

# Where the tenants come together

Dwellers in apartment building or development usually establish a Tenants' Committee. This body makes the rules that govern what can be done in the apartments and that determine what money is to be spent on shared property. The Tenants' Committee enforces the regulations of the apartment building or development, supervises common areas, and helps to resolve disputes among tenants.

## The building's regulations

The real estate contract that is signed between a buyer and a seller includes an article that binds the new resident to the articles of the building's ownership regulations. The enforcement of these regulations is overseen by a tenants' committee, which is established according to those some regulations. The main aim of this body is to bring together the residents of a building to discuss issues, to organize and fund maintenances, and to resolve any disputes. The committee handles matters such as electricity in the common areas, back-up generators, gardens, maintenance, and cleaning, which should keep the building in good condition.

## Electing the committee

The holder of the biggest number of shares in the block, whose identity is defined in the records of ownership regulations, is entitled to invite the other shareholders to the first general meeting, held for the main purpose of electing a president and the members of the committee. Very often, the developer will take the initiative in helping to form the first tenants' committee. Some articles concerning this process stipulate that the meeting be held on the premises of the project and that notification be made ten days before the specified date. The identity of the newly formed committee and its president may be registered at the Property Department, which is part of the Property Court, to give it legal status. This costs around LL 30,000 per signature per owner, and provides the committee with the right to act on behalf of all the other owners, or to take the legal action against on individual owner if the need arises. In practice, this step is very often ignored.

## Sharing maintenance expenses

The contribution made by each owner toward the general maintenance expenses normally depends on the nature of the expense and the percentage of shares specified for each unit in the ownership regulations. Sometimes, only one owner benefits from an item of expenditure. In such a case, the ownership regulations may specify that other owners need not share the cost. Lower floors may have fewer shares than those at the top and consequently pay a smaller percentage of shared expenses. This is justified, for example, by saying that a ground-floor owner makes little or no use of the elevator. However, this is not necessarily the situation in every case and increasingly, for simplicity's sake, shares are divided equally among all owners. At one project in Deek El Mehdi, there is a mathematical formula to allot a proportion of communal expenses. In block C, the total expense is said to be the equivalent of 1,000 units. Eight apartment owners each have responsibility for 111 of those units. The remaining 112 are held by the owner of a warehouse. In block D, a completely different set of calculations has been

made to apportion responsibility for maintenance and repairs. Here, the same nominal 1,000 units are divided with the owner of the top floor paying 153, and the apartments below being responsible for the rest equally.

### Cash for emergencies

The president of a building may levy regular payments in advance to cover general or emergency expenses, provided that the ownership regulations permit such measures. This saves the president from perpetually chasing after the owners asking for payment. The ownership regulation of a building in Antelias states that the head of the committee is entitled to carry only a certain sum of each – usually specified by the committee. The remaining amount collected is deposited in a bank account under the committee's name. The building regulations or the committee will specify the number of signature needed to withdraw money from the account.

### What you pay each month

The levied amount varies according to the cost of regular expenses and the number of residents in the building. Twelve owners of one project in Jal El Dib pay \$ 20 per month for costs of electricity in the corridors, elevator expenses, and maintenance, fuel for the generator, and so on. The same services cost the ten residents of a Zalka project \$ 50 per month, although they obtain a watchman and a garden as additional services. They also have the benefit of continuity at their meetings- the same man has been president of the tenants' committee for the past 15 years.

### Disputes about who pays what

Good intentions often fade when financial issues get in the way. Money is one of the basic factors that generate or resolve disputes. Installing a door for the parking area was set to cost the committee of a building \$ 1,100. This means that each resident of the 22 units would have to pay \$ 50. While one resident found this an unacceptable burden, her neighbor was asking for a more expensive door with remote control. Yet another resident considered \$ 1,100 too expensive, claiming that a door should not cost more than \$ 800. So which garage door was installed? For one, the remote control suggestion was not even considered. The person who mentioned the \$ 800 'estimate' failed to follow up and provide evidence of such a price. The question remains in limbo. What is certain is that if there is ever going to be a garage door, no one save the residents themselves will be paying for it. In a very different example, each of the ten residents of another building in Dhour Zalka agreed without a murmur to pay their share of an agreed \$ 2,000 to landscape a garden around their building. However, in yet another building, three of its nine residents are asking for a watchman, three more are opposed to the idea, and the remaining three appear not to care because they are not living in their apartments. Every time the first group hires someone, the second group fires him. One member of the third group noted that the building seemed to remain intact without a watchman.

### When legal action becomes necessary

Sometimes good intentions do a complete disappearing act when it comes to solving a problem, especially if one owner refuses to pay his share of the general expenses. However, pressure can be brought to bear on the recalcitrant party. It is part of the function of the president of the committee to send a first notice to the non-payer. If this does not work and the person still refuses to cooperate, the president can present the case in court and obtain a legal ruling. The results, though, can be mixed. One shareholder's possessions were sold at auction to retrieve the money for his unpaid bills. Feeling the heat of impending legal action, one owner finally paid his dues after receiving three written warnings.