

27 August 2021

PARKING BAY DISPUTES IN RESIDENTIAL ESTATES AND SECTIONAL SCHEMES

In the case of Kingshaven Homeowners' Association v Botha and Others a homeowner was prohibited to park his vehicle anywhere other than in his own driveway or in his own garage.

The owner lived in a residential estate governed by a Homeowners Association, one of whose rules forbade the parking of owners' vehicles either in visitors' bays or in the street.

The owner was able to park only one of the three vehicle's that he owned in his own garage- he had a double garage, but could not use the one side because he used the space to store household equipment. He persistently parked his second vehicle outside his garage (it was large in size and meant that it impinged into the street), and his third vehicle in a visitor's bay.

Other owners complained and the Homeowners Association asked the High Court for an interdict against the owner in question. Such an interdict was granted by the Court.

The Court highlighted the importance of always familiarizing yourself with the exact wording of the rules and regulations as set out by a Homeowners Association or Body Corporate and to bear in mind that it remains within their right to enforce compliance with these rules.