

**Royal Decree**

**No. (48/89)**

**To promulgate Apartments and Levels Ownership Act**

We, Qaboos bin Said,

Sultan of Oman,

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,

**Decreed as follows:**

**Article (1):** Provisions of the Apartments and Levels Act annexed hereto shall come into force.

**Article (2):** Notwithstanding the provisions of the aforementioned Lands Law, (companies fully owned by Omanis) may own lands to erect buildings thereon for the purpose of offering same for ownership.

**Article (3):** The Minister of Housing shall issue such resolutions as are necessary for implementing the provisions hereof.

**Article (4):** This Decree shall be published in the official gazette and shall come into force from the date of its publication.

**Issued on : Sha'aban 21 , 1409, A.H.**

**Corresponding to: March 20, 1989 AD**

**Qaboos Bin Said**

**Sultan of Oman**

# **Apartments and Levels Ownership Act**

## **Chapter One**

### **Definitions**

**Article (1):**The following words and expressions shall have the meanings set forth opposite to each unless the context provides otherwise.

#### **Apartment, Level or Shop:**

It means every apportioned part of the building solely owned by one or more owners, including in particular the partitions between rooms and all other fixtures such as water and gas pipes, electrical cables, sanitary ware and the like; as well as the external gate, doors, windows, balconies, tiles and wood panels covering the floors, ceilings and walls.

#### **Common Parts:**

All the other parts of the building, which are intended for common use by all the owners, including in particular the land on which were erected the building, foundations, main walls, entrances, courtyards, roofs, lifts, passageways, corridors, floor bases, ceilings, water and gas pipes, electrical cables (except for those which are within the level, apartment or shop), stairs, watchman's room and dwelling, garden or common gardens, entrances and parking lots.

#### **Registrable Property Unit:**

Every level, apartment or shop subject to the provisions of the present law within a specific location, borders and area, in such a manner that the parts thereof shall not be separated by any public or private domain.

**Section Two**  
**Chapter One**  
**General Provisions**

**Article (2):**1- Ministries, competent government authorities and companies fully owned by Omanis and individuals may construct buildings for the purpose of offering for ownership any of or all the levels, apartments and shops therein.

2- The provisions of the present Act shall apply to existing buildings for the construction of which a permit is issued after the present Act comes into force.

## Chapter Two

### Provisions of Apartments, Levels or Shops Ownership

**Article (3)** :Should there be more than one owner of the different levels, apartments or shops of the building, these owners shall be joint owners of the land and the parts of the building intended for common use by all of them, in particular, the foundations, main walls, entrances, courtyards, roofs, lifts, passageways, corridors, floor bases, and all types of pipes except those which are within the level, apartment or shop, unless otherwise mentioned in the title deed.

**Article (4)** :Every joint owner shall fully own, benefit from, expropriate the yields of and exploit his share without prejudice to the rights of the other joint owners.

**Article (5)**: The common parts of the building are indivisible and the share of each owner therein shall be proportional to the part he owns in the building. No owner may dispose of his said share independently from the part he owns.

**Article (6)**:Partitions between two apartments and two shops shall be jointly owned by the owners thereof.

**Article (7)**: Any apartment, level or shop owner may not make any alteration to the common parts of the building 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 (8)**a- The costs of preserving, maintaining, managing and renovating the common parts when necessary shall be contributed to by all the owners and divided between them proportionally to the share owned by each.

b- An owner must not waive his share in the common parts so as to avoid contributing to the aforementioned costs.

**Article (9)** 1- The owner of a lower level must carry out such works and refurbishments as are necessary for preventing the upper levels from collapsing.

2- Should he abstain from carrying out such refurbishments, the competent court may order same within an appropriate period of time prescribed thereby. If the refurbishments were not carried out before the end of such prescribed period, the court may order the sale of the lower level. In all cases, the court may order urgent refurbishments.

**Article (10)**:1- Upon the collapse of the building, the owner of the lower level must re-build it, failing which the court may order the sale of such level unless the owner of the upper level requests that he re-builds it himself at its owner's expense in so much as to prevent the damage that would be caused to the upper level.

2- In the last case, the owner of the upper level 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 (11)**:The owner of the upper level may not elevate, demolish or misuse his building in such a manner that would damage the lower levels.

### **Section Three**

#### **Property Management and Community of Owners**

**Article (12):**1- In the event of a joint ownership of a property divided into levels, apartments and shops, all the owners shall be committed to forming a community so as to manage the common parts of the property.

2- The community shall be formed for the purpose of building or purchasing properties so as to distribute the ownership of its parts among its members.

**Article (13):**The community of owners shall have a legal entity independent from the personality of its members as well as an independent asset base. It shall also have a manager who executes its resolutions.

**Article (14):**The community may, upon the approval of the majority of its members, develop a Regulation so as to guarantee the good utilization and management of the common property.

**Article (15):**Upon the absence of a Management Regulation or if the Regulation did not address certain issues, the community shall be entitled to the management of the common parts. In this regard, its resolutions shall be binding provided that all stakeholders shall be summoned by a registered letter to the meeting and that the resolutions shall be passed by the majority of the owners calculated on the basis of their shares.

**Article (16):**The Minister of Housing shall resolve to issue a typical regulation for the communities of owners so as to guarantee the utilization and good management of the common parts of the property. The Regulation shall include the method of

transacting business at the community, the rules determining the obligations and duties of its members and organizing the exercise of their rights and the rules of representation of the owners and the seller of the property if there is more than one.

**Article (17):**The Ministry of Housing and the administrative units affiliated thereto shall monitor the verification of whether the communities set out herein have been formed and supervise their works, and, in particular, may:

1. Verify whether the community has been formed and check the name of its members and legal representative.
2. Follow up the community's convening to the meeting so as to transact its business.
3. Look into the complaints and grievances lodged by the stakeholders against the community resolutions and decide thereon if necessary.

## **Section Four**

### **Registration**

**Article (18):** Each apartment, level or shop shall have a property record and its ownership shall be registered in accordance with the Regulation and provisions organizing same.