

Tenant facing fines for keeping personal belongings in lobby: What are your rights?

Commonly shared areas in buildings: Who has authority to impose fines for non-compliance?

Published: July 02, 2024 15:23
Huda Tabrez, Living in UAE Editor



'Dubai Law No. 6 of 2019 On the Ownership of Jointly Owned Properties in the Emirate of Dubai' includes key definitions and articles, which elaborate on common-use areas in residential buildings. Picture used for illustrative purposes only.

Image Credit: Shutterstock

Dubai: When it comes to the use of commonly shared areas in your building, what are your rights when using them, and who has the authority to impose fines, in case of non-compliance?

A Gulf News reader who lives in Dubai wrote in, enquiring about his rights as a tenant and what the rules are when it comes to penalising tenants in cases that are disputed.

He wrote: "The building management company in my building is threatening to impose fines on anyone who keeps their personal belongings in the lobby. Do they have a right to impose any fines in this case? This party may or may not be fair in imposing the fines, and further they may deny me any rightful use of services or other building amenities in case of non-payment of the fine. I am an expatriate resident, what are my rights to counter the same? What will be my legal recourse?"

Gulf News raised the query with Navandeep Matta, Senior Associate at Kochhar and Co. legal consultants, who highlighted that 'Dubai Law No. 6 of 2019 On the Ownership of Jointly Owned Properties in the Emirate of Dubai' includes key definitions and articles, which elaborate on common-use areas in residential buildings.

As per Article (4)(a)(4) of the law, 'building management regulations must be prepared in accordance with the relevant bylaws issued by the Dubai Land Department and entered into the 'Jointly Owned Real Property Register'. These regulations state the procedures for maintenance of common parts and the percentages of contribution of owners in the relevant costs.

Article 6(b), goes on to outline the 'occupier's adherence' to these regulations, as follows: The occupier must adhere to the main complex system, statute, and building management system, to the extent applicable, and Article 39(D) states that "subject to the building management regulation, an occupant and their guests must use common parts only for their intended purposes and in a manner that does not prejudice the rights of others to use these common parts, disturb them, or endanger their safety or the safety of the Jointly Owned Real Property".

Commenting on the query raised by the reader, Matta said: "As an occupier, you are required to adhere to Article 6(b) Article 39 (d). In view of the above provisions, if the fines for keeping personal belongings in the lobby are stipulated in these building management regulations, then the building management company has the legal authority to impose them.

"The fines must be imposed fairly and transparently. The Building Management Company should provide proper notification and the opportunity to contest the fine. Any action denying access to amenities for non-payment of fines must also be explicitly allowed for by the Building Management Regulations and not be arbitrary or discriminatory."

If the fines for keeping personal belongings in the lobby are stipulated in these building management regulations, then the building management company has the legal authority to impose them."



- Navandeep Matta, Senior Associate at Kochhar and Co. legal consultants

Rights and recourse

He also laid down the process a tenant can follow in such cases:

1. Obtain and review the Building Management Regulations to understand the specific provisions regarding the use of the lobby and the imposition of fines.
2. If the rules are unclear or if you believe fines are being imposed unfairly, request a written clarification from the Building Management Company.

"The Building Management Company can impose fines only if they are acting within the scope of the Building Management Regulations approved by the DLD. You have several avenues for recourse, including internal dispute resolution, complaints to RERA, and legal action through the Dubai Courts," he added.