

**Executive Regulation of the Apartments, Levels and Shops
Ownership Act issued
under Ministerial Resolution No. 50/89**

The Minister of Housing,

Having perused Royal Decree No. 26/75 to promulgate the law organizing the State's Administrative Body and the amendments thereto; Royal Decree No. 5/80 to promulgate Lands Law and the amendments thereto; and

Pursuant to the public interest exigencies,

Resolved:

Article (1):Provisions of the Executive Regulation annexed to the Apartments, Levels and Shop Act shall come into force.

Article (2): This Resolution shall be published in the official gazette and shall come into force from the date of its publication.

**Malik bin Suleiman Al Ma'amari
Minister of Housing**

Issued on : Sha'aban 22 , 1409, A.H.

Corresponding to: March 28, 1989 AD

**Executive Regulation of the Apartments, Levels
and Shops Ownership Act**

Article (1):The provisions of the present Regulation shall apply to the levels, apartments and shops in the existing buildings or those licensed to be built for the purpose of offering it fully or partially for ownership. The words and expressions set forth therein shall have the same meanings ascribed thereto in the Apartments and Levels Ownership Act promulgated under the aforementioned Royal Decree No. 48/89 unless the context provides otherwise.

Chapter One

Apportioned Parts and Common Parts

Article (2):The building may comprise of apportioned parts, which are the apartments, levels and shops. Each one of them shall be deemed as a Property Unit and shall have an independent owner. Ownership may be common between joint owners, unless the owners agree that each property unit shall have one owner only.

Article (3) :The owner shall enjoy, in so far as the law permits, the right of use, exploitation and disposal of the property owned by him. He may use it himself or with others, he may exploit it by renting it out to third parties and may dispose of it by way of sale, donation, mortgage, and by any other ways of disposal.

Article (4) :Owners of property units shall be deemed joint owners of the land, unless otherwise provided in the title deeds. The share of each one of them shall be fixed proportionally to the value of the part he owns in the building.

Article (5): Shall be deemed as common parts the land on which the building was erected and the other parts of the building intended for common use by the owners.

Article (6):Title deeds shall specify the common parts and apportioned parts of the building. Contracts must include an estimation of the value of the apportioned parts upon the construction of the building and shall be basically intended for determining the each owner's share on the common parts and such costs and expenses as are necessary therefor.

Article (7): Common parts shall be deemed jointly owned by the owners of the levels, apartments and shops and shall be indivisible. The share of each owner thereof shall be proportional to the value of the part he owns in the building. He may not dispose of this share independently from the part he owns.

Article (8): An owner must not make any alterations to the common parts without obtaining the consent of the other owners. He may without the consent of the owners make any such alterations that would facilitate the use of the common part without changing its allocation and without prejudice to the other owners, provided that he shall assume all relevant costs.

Article (9): An owner must not misuse the property unit owned by him and the common parts of the building in such a manner that would cause prejudice to the other owners. He must not carry out any action that may deteriorate the building or weaken its resistance. He must maintain any such tiles, wood panels and the like, which cover the floor and the ceiling of the property unit owned by him so that the floorings and ceilings, which are common parts, would not be affected by any default and negligence in maintenance.

Article (10): All owners shall be compelled to pay all costs of preservation, maintenance, management and repair of the common parts in the building. They shall be also bound to pay the costs of utilities, lifts and fees of the persons authorized to take care of these parts as well as the insurance premiums, municipality fees and other costs necessary for the property. This fact remains true irrespective of whether the owner fails to utilize the common parts in full or in part or to waive his share thereof. Every owner shall not contribute thereto beyond the value of the property unit as set forth in the title deeds unless otherwise agreed on.

Chapter Two

Obligations of Lower Level Owner

Article (11):The lower level owner must maintain all the apportioned parts he owns and carry out the works and refurbishments necessary therefor, failing which the court may order same to be carried out within an appropriate period of time to be prescribed by the court. Upon expiration of the prescribed period of time, the court may order the sale of the lower level and the owner of the upper level may obtain an authorization from the court to carry out the necessary refurbishments in the lower level at the expense of its owner.

Article (12):The owner of the upper level shall not be bound to carry out any refurbishments in the upper level so as to prevent its collapse.

Article (13):Upon the collapse of the building, the owner of the lower level must re-build the lower level, failing which the court may order the sale of such level and the owner of the upper level may obtain an authorization from the court to re-build the lower level at the expense of its owner so as to prevent the damage that might be caused to the upper level. He may prevent the owner of the lower level from occupying and utilizing the building until he pays the amounts due by him. He may obtain an authorization from the court to rent or occupy this level as settlement for his right.

Article (14):Should the collapse of the building be the fault of the owner of the upper level, the owner of the lower level may claim

an adequate compensation from the former and shall not be bound to re-build the lower level. However, should he re-build it, the owner of the upper level may build an upper level after paying the compensation.

Article (15):If the collapse is not the fault of the owner of the upper level, whether it's the fault of the owner of the lower level or not, the owner of the lower level must re-build the lower level. If the collapse is the fault of the owner of the lower level, he must compensate the owner of the upper level for the damage caused to him by the demolition of the upper level then re-build the lower level.

Chapter Three

Obligations of Upper Level Owner

Article (16):The owner of the upper level may not elevate, demolish or misuse his building or carry out any work that would increase the load on the upper level in such a manner that would damage the lower level. The owner of the lower level may obtain an authorization from the court to prevent him from doing so.

Article (17):The owner of the upper level must carry out such works as are necessary for maintaining the floor of the upper level made of tiles, wood panels or the like so that the ceiling of the lower level would not be affected from negligence in maintenance. The owner of the lower level may obtain an authorization from the court to carry out such refurbishments at the expense of the owner of the upper level.

Chapter Four

Property Management and Community of Owners

Article (18): A community of owners shall be formed for the property divided into levels, apartments and shops so as to manage the common parts thereof. The community may be formed for the purpose of buying or building properties and distributing the ownership of the parts thereof among the members.

Article (19): The community of owners shall enjoy a legal personality independent from the personality of its members and shall have an independent asset base.

Article (20): The resources of the community shall comprise of the following:

- Contributions of the members;
- Amounts decided to be collected from the members so as deal with the community's financial liabilities;
- Loans; and
- Donations and gifts.

Article (21): The community may, upon the approval of the majority of its members, develop by-laws so as to guarantee the good utilization and management of the common property. The provisions of the said by-laws shall apply to all owners, their heirs, and assigns of the level, apartment or shop. The said persons shall subrogate the owner to the membership of the community. The by-laws of the community may be amended only upon the approval of the majority of the owners on the basis of the value of each owner's share of the property.

Article (22): Upon the absence of a Management Regulation or if the Regulation did not address certain issues, the management of the common parts shall be carried out under individual resolutions passed by the majority of owners on the basis of the value of their shares. These resolutions shall be binding upon all owners even if they were not approved by the owners.

Article (23): The community may, upon the approval of all the owners, carry out new works or make alterations to all the building or any part thereof, and to the common parts in such a manner that would result in an increase in the value of the building. The new building shall be deemed jointly owned by them in proportion to the share of each.

Article (24): The community may grant the members loans so that they can honor their obligations, provided that the loan shall be guaranteed by the mortgage of the apportioned part owned by the member and his share of the common parts of the property. Such mortgage shall be calculated from the day of its registration.

Article (25): The community shall appoint a manager to represent it before third parties and courts even in litigations against the owners, if necessary. Upon the failure of the owners to elect the manager, the Minister of Housing shall pass a resolution appointing him. The community or the Minister of Housing, as the case may be, may determine the manager's remuneration, which shall be included in the property expenditures. All owners shall be liable for the payment of the said remuneration, in proportion to the share of each.

Article (26):The manager of the community shall have the following competencies:

- Execute the community resolutions and be responsible for the said execution;
- Request every owner to perform his obligations be they stipulated by the law, the community by-laws or the individual resolutions providing therefor and follow up same;
- Collect the members' contributions and financial liabilities;
- Carry out the needful for preserving, looking after and maintaining the common parts. When necessary, this may be executed at his own risk without any resolution to be passed by the community provided that the matter shall be referred thereto at the earliest meeting; and
- Put up periodic reports regarding the community's works, accounts and financial status.

Chapter Five

Registration of Property Unit

Article (27): Every owner shall register the ownership of the level, apartment, or shop allocated to him in the building. Every unit shall have a property record in which it shall be registered in accordance with the applicable regulation and provisions.

It shall include the following data and documents:

- A sketch showing the location and total area of the property;
- A sketch of each property unit and the area of each separately;
- A statement of the actual area of the building on the ground and the area of the common parts and the building utilities.
- Building requirements set by the competent municipality, the number of floors, apartments and shops in the building; and
- Title deeds and any other documents required from the owner.

Chapter Six

Final Provisions

Article (28): The Ministry of Housing and the administrative units affiliated thereto shall monitor the communities of owners so as to check whether they are formed and convened and supervise the works thereof; examine the complaints and grievances lodged by concerned parties and decide thereon.