

CONDUCT RULES

[Section 35 (2)(b) of the Sectional Titles Act, 1986]

For the Use and Enjoyment of
The Sections and Common Property of

THE ADDERLEY

SECTIONAL TITLE SCHEME

SS NO.260/2002

PROPOSED AMENDMENTS TO MANAGEMENT AND CONDUCT RULES

Note

The existing rules that are registered at the Deeds Office (Section 35 (2) (b) of The Sectional Titles Act 1986 Annexure 9) are shown in regular block text.

Further debate on various amendments put forward on behalf of the previous trustees was adjourned at the Special General Meeting in 2006. These amendments and various alterations and additions are now embodied in this document and printed in italic type and / or in pink colour. Broadly speaking the amendments support the proposed new creation of exclusive use common areas and add to various matters concerning the general responsibilities of the users of the complex as have been requested over the past six months. Further a system of enforcement of the conduct rules is proposed again in response to many requests. No deletions from the filed rules are proposed. Thus, subject to any further amendments required by the adjourned Special General Meeting and of course to the approval of the Special General Meeting by the statutorily requisite majorities, the rules as set out herewith will be filed but all printed in regular block text.

In addition the Management Rules will be amended but only by the entire deletion of Rule 31 and its replacement by the new rule which accompanies this draft. The new rule deals with the proposed new system of independent exclusive use areas and the separate levy assessments which will ensue if the alterations are adopted.

These alterations are put to you with the approval of your trustees, they having taken legal advice on the changes to the management rules and the consequent changes to the conduct rules. If you are a member of the Sectional Titles Scheme and require further explanation of the effect of the alterations proposed then you are urged to speak to me before the meeting. Your trustees believe that the notional division of the common property in the Scheme (other than the access areas) and the separate assessment thereof for levy purposes carries out the original intentions of the creators of the scheme and the understanding of all purchasers since. It should receive widespread approval. So far as the remaining proposed amendments to the conduct rules are concerned, these cover various areas and unless it appears that all amendments are likely to meet with the requisite approval ("on the nod" as it were) I intend to invite the general meeting to approve the amendments one by one.

The law requires that the rules can only be changed if certain majorities vote in favour of them. If therefore you are unable to attend the adjourned special general meeting (and you will shortly receive notice of the date and time of it) it is even more important than usual for you to appoint a proxy to vote on your behalf. Proxy forms will be issued with the notice of the meeting

Paul Rippon

Chairman of your trustees.

Broad summary of changes but please refer to the text below

Rule 1 is added

Rule 3(2) is amended to include the words "or the wheels clamped"

Rule 4 contains an additional paragraph (3)

Rule 5 contains an additional paragraph (2)

Rule 12 is added as a new rule

Rule 13 is added as a new rule

Rule 14 is added as a new rule

Rule 15 is added as a new rule

Rule 16 is added as a new rule

Rule 17 is proposed up as a separate rule to supplement the creation of exclusive use areas of common property

Animals, Reptiles and Birds

1. *An owner or occupier of a section shall not be entitled to keep animal(s), reptile(s) and/or birds in a section nor on the common property.*

Refuse disposal

2. (1) An owner or occupier of a section shall-
 - (a) maintain in an hygienic card dry condition, a receptacle for refuse within his Section, his exclusive rise area or on such part of the common property as may be authorised by the trustees in writing;
 - (b) ensure that before refuse is placed in such receptacle it is securely wrapped or in the case of tins of other containers, completely drained;
 - (c) for the purpose of having the refuse collected, place such receptacle within the area and at the times designated by the trustees;
 - (d) when the refuse has been collected, promptly return such receptacle to his section or other area referred to iii paragraph (a).

Vehicles

3. (1) No owner or occupier shall park or stand any vehicle upon the common property, or permit or allow any vehicle to be parked or stood upon the common property, without the consent of the trustees in writing.
 - (2) The trustees may cause to be removed, towed away, or the wheels clamped at the risk and expense of the owner of the vehicle, any vehicle parked. standing or abandoned on the common property without the trustees' consent
 - (3) Owners and occupiers of sections shall ensure that their vehicles, and the vehicles of their visitors and guests, do not drip oil or brake fluid onto the common property or in any other way deface the common property.

- (4) No owner or occupier shall be permitted to dismantle or affect major repairs to any vehicle on any portion of the common property an exclusive use area or in a section.

Damage alterations or additions to the common property

4. (1) An owner or occupier of a section shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of the common property without first obtaining written consent of the trustees
- (2) Notwithstanding sub-rule (1), an owner or person authorised by him, may install-
- (a) any locking device, safety gate, burglar bars or other safety device for the protection of his section: or
- (b) any screen or other device to prevent the entry of animals or insects:

Provided that the trustees have first approved in writing the nature and design of the device and the manner of its installation

- (3) *Air conditioning units and television aerials:*

No owner or occupier shall place or allow to be placed in a section or any part thereof (or any part of the common property which he/she is entitled to occupy) any air conditioning equipment, or apparatus, or television aerial/s or equipment which requires attachment to the exterior of the building.

Appearance from outside

5. (1) The owner or occupier of a section used for residential purposes shall not place or do anything on any part of the common property, including balconies patios, stoeps, and gardens which, in the discretion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.
- (2) *Curtains, curtain-linings and blinds:*
- (2.1) *All curtains / curtain linings for windows facing onto the pool area shall be cream in colour.*
- (2.2) *Any internal blinds in such units shall be of an earth colour.*
- (2.3) *Exterior blinds shall all be identical and of a colour approved by the Trustees.*
- (2.4) *No tinted glass shall be allowed in any windows of the residential sections.*

Signs and Notices

6. No owner or occupier of a section, used for residential purposes, shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property or of a section, so as to be visible from outside the section without the written consent of the trustees first having been obtained.

Littering

7. An owner or occupier of a section shall not deposit, throw, or permit or allow to be deposited or thrown on the common property any rubbish, including dirt, cigarette butt, food scraps or any other litter whatsoever.

Laundry

8. An owner or occupier of a section shall not, without the consent in writing of the trustees, erect his own washing lines, nor hang any washing or laundry or any other items on any part of the building or the common property so as to be visible from outside the buildings or from any other sections.

Storage of inflammatory materials and other dangerous acts

9. An owner or occupier shall not store any material, or do or permit or allow to be done any other dangerous act in the building or on the common property which will or may increase the rate of the premium payable by the body corporate on any insurance policy.

Letting of units

10. All tenants of units and other persons granted rights of occupancy by any owner of the relevant unit are obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

Eradication of pests

11. An owner shall keep his section free of white ants, borer and other wood destroying insects and to this end shall permit the trustees, the managing agent, and their duly authorised agents or employees to enter upon his section from time to time for the purpose of inspecting the section and taking such action as may be reasonably necessary to eradicate any such pests. The costs of the inspection, eradicating any such pests as may be found within the section, replacement of any woodwork or other material forming part of such section which may be damaged by any such pests shall be borne by the owner of the section concerned.

Pool

12. 12.1 *The Trustees may regulate times during which the pool and its adjacent areas may or may not be used. The pool area shall be out of bounds and not used at all between 22h00 and 06h30.*
- 12.2 *For the purpose of the use of the pool and / or its adjacent areas each individual owner or tenant, or family group per flat, will be allowed a maximum of two guests at any one time. Guests may not use the pool unless accompanied by their host who must be over the age of 18 years.*
- 12.3 *No child under the age of 10 years will be allowed within the pool enclosure unless accompanied by a parent.*
- 12.4 *No games of any description will be permitted within the pool enclosure.*
- 12.5 *No radios or tape-recorders or other sound systems will be permitted within the pool enclosure.*
- 12.6 *Persons using the pool shall avoid unnecessary noise and rowdy behaviour and no air-mattresses, lilos or any other object will be permitted in the swimming pool.*
- 12.7 *The Trustees of the body corporate shall have the right to prohibit the use of the pool to any individual or group at any time without giving reasons*
- 12.8 *Litter and refuse shall be deposited in containers reserved for this purpose*
- 12.9 *The use of the pool enclosure shall be at the sole risk of each of the owners or tenants and their respective guests and family members.*
- 12.10 *No dogs or pets shall be allowed in the pool area*

Each owner or tenant hereby absolves the body corporate from liability, loss, claim or damages whatsoever and howsoever arising in connection with the use of the pool, and indemnifies and holds the body corporate harmless in respect of any actions or claims brought by or any loss (es) or damages sustained by any owners or tenant/s invitees or persons using the pool through such owner or tenant, arising directly or in connection with such use.

Maximum number of occupants per section

13. *No owner shall permit his or her section to be occupied by more than the herein prescribed number of persons:*

*1 bedroom flat - 2 persons
2 bedroom flat - 4 persons*



Disturbance to other section owners or occupiers

14. *The owners or occupiers of a section shall not do or allow to be done any action/s which cause a disturbance or inconvenience to other owners or occupiers of sections, in particular owners and occupiers in their use of any common area shall not cause or create any undue noise.*

General

15. (1) *The body corporate or its agent's representatives and domestic employees shall not be liable or be responsible in any manner whatsoever for the receipt or the non-receipt and delivery or non-delivery of goods, postal matter or any other property.*
- (2) *No stones or solid objects maybe thrown or propelled on the common property*
- (3) *Moving of furniture or heavy or bulky articles shall be by prior arrangement with the building supervisor. The responsibility for repairing any damage to common property caused by moving such furniture heavy or bulky articles shall be that of the owner or the person concerned.*
- (4) *Should ANY Conduct Rules be contravened, the Trustees may:-*
- (i) *impose a fine in terms of Conduct Rule 17, and / or*
- (ii) *obtain an interdict.*
- (5) *In their use of the entire Sectional Title Scheme owners and occupiers shall bear personal responsibility to ensure that every security door whether used or merely seen by them shall be left closed and further every such owner or occupier shall be responsible for removing any obstruction he or she discovers which is obstructing the automatic closing of any security door.*
- (6) *It shall be the duty of the Trustees at all times to manage and administer every storage area within the Sectional Title Scheme which is not in the private ownership of any particular owner.*
- (7). *It is the responsibility of every owner to ensure that any visitor to or occupier of his apartment is aware of these rules and further to ensure that such person will observe them.*

Imposition of Penalties

16. (1) *If the conduct of an owner or an occupier of a section or his visitors or guests constitutes a nuisance in the opinion of the Trustees, or if an owner, occupier or visitor contravenes, breaches, disobeys or disregards a Management or*

Conduct Rule, the Trustees may serve the owner and occupier if his name and address be known by the trustees with a written notice which may in the discretion of the Trustees be delivered by hand or by registered post. In the notice the particular conduct, which constitutes a nuisance, shall be adequately described and/or the Rule that has allegedly been contravened shall be clearly indicated, and the offender must be warned that if he or she persists in such conduct or contravention, a fine will be imposed.

- (2) If the owner or occupier nevertheless persists in that particular conduct or in the contravention of that particular Rule, the Trustees may convene a meeting of Trustees to discuss the matter and to impose a fine.*
- (3) a. Not less than seven calendar days before the meeting is held, the managing agent shall serve the relevant owner who or whose occupier or visitor is alleged to have contravened the rule with written notice of the date and time of the meeting and which sets out in sufficient detail to enable the same to be identified every act of nuisance and/or every contravention of the Management Rules and/or Conduct Rules of which complaint is made.*
b. At the meeting the owner shall be given reasonable opportunity to answer the complaint(s) after which the Trustees shall in private discuss their conclusion and if appropriate the action they propose to take.
- (4) If the Trustees shall decide that the owner by his or his visitor's or occupier's conduct has caused a nuisance and/or broken a rule as the case may be, then they shall give written notice of their finding to the owner and if they decide to impose a fine of such an amount as they shall determine but within any limits set by the Body Corporate under sub rule 6 as the case may be; such notice shall require payment of the fine within fourteen (14) days.*
- (5) If any fine imposed in terms of sub-rule (4), shall remain unpaid for 14 (fourteen) days after the offender has been notified of the imposition of the fine, the same shall be added to the contribution which an owner is obliged to pay in terms of section 37(1) of the Act and claimed by the Trustees as part of the monthly instalments payable by the owner.*
- (6) The Body Corporate may, at a general meeting, from time to time, determine the amount of the initial and subsequent penalties.*