



Expenses succieli of the balconies and grills of the wolf mouths: to whom do they belong ?

In condominiums, the nature, private or common, of certain assets is not always clear to everyone.

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It is known that in an apartment building there are **common parts** and **private parts**. The former are charged to all owners, as a rule, called to contribute to the management costs in proportion to the thousandth value of the respective properties. The latter, on the other hand, are the sole responsibility of the individual, so the maintenance costs certainly cannot be attributed to the community.

Well, often, there is a quarrel in the passage from the theoretical rule to the practical case. This occurs in relation to the nature of certain goods which, to some, does not seem very clear.

This was the case, for example, for the protagonists of the case that ended before the Court of Salerno and culminated with sentence no. **2782 of 1 August 2022**. In this case it was a question of establishing who the **maintenance costs**, **extraordinary** and **ordinary**, of the **succieli** and grids that closed the so-called **wolf mouths** of this Campania condominium belonged to.

However, before addressing the legal merits of the matter, let's try to understand what actually happened.

Expenses for succieli and grills: who do they belong to? The concrete case.

With a resolution of 2016, among the various items on the agenda, a Salerno condominium had approved the execution of extraordinary maintenance works on the juts of the **projecting balconies** of the building. The assets in question were considered to be common parts and the costs were shared between the community.

Subsequently, following a meeting held in 2017, the assembly decided to replace the **grids** of the **loopholes** and **openings** (wolf mouths) which, inserted into the perimeter walls, gave air and light to the basements of the building. In this circumstance, the costs of the intervention were attributed to the individual owners, since these assets were considered to be of private relevance.

Both **resolutions** were, however, **challenged** by a condominium before the Court of Salerno. According to the actor's thesis, the succieli of the balconies were private parts and therefore the maintenance costs were attributed to the individual and not divided among all the condominiums. Conversely, the instant contested the private nature of the louvre grills. According to these, in fact, they were condominium **assets**.

At the end of the investigation, the Campania magistrate only partially accepted the request. The first resolution, in fact, was not correct, while the second was flawless.

This type of verdict influenced the attribution of court costs, which the defendant only paid 50%.

Maintenance costs succielo : who pays them?

The succielo, also called ceiling, is nothing more than the **ceiling** of a **balcony**. Well, if the latter is of a projecting nature, since it is an **extension of the** property it serves, it must be considered a private property.

This, as confirmed by the Court of Salerno, affects the attribution of maintenance costs, inevitably



charged to the individual owner "the **projecting balconies** , as an" extension "of the corresponding real estate unit, **belong exclusively to the owner** of this consider only the claddings and decorative elements of the front and lower parts common to all, when they are inserted in the façade of the building and contribute to making it aesthetically pleasing.

It follows that the costs relating to the **maintenance of the balconies** , including not only the flooring works, but also those relating to the platform or slab, the **plaster** , the **paint** and the decoration of the **ceiling** , remain **the sole responsibility of the owner of the apartment**. that accesses it, and cannot be divided among all condominiums, in proportion to the value of the property of each (see Cass . Civ ., Section II, 30 April 2012, n. 6624; Cass . Civ ., Section II, July 17, 2007, n. 15913; Cass . Civ ., Section II, 14 December 2017, n. 30071) ".

In the case in question, therefore, the resolution that had considered the succielli common parts was incorrect. For this reason, the Court of Salerno ordered its cancellation.

Wolf mouth maintenance costs: who pays them?

The so -called **wolf mouths** , with which the **underground rooms** or **basements** , such as garages or cellars, receive air and light, are protected by metal grids which, with the wear of time, need to be replaced.

Well, according to the Court of Salerno, in a building, to establish whether they are of common competence or not, it is necessary to verify whether these elements are at the service of a private space or a condominium property "the wolf vents are **air-light passages in the perimeter wall** and slits equipped with solid metal grids on the walking surface of the courtyard, artifacts developed to ensure the ventilation and lighting of underground and basement rooms, used as cellars, garages, warehouses or other, covered by elements in glass blocks that guarantee only lighting or, **if the premises also need ventilation** , by an external **metal grid** .

These are elements that can be both at the service of private parties and at the service of common parts.

In order to identify the subjects required to maintain these artifacts, a distinction must be made between wolf mouths serving private parts and wolf mouths that serve underground condominium areas, which are generally common areas of utility for all condominiums.

For the latter, since the wolf mouths are among those goods, services and installations, listed in article 1117 of the Italian civil code. civ., which must be considered common property, all condominiums must contribute to the cost of their maintenance.

For the former, however - **at the service of private parties such** as, for example, cellars, warehouses, etc ... - both ordinary and extraordinary **maintenance is up to the individual** private owners of the premises and exclusively at their expense ».

In the specific case, the Campania office verified that the wolf mouths were at the service of the actor's basement rooms. For this reason, the instant attribution of the expenses for the replacement of the building rather than to be borne by all the condominiums, had been legitimate.

Source: <https://www.condominioweb.com/spese-cielini-e-griglie-bocche-di-lupo-a-chi-appartinati.19641#2>

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