No ..... of P.O. Box in the Repubic of Kenya, are registered as proprietors in absolute or leasehold interest of all the Units numbered *(in the format: Registration Unit/Block no/parcel no/unit no.s)* ..... situated in the County of ..... Whereas evidence has been adduced to show that a unanimous resolution of the ow ners has been reached to term inate the sectional status, notice is given that after the expiration of ninety days (90) fr om the date hereof I shall terminate the sectional status provided that no objection has been received within that period.

Dated the ..... day of ..... 20.....

.....

Land Registrar

Form SP 22 (r. 30)

NOTICE OF CHANGE OF ADDRESS OF THE CORPORATION

TO: LAND REGISTRAR

The Owners, Sectional Plan No. ..... hereby give notice that by a resolution of the Board dated..... it has designated .....

.....

.....

.....

.....

..... as the address at which documents may be served on the Corporation.

Dated this ..... day of ..... 20 .....

The Seal of the Owners, Sectional Plan No. .....was affixed on ..... in the presence of .....

.....

Members of the Board

Form SP 23 (r. 31)

NOTICE OF CHANGE OF BOARD MEMBERSHIP

The Owners, Section Plan No ..... hereby gives notice that on the ..... day of ..... 20 ..... the following persons were appointed members of the Board of the Owners, Sectional Plan No .....

Name	*ID No*	*Address*

.....	.....	.....
.....	.....	.....

Notice is also given that on the ..... day of ..... 20 ..... the following persons ceased to hold office as members of the Board:

Name	*ID No*	*Address*
.....	.....	.....
.....	.....	.....

The members of the Board are as of this date;

Name	*ID No*	*Address*
.....	.....	.....
.....	.....	.....

Dated this ..... day of ..... 20 .....

The Owners, Sectional Plan No. ..... was affixed on ..... in the presence of .....

.....

Members of the Board

Form SP 24 (r. 32(1))

NOTICE OF CHANGE OF CORPORATION MEMBERSHIP ON EXIT OF UNIT OWNER

The Owners, Section No. ..... hereby gives notice that on the ..... day of ..... 20 ..... the following persons exited the corporation.

Name	*ID No*	*Address*
.....	.....	.....

....

....

The following person(s) joined the Corporation in place of those who exited.

Name	ID No	Unit No.	Address
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

Dated this ..... day of ..... 20 .....

The Seal of the Owners, Sectional Plan No ..... was affixed on ..... in the presence of .....

.....

Members of the Board

SECOND SCHEDULE [r. 29(7)]

SECTIONAL PROPERTIES CORPORATION BY-LAWS

THE OWNERS OF SECTIONAL PLAN NO. (to specify the number given to the plan on registration)

(Made pursuant to section 29 of the Sectional Properties Act (Cap. 286)

1. Name and address

(1) The corporation shall be called "The Owners of Sectional Plan No.... Corporation" hereinafter referred to in these by-laws as "The Corporation" and it is registered in_ [ ] Registration Unit within_ [ ] County.

(2) The registered office of the Corporation shall be at ..... and the postal address shall be .....

(3) Notice of any change of address shall be given to the Registrar within thirty days of the date the resolution of the board to change address is taken.

2. Interpretation

(1) In these By-laws, unless the context otherwise suggests words or phrases shall be defined and interpreted in accordance with the Sectional Properties Act (Cap. 286) and the Regulations made there under hereinafter referred to as the "Act" and "Regulations", respectively.

(2) In these by-laws save as otherwise expressly stated—

"general meeting" means an annual general meeting or extra-ordinary general meeting convened physically or virtually or hybrid of the two, by the Corporation to conduct business of the Corporation;

"tenant" means a person renting a unit.

(3) The rights and obligations given or imposed on the Corporation or the owners under these by-laws are in addition to any rights or obligations given or imposed on the Corporation or the owners under the Act.

3. Objects

(1) These By-laws are made pursuant to section 29 of the Act to provide for the control, management and administration of the units, the movable and immovable property of the Corporation and the common property.

(2) In addition to the by-laws prescribed herein, the Corporation may pursuant to the Act customize by-laws to suit the specific needs of a specific development.

4. Duties of the owner

An owner shall—

(a) permit the Corporation and its agents, at all reasonable times, on notice (except in case of emergency when no notice is required), to enter his unit for the purposes of—

(i) inspecting the unit;

(ii) maintaining, repairing or replacing pipes, wires, cables and ducts existing in the unit and used or capable of being used in connection with the enjoyment of any other unit or common property;

(iii) maintaining or repairing the common property; or

(iv) ensuring compliance to the by-laws;

(b) forthwith carry out all work that may be required by the Corporation pursuant to these by-laws or as required by a county government or other public authority in respect of the unit, other than any work for the benefit of the building generally; and pay all rates, rent, taxes, charges and assessments that may be payable in respect of the unit;

(c) maintain the unit in a state of good repair;

(d) immediately notify the Corporation of—

(i) any change in the ownership of the unit; or

(ii) any charge registered against the unit; and

(e) not make structural, mechanical or electrical alterations to his unit or to the common property without the prior written consent of the board, which shall not be unreasonably withheld; and

(f) prior to making any alteration give to the board not less than fourteen days' notice in writing (including a description of the proposed alteration) before the intended date of commencement of the proposed alteration and shall not commence the same until such written consent as aforesaid has been received by him.

5. Powers of the Corporation

(1) The Corporation may—

(a) acquire movable property to be used—

(i) for the maintenance, repair or replacement of the immovable or movable property of the Corporation or the common property; or

(ii) by owners in connection with their enjoyment of the immovable and movable property of the body corporate or the common property;

(b) borrow money required by the Corporation for the better performance of its duties or the exercise of the powers of the Corporation, subject to the borrowing limit allowed by owners in an annual general meeting;

(c) secure the repayment of money borrowed by the Corporation and interest on that money by a negotiable instrument, a mortgage on unpaid contributions (whether levied or not), or a mortgage or charge over any property not being immovable property owned by the Corporation or by any combination of those means;

(d) pursuant to section 32 of the Act, charge interest on any contribution owing to it by an owner at the rate not exceeding the base lending rate as published by the Central Bank of Kenya from time to time or as may be fixed by resolution of the Corporation in general meeting;

(e) where the unit is rented, recover from rent accruing to the owner any contributions that are owing;

(f) make an agreement with an owner or tenant of a unit for the provision of amenities or services by the Corporation to the unit or to the owner or tenant of the unit;

(g) where the supply of electricity or water or gas to a unit is regulated by means of a sub-meter, require the owner or other occupier of the unit to pay to the Corporation by way of security for the payment of charges arising through the sub-meter an amount not exceeding shillings..... and if any amount is so paid is applied by the Corporation to meet such utilities, to pay such further amount or amounts by way of such security as may be necessary to maintain the amount of the security as, subject to this paragraph, the Corporation may require;

(h) if the owner or other occupier of a unit in respect of which a sub-meter is used for the supply of electricity or water or gas refuses or fails to pay any charges due for the supply of electricity or water or gas to that unit, apply in payment of those charges all, or such part as is necessary; of any amount paid to the Corporation by that owner or occupier under paragraph (f) including any interest that may have accrued in respect of that amount under paragraph (2)(a);

(i) by agreement with a particular owner, grant the particular owner the exclusive use and enjoyment of part of the common property or special privileges in respect of the common property or any part of it in accordance with section 40 of the Act;

(j) give notice to the owner of the unit if the tenant occupying the unit is in breach of the by-laws as provided in the Regulations; and

(k) give notice to a tenant to vacate the premises if the owner fails to take necessary action as per notice given under paragraph (j) and the by-laws.

(2) The Corporation shall—

(a) lodge every sum received under paragraph (1)(g) to the credit of an interest bearing account with a bank to be determined by the Corporation and all interest accruing in respect of amounts so received shall, subject to paragraph (1)(g), be credited to the account of the Corporation;

(b) maintain in a state of good and serviceable repair, the fixtures and fittings (including lifts) existing on the property and used or capable of being used in connection with the enjoyment of more than one unit or the common property;

(c) where a person who has paid an amount under paragraph (1)(g) to the Corporation satisfies the Corporation that the person is no longer the owner or occupier of a unit and that the Corporation

no longer has any liability or contingent liability for the supply of electricity or water or gas or other utilities to that unit during the period when the person was an owner or occupier of the unit, refund to that person the amount then held on his behalf under paragraph (1)(g);

(d) where practicable, establish and maintain suitable lawns and gardens on the common property;

(e) maintain, repair and where necessary, renew sewers, pipes, wires, cables and ducts existing on the property and used or capable of being used in connection with the enjoyment of more than one unit or the common property; and

(f) on the written request of the owner or a registered chargee of his unit, produce to the owner or chargee, as the case may be, (or to a person authorized in writing by the owner or chargee) all policies of insurance effected by the Corporation together with the receipts for the last premiums paid in respect of the policies, and shall also if requested so to do in accordance with the provisions of section 39 of the Act provide copies to such owner, chargee or authorized person.

6. Election of the Board

(1) The Board shall consist of not less than three and not more than nine persons.

(2) Notwithstanding paragraph (1), if there are not more than two owners, the Board may consist of all the owners.

(3) A person shall not be a member of the Board unless that individual has attained the age of eighteen years.

(4) The constitution of the Board shall, where practicable, comply with the requirements of the Constitution of Kenya relating to gender and shall ensure balanced and wider representation of various types of unit owners in the property.

(5) In determining the number of owners for the purposes of this by-law and of by-law 5, the co-owners of a unit or more than one unit shall be deemed to be one owner and a person who owns more than one unit shall also be deemed to be one owner.

7. Eligibility to sit on the Board

(1) The Board shall comprise of unit owners elected at a general meeting.

(2) The Board may co-opt not more than two persons who are not owners to represent other interests.

Provided the co-opted members of the board shall not vote or be counted when determining quorum of the meeting.

(3) Notwithstanding paragraph (1)—

(a) if there are co-owners of a unit, only one of the co-owners shall be eligible.

(b) an owner who has not paid to the Corporation the contribution due and owing in respect of his unit is not eligible for election to the Board.

8. Voting

(1) At an election of members of the Board, each person entitled to vote may vote for the same number of nominees as there are vacancies to be filled on the Board.

(2) Where a meeting is held virtually, owners or proxies m ay vote virtually.

9. Term of office

(1) The term of the members of the Board shall be three years with one third of the members of the Board retiring annually on a rotational basis determined by lot.

(2) Elections to fill the vacancies created by retiring members shall be conducted immediately on their date of retirement without limiting the retiring members' right to offer themselves for re-election.

(3) The chairperson, treasurer and secretary shall be exempt from the rotational retirement until expiry of the term of the Board.

(4) Each member of the Board shall remain in office until—

(a) the office becomes vacant under by-law 10;

(b) the member resigns;

(c) the member is removed under by-law 11; or

(d) his term of office expires,

whichever comes first.

10. Removal of a member of the Board

The Corporation may, by special resolution at a meeting, remove a member of the Board before the expiration of the member's term of office and appoint another person in his or her place to hold that office for the remainder of the term.

11. Vacating of the office of a member of the Board.

The office of a member of the Board is vacated if the member—

(a) ceases to own a unit;

(b) becomes bankrupt under the Insolvency Act (Cap. 53);

(c) is more than ninety days in arrears in payment of any contribution required to be made by him as an owner;

(d) is the subject of a certificate of incapacity issued by a certified medical doctor;

(e) is convicted of and is sentenced to imprisonment for an offence of more than six months;

(f) resigns his office by serving notice in writing on the Corporation;

(g) is absent from more than three consecutive meetings of the board without written notification to the board and it is resolved at a subsequent meeting of the board that his office be vacated; or

(h) dies.

12. Vacancy

When a vacancy occurs on the Board in accordance with by law 9 and 11 the Board may appoint a person to fill that vacancy for the remainder of the term.

13. Officers of the Corporation

(1) At the first meeting of the members of the Board held after the meeting of the Corporation at which they were elected, the board shall designate from its members a chairperson, vice chairperson, secretary and treasurer of the Corporation.

(2) Notwithstanding paragraph (1) the Board may designate one person to fill the vacancy in the office of secretary and treasurer.

(4) In addition to any other duties assigned to the officers by the Board—

(a) the chairperson or, in the event of his absence or disability the vice-chairman—

(i) is responsible for the daily execution of the business of the Corporation; and

(ii) shall preside the meetings of the Board;

(b) the secretary or, in the event of his absence or disability another member of the Board designated by the board—

(i) shall record and maintain all the minutes of the Board;

(ii) is responsible for all the correspondence of the Corporation;

(iii) shall carry out his duties under the direction of the chairperson and the Board;

(iv) shall give on behalf of the Corporation and of the Board all notices required to be given under the Act; and

(v) shall call for nominations of candidates for election as members of the Board;

(c) the treasurer or, in the event of his absence or disability another member of the Board designated by the Board, shall—

(i) receive all money paid to the Corporation and deposit it as the board may direct;

(ii) properly account for the funds of the Corporation and keep such books as the board directs;

(iii) present to the board when directed to do so by the Board a full detailed account of receipts and disbursements of the Corporation;

(iv) prepare for submission at the annual general meeting—

(A) a budget for the forthcoming fiscal year of the Corporation; and

(B) an audited statement for the most recently completed fiscal year of the Corporation; and

(v) notify owners of any contributions levied pursuant to this Act.

(5) A person ceases to be an officer of the Corporation if he ceases to be a member of the Board.

(6) If a person ceases to be an officer of the Corporation, the Board shall designate from its members a person to fill that vacancy for the remainder of the term.

(7) If a Board consists of not more than three persons, those persons may perform the duties of the officers of the Corporation in such manner as the Board may direct.

14. Majority vote and quorum of the Board

(1) At meetings of the Board, all matters shall be determined by majority vote and in the event of a tie vote, the chairperson is entitled to a casting vote in addition to his original vote.

(2) A quorum for a meeting of the board shall be of more than half of the members of the Board.

15. Written resolution

A written resolution of the Board signed by the chairperson and the secretary of the Board has the same effect as a resolution passed at a meeting of the Board duly convened and held.

16. Seal of the Corporation

(1) The Corporation shall have a corporate seal that shall not be used except—

(a) under the authority of a resolution of the Board;

(b) in the presence of not less than two members of the Board who shall sign the instrument to which the seal is affixed.

(2) Notwithstanding paragraph (1), if the corporation is comprised of two unit owners, one member may be authorized by the Board to use the seal and sign the instrument to which the seal is affixed.

17. Signing authority

The Board shall prescribe, by resolution—

(a) those officers or other persons who are authorized to sign cheques, drafts, instruments and other documents not required to be signed under the seal; and

(b) the manner, if any, in which the cheques, drafts, instruments and other documents are to be signed.

18. Powers of the Board

(1) The Board shall—

(a) meet at the request of the chairperson to conduct its business and adjourn and otherwise regulate its meetings;

(b) meet when a member of the Board gives to the other members not less than seven days' notice of a meeting proposed by him specifying the reason for calling the meeting; and

(c) where the chairperson and the vice-chairperson are not present at the meeting, the Board members present will elect an interim chair for purposes of the meeting.

(2) The Board may on behalf of the Corporation procure the services of a property manager or any agent or employ persons it deems necessary to control, manage and administer the movable and immovable property of the Corporation and the common property and in that respect may authorize those persons to exercise the powers of and carry out the duties of the Corporation.

(3) The Board may, subject to any restriction imposed on it or direction given to it at a general meeting of the Corporation delegate to any of its members any or all of its powers and duties as it thinks fit, and may at any time revoke that delegation.

19. Duties of the board

The Board shall—

(a) cause proper books of account to be kept in respect of all money received and expended by it and the matters in respect of which the receipt and expenditure takes place;

(b) prepare financial statements relating to all money of the Corporation and the income and expenditures of the Corporation for each annual general meeting;

(c) maintain financial records of all the assets and liabilities of the Corporation;

(d) submit to the annual general meeting an annual report consisting of the financial statements and such other information as the board may determine or as may be directed by a resolution passed at a general meeting;

(e) on the application of an owner or chargee of a unit (or of any person authorized in writing by him) make the books of account available for inspection at a reasonable fee at all reasonable times.

20. Procedure at meetings

All meetings of the Board and general meetings shall be conducted according to the rules of procedure adopted by the Board.

21. Extraordinary meeting

(1) The board—

(a) shall, on the written request of the owners entitled to vote and who represent not less than twenty-five per cent of the unit owners, convene a meeting; and

(b) may, whenever it considers it proper to do so, convene a meeting.

(2) If the Board does not within twenty-one days after the date of the making of a requisition under paragraph (1)(a) proceed to convene an extraordinary general meeting, the requisition or any of them representing more than one-half of the aggregate unit entitlement of all of them, may themselves, in the same manner as nearly as possible as that in which meetings are to be convened by the board, convene a n extraordinary general meeting, but any meeting so convened shall not be held after the expiration of three months from the date on which the requisition was made.

22. Notice of meeting

(1) When an annual general meeting or any other meeting is to be convened, the Board shall, not less than twenty-one days prior to the day on which the meeting is to be convened, give each owner written notice of the meeting stating—

(a) the place, date and time at which the meeting is to be convened; and

(b) the nature of any special business, if any, to be brought forth at the meeting.

(2) On being notified by a chargee entitled to vote under section 24 of the Act that the charge wishes to be notified on meetings, the board shall give to that chargee the same notices required to be given to the owner under paragraph (1).

(3) At annual general meeting or any other meeting or anything done at that meeting is not invalid by reason only that a person did not receive a notice given under paragraph (1) in respect of that meeting.

23. Quorum at meeting of the Corporation

(1) Except as otherwise provided by these by-laws, no business shall be transacted at an annual general meeting or any other meeting unless a quorum of persons entitled to vote are present or represented by proxy, at the time when the meeting commences.

(2) A quorum for an annual general meeting or any other meeting consists of not less than twenty-five per cent of all the persons entitled to receive notice under by-law 22 being present in person or represented by proxy at that meeting.

(3) If within thirty minutes from the time appointed for the commencement of an annual general meeting or any other meeting a quorum is not present, the meeting shall stand adjourned to the corresponding day in the next week at the same place and time and if at the adjourned meeting a quorum is not present within thirty minutes from the time appointed for the commencement of the meeting, the persons entitled to vote who are present or represented by proxy constitute a quorum for the purpose of that meeting.

(4) Notwithstanding paragraph (3), if the corresponding day following the adjournment is public holiday, the meeting shall be held on the day before the public holiday.

24. Procedure at meeting of the Corporation

(1) The chairperson or, in the event of his absence or disability, the vice-chairperson or other officer, shall preside at the annual general meeting or at any other meeting.

(2) The order of business at an annual general meeting and, as far as practicable at any other meeting, shall be as follows—

(a) call to order by the chairperson;

(b) call of the roll and certification of proxies;

(c) reading of notice of the meeting;

(d) adoption of the Agenda;

(e) confirmation of previous minutes and matters arising;

(f) reports from officers;

(g) reports from committees (if any);

(h) presentation of the audited accounts;

(i) appointment of an auditor for the ensuing year;

(j) presentation of ensuing year's budget for approval;

(k) determination, where necessary, maximum borrowing powers of the Corporation;

(l) constitution of the Disputes Resolution Committee;

(m) the passing of resolutions;

(n) new business;

(o) election of members of the Board;

(p) any other business;

(q) closure of the meeting.

25. Voting

(1) At an annual general meeting or at any other meeting a resolution shall be voted on by a show of hands unless a poll is demanded by a person entitled to vote and present in person or by proxy, and unless a poll is so demanded, a declaration by the chairperson that a resolution has on the show of hands been carried is conclusive proof of the fact without proof of the number of proportion of votes recorded in favour of or against resolution.

(2) If a person demands a poll, that person may withdraw that demand and on the demand being withdrawn the vote shall be taken by a show of hands.

(3) A poll, if demanded, shall be conducted in a manner directed by the chairman, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

(4) In the case of a tie in a vote taken at an annual general meeting or at any other meeting, whether on a show of hands or on a poll, the chairman of the meeting is entitled to a casting vote in addition to his original vote.

26. Number of votes

(1) If a vote is taken by a show of hands, each person entitled to vote has one vote.

(2) If a vote is taken by a poll, the number of votes that a person may cast shall correspond to the unit factors for the respective units represented by that person.

27. Votes at an annual general meeting or other meeting

Except for matters requiring a special resolution or unanimous resolution, all matters shall be determined by a majority vote.

28. Manner of voting

On a show of hands or on a poll, votes cast may be given either personally or by proxy.

29. Appointment of proxy

An instrument appointing a proxy shall be in writing in Form SP 25 set out to the Schedule under the hand of the person making the appointment or of his duly appointed attorney, and may be either general or for a particular meeting, but a proxy need not be an owner.

30. Restriction on voting

(1) Except as provided for in paragraph (2) of this by-law or section 24 of the Act, there are no restrictions or limitations on an owner's right to vote at an annual general meeting or at any other meeting.

(2) If, at the time of an annual general meeting or of any other meeting an owner has not paid to the Corporation all contributions that are due and owing in respect of his unit, that owner shall be ineligible to cast a vote at that meeting in respect of any resolution other than a special resolution or a unanimous resolution.

(3) An owner's ineligibility to cast a vote does not affect the right of the chargee first entitled in priority in respect of a charge registered against the title of that owner's unit to vote in accordance with the Act.

31. Vote by co-owners

(1) If a unit is owned by more than one person, those co owners may vote personally or by proxy and—

(a) in the case of a vote taken by a show of hands, those co-owners are entitled to one vote between them; and

(b) in the case of a vote taken by a poll, a co-owner is entitled to the portion of the vote applicable to the unit as is proportionate to his interest in the unit.

(2) A co-owner may demand that a poll be taken.

32. Signed resolution majority vote

If a resolution of the members of the Corporation requires a majority vote, that resolution signed in person or by proxy by all the persons who, at a properly convened annual general meeting or other meeting, would been titled to vote, has the same effect as a resolution duly passed at the meeting.

33. Capital replacement reserve fund

(1) The Board shall establish and maintain a fund to be called the "Capital Replacement Reserve Fund" to be used for the repair or replacement of—

(a) immovable and movable property owned by the Corporation; and

(b) the common property,

when the repair or replacement does not occur annually.

(2) The Board may by resolution determine the amount that may be paid from the Capital Replacement Reserve Fund in respect of any single item of expenditure.

34. Amendment of by-laws

Notwithstanding by-law 20, if a by-law is to be amended, replaced or repealed, the persons entitled to vote shall be given written copies of the text of the proposed amendment, repeal or replacement not less than fourteen days prior to the day on which the special resolution is to be voted on.

35. Restrictions in use

(1) In this by-law—

(a) "occupant" means a person present in a unit or in or on the immovable or movable property of the Corporation or the common property with the permission of an owner;

(b) "owner" includes a tenant.

(2) An owner shall not—

(a) use or enjoy the immovable or movable property of the Corporation or the common property in such a manner as to interfere unreasonably with its use and enjoyment by other owners or the occupants;

(b) use his or her unit in a manner or for a purpose that will or may cause a nuisance or hazard to any other owner or occupant;

(c) use his or her unit for any purpose (illegal otherwise) which may be injurious to the reputation of the property;

(d) make undue noise in his or her unit or on or about any immovable property of the Corporation or the common property;

(e) keep an animal in his unit or in the immovable property of the Corporation or the common property after a date specified in a notice given to him by the Board;

(f) use his unit for any other use other than that indicated in the sectional plan;

(g) do anything in respect of his unit or the immovable or movable property of the Corporation or the common property or bring or keep anything on it that will in any way increase the risk of fire or result in an increase of any insurance premiums payable by the Corporation;

(h) use a toilet, sink, tub, drain, or other plumbing fixture for a purpose other than that for which it is constructed;

(i) hang or place on the immovable property of the Corporation or the common property or within a unit anything that is, in the opinion of the board aesthetically unpleasing when viewed from outside the units;

(j) leave articles belonging to his or her household on the immovable property of the Corporation or the common property when those articles are not in actual use;

(k) obstruct a sidewalk, walkway, passage, driveway or parking area other than for ingress and egress to and from his or her unit;

(l) use any portion of the immovable property of the Corporation or the common property except in accordance with the by-laws;

(m) use as fuel any substance or material which may give rise to smoke or fumes or obnoxious smells; or

(n) throw or allow to fall, any refuse or rubbish of any description on the common property or any part thereof except in refuse bins maintained by him or in refuse chutes provided in the building.

(3) An owner shall—

(a) ensure that any occupant of his unit complies with the requirements of paragraph (2) as if he or she was the unit owner;

(b) take all reasonable steps to ensure that his visitors do not behave in a manner likely to interfere with the peaceful enjoyment of the owner, occupier or other resident of any other unit or of any person lawfully using the common property; and

(c) take all reasonable steps to ensure that his visitors comply with any by-laws of the Corporation relating to the parking of motor vehicles.

(4) The Corporation may notify an owner who is in breach of paragraph (2) and (3) by clearly setting out the specific breaches and the consequent penalties levied against an owner.

(5) An owner may, without obtaining the consent of the Corporation paint, wall paper or otherwise decorate the structure which forms the inner surface of the boundary of his or her unit or office locking devices, flyscreens, furnishings, furniture, carpets and other similar things to that surface, if and so long as such action does not unreasonably damage the common property.

37. Acceptance

We the undersigned members of the Board of Owners Sectional Plan No [ ] Corporation do hereby accept and receive these by-laws for and on behalf of the Corporation.

TITLE NAME	I.D. NO.	SIGNATURE

CHAIRPERSON: .....

VICE CHAIRPERSON: .....

SECRETARY: .....

TREASURER: .....

OFFICIAL CERTIFICATION

I CERTIFY that the foregoing by-laws of the Owners Sectional Plan No [ ] Corporation have been approved and duly registered.

Given under my hand at ..... this ..... Day of ..... 20 .....

.....

Registrar

[ ] Land Registry

SCHEDULE

Form SP 25 (Bylaw 29)

[CORPORATION LETTERHEAD/NAME]

PROXY APPOINTMENT FORM

To:

The Chairman

I/We .....

of National ID No: ..... Tel: .....

P.O Box ..... and Email address .....

being the proprietor(s) of Unit No(s) .....

Appoint:

Name: .....of National ID No: .....

Tel No: ..... and Email address .....

to vote for me/us and on my/our behalf, at their discretion, on any matter properly before the special/annual general meeting to be held on ..... (day & date) at ..... (time) .....AM/PM or at any adjournment thereof.

I approve the registration of my/our proxy to participate in the said meeting and consent to use of the mobile number provided by my/our proxy above for purposes of communication and/or electronic voting.

Executed by said unit owner(s):

Name: ..... Signature: .....

Date:.....

Name: ..... Signature: .....