

THERESA PARK

DRAFT CONDUCT RULES

Dear Owner/Occupier,

Welcome to Theresa Park

We trust that your stay will be pleasant and lasting, we have pleasure in submitting herewith the basic rules as defined in the Sectional Titles Act, 1986 (Act, No. 95 of 1986)

On behalf of the managing agent, we appeal to all of you to please carefully study these rules and abide by them in the interest of all of us.

Please also note that tenants of units and other persons granted right 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.

Lets' all co-operate to keep the image of our complex high, so that we may all enjoy a long and happy stay here.

INTERPRETATION

In the interpretation of these rules, unless the context otherwise indicates:

- a) "act" means the Sectional Titles Act, 1986 (Act 95 of 1986), as amended from time to time, and any regulations made and in force thereunder
- b) "trustee" includes an alternative trustee
- c) "the body corporate" means the body corporate as determined in sections 35 to 43 of the Sectional Titles Act 1986
- d) "section" means the unit/flat registered
- e) "common property" means the common property as shown on the Sectional Titles plan
- f) "owners" means the registered owners of the units, who are responsible for their families, tenants, residents, etc., that may be in the complex
- g) "board of trustees" means the trustees appointed in terms of the Sectional Titles Act
- h) "managing agent" means the managing agent as appointed by the board of trustees from time to time to administer the affairs of the body corporate
- i) "complex" means the buildings known as AUGUSTA as well as the common property
- j) "occupier" means the person occupying any unit
- k) words importing -
 - (i) the singular number only shall include the plural, and the converse shall also apply
 - (ii) the masculine gender shall include the feminine, and neuter genders and the neuter gender shall include the masculine and feminine genders
- l) words and expressions to which a meaning has been assigned in the Act, shall bear the meaning so assigned to them
- m) the headings to the respective rules are provided for convenience of reference only and are not to be taken into account in the interpretation of the rules.

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1. ANIMALS, REPTILES AND BIRDS

1.1. PET FREE

No owner or occupier of a section shall keep any animal, reptile or bird in a section or on the common property. This is a pet free environment.

1.2 CONDITIONS

The Body Corporate may through an Annual General Meeting make amendments to this section.

2. REFUSE DISPOSAL

2. An owner or occupier of a section shall: -

- 2.1. Maintain in an hygienic and clean condition, a receptacle for refuse inside his section
- 2.2. Maintain in an hygienic and clean condition, in the garden area of your unit, and ensure that before refuse is placed in this receptacle, it is securely wrapped, and in the case of tins and other containers these must be completely drained, and that glass or other items not suitable for the compactor are separate
- 2.3. For the purpose of having the refuse removed, have such refuse placed in the receptacle in the area prescribed by the trustees on the day/s and before the time prescribed by the trustees

3. VEHICLES

3.1. PARKING

Each owner or occupier will be allocated an exclusive use parking for their vehicle. All visitors must park in the allocated area for Visitors. No owner or occupier shall park or stand any vehicle or trailer on the common property, or allow any vehicle, trailer, caravan, quad or off road motor cycle to be parked or stood on the common property without the written consent of the trustees.

3.2. TOW-AWAY

The trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle or parked, standing or abandoned on the common property without the written consent of the trustees.

3.3. LEAKS

All owners and occupiers of sections shall ensure that their vehicles and trailers, and the vehicles and trailers of their guests, do not drip oil or brake fluid onto the common property or in any other way deface the common property.

3.4. REPAIRS

No owner or occupier of a section shall be permitted to dismantle or effect any major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.

3.5. LICENSE

No owner or occupier of a section shall be permitted to drive a vehicle on the common property or in any exclusive use areas without a valid driver's license for that vehicle.

3.6. SPEED

No owner or occupier shall be permitted to drive a vehicle at more than fifteen (15) kilometres per hour on any common property or in any exclusive use area.

3.7. DANGEROUS DRIVING

No owner or occupier shall drive or allow to be driven any vehicle on the common property or in any exclusive use area in any manner that may be dangerous to either himself or to anyone else or to any property.

3.8 PROHIBITED

The use of quad and off road motor cycles is prohibited within the confines of the Body Corporate.

4. DAMAGE, ALTERATIONS, ADDITIONS TO THE COMMON PROPERTY

4.1. DAMAGE

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 having obtained the written permission of the trustees.

4.2. SECURITY GATES

Notwithstanding rule 4.1., an owner or person authorised by him, may install: -

4.2.1.any locking device, safety gate, burglar bars or other safety device for the protection of his section;

or

4.2.2.any screen or other device to prevent the entry of animals or insects;

provided that the trustees have first approved in writing the nature, design and colour of the device and the manner of it's installation.

5. APPEARANCE FROM THE OUTSIDE

5.1. APPEARANCE

The owner or occupier of a section shall not place or do anything on any part of the common property, including patios, stoeps, fences which, in the discretion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.

5.2. FENCES

No owner or occupier of a section shall erect or allow to be erected any form of fence on any part of the common property or in any exclusive use area.

6. SIGNS AND NOTICES

6. No owner or occupier of a section shall place or allow to be placed 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 the outside of the section.

7. LITTERING

7. No owner or occupier of a section shall deposit or allow to be deposited or thrown, on the common property any rubbish, including dirt, cigarette butts, food or food scraps or any litter whatsoever.

8. LAUNDRY

- 8.1 No owner or occupier of a section shall hang any washing or laundry or any other items on any part of the common property or as to be visible from the outside of the building or from any other section, other than in the designated drying yards.
- 8.2 A laundry facility is available for the use of the owners and occupiers.

9. STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS

9.1. STORAGE

An owner or occupier of a section 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.

9.2. FIREARMS

9.2.1. No owner or occupier of a section shall discharge or allow to be discharged any firearm (as determined by the Act on Arms and Ammunition) in any section or any part of the common property, unless loss of his life may result from failure to do so. In such event, a detailed report is to be handed to the trustees for evaluation.

9.2.2. No owner or occupier of a section shall carry a firearm on the common property in such a manner as to be visible to other people.

9.2.3. The Act on Arms and Ammunition is to be strictly adhered to at all times.

Any owner or occupier of a section who contravenes or allows to be contravened the above said Act, shall be criminally charged.

9.3. CONTRAVENTION

Any owner or occupier who contravenes or allows to be contravened the above rule 9.2. shall be prohibited from carrying a firearm on the common property.

9.4. ELECTRICITY SUPPLY

No owner or occupier of a section may tamper or have any work or repairs done to any electrical supply or apparatus that serves the common property. Any electrical faults on the common property must be reported to the Chairman of the Board of Trustees or the Caretaker.

9.5. FIRES AND BRAAIS

No owner or occupier of a section shall allow any form of fire inside his unit or on the common property. Braais may only be held in areas of the common property designated by the trustees for such use. It is strictly prohibited to throw cigarettes, cigarette stubs, matches, etc. out of windows or anywhere on the common property. All inflammable items must be kept in a safe place, and out of reach of children.

9.6. FIRE EXTINGUISHERS / FIRE HYDRANTS

No owner or occupier of a section shall tamper or allow to be tampered with any fire fighting equipment on the common property, nor shall they park or allow to be parked any vehicle so as to obstruct access to any fire hydrant on the common property. It is strongly recommended that all owners or occupiers of a section acquire and keep in an accessible place in their unit a fire extinguisher. Owners or occupiers are not covered for the contents of their units by the insurance policy covering the buildings and are thus advised to take out suitable insurance cover themselves.

10. LETTING OF UNITS

10.1. EVICTION OF TENANTS

The Board of Trustees shall have the right to evict any tenant who does not comply with these conduct rules. A thirty day notice period shall be given by the trustees to the tenant in writing after the owner has not taken any reasonable steps against the tenant. If the tenant does not vacate the unit and the scheme within thirty days, he will be removed from the unit and scheme by the trustees, at his own risk and expense. No owner shall have any claim whatsoever for any loss of rent, etc. from the Board of Trustees due to the eviction of any tenant.

11. ERADICATION OF PESTS

- 11.** An owner or occupier of a section shall keep his unit free of white ants, borer, other wood destroying insects, other pests and 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 such pests. The costs of the inspection, eradication of any such pests as may be found within the section, shall be borne by the owner of the section involved.

12. GENERAL

12.1. NOISE AND DISTURBANCE

12.1.1. NOISE

No owner or occupier of a section shall make or allow to be made an excessive noise at any time, so as to disturb the other units. (Excessive shall be at the discretion of the trustees).

12.1.2. AFTER HOURS

No owner or occupier of a section shall make or allowed to be made any noise after 24:00 and before 09:00 on a weekend without prior arrangement.

12.1.3. HOOTERS

No owner or occupier of a section shall sound or allow to be sound any hooter unless in case of emergency.

12.1.4. CHILDREN

No owner or occupier of a section shall allow any child to make noise in the immediate vicinity of any unit.

12.2. STAFF AND EMPLOYEES

12.2.1. EMPLOYMENT

The members of staff that are required by the body corporate to maintain the premises, shall be employed and dismissed by the trustees only, at their own discretion.

12.2.2. UTILIZATION

All members of staff employed by the body corporate are employed to perform tasks pertaining to the running and upkeep of the complex, they may under no circumstances be used by any owner or occupier to perform private tasks whilst

they are on duty.

12.2.3. COMPLAINTS

Any owner or occupier who has a complaint about any member of staff is to report it to the trustees or caretaker, and is not to reprimand any member of staff in person in any way.

12.3. DOMESTIC EMPLOYEES

12.3. Any owner or occupier of a section who has a domestic employee is to make sure that they know and understand the conduct rules and adhere to them at all times. The employee is the owner or occupier's responsibility at all times.

12.4. VISITORS

12.4. Any owner or occupier of a section who receives visitors or guests is to make sure that they comply with these conduct rules at all times, the owner or occupier is responsible for all their visitors at all times.

12.5. BUSINESS ACTIVITIES

12.5.1. SALES

No auction, jumble sale or any other sale shall be held on or in the property without first obtaining written permission from the trustees.

12.5.2. ADVERTISEMENTS

No advertisements or posters of any nature may be placed in or around the complex, or outside the complex.

Notwithstanding the above: -

12.5.2(a) A unit that goes on show may for the day of the show only have the minimum number of pointer boards required to point out the unit on show, they may only be erected at 10:00 and must be

removed by 17:30.

- 12.5.2(b) A unit that is on sale may only have one FOR SALE sign at one of the gates only. The sign must be placed so as not to obscure any person's vision or path.

12.6. PLAY AREA

- 12.6.(a) No persons under the age of 12 years are allowed to use any of the playground equipment.
- 12.6.(b) Parents are to accompany young children in the play area at all times.
- 12.6.(c) No persons may use the play equipment for any other purpose for any other than that that it was designed for . The trustees shall have the right to prohibit any person who uses the equipment in any other way than what it was designed for using the equipment for a time they shall determine.
- 12.6.(d) No rough games, etc. are allowed in the play areas.
- 12.6.(e) Any person noticing any damage to any of the equipment shall notify the trustees or the caretaker of such damage in or for repair to be effected.
- 12.6.(f) Children are to be requested to keep the noise level as low as possible.
- 12.6.(g) No glass may be taken into the play area.
- 12.6.(h) No cigarettes or rubbish may be deposited in the play area.
- 12.6.(i) The gates are to be kept closed at all times.
- 12.6.(j) Children may only play in the designated play areas and not in the driveways, etc.

12.7 TV/DSTV AERIAL/DISH

- 12.7.7 Erection of DSTV & TV aerials are prohibited as provision has been made these services. To make use of the DSTV the owner/ occupier must have their own decoder.

12.9. TRUSTEES DECISION FINAL

- 12.9.1. In respect of the interpretation of these rules and all decisions needed to enforce these rules, the trustees' decision shall be final and binding.

12.9.2. CONTRAVENTION OF CONDUCT RULES

- 12.9.2(a) An owner or occupier of a section who contravenes or allowed to be contravened any conduct rule, shall be issued with a written warning by the trustees.
- 12.9.2(b) An owner or occupier of a section who further contravenes any conduct rule, shall be liable to a fine for the amount determined by the trustees but not exceeding one thousand rands, shall be paid in cash to the trustees and a receipt shall be issued for the payment made. Such monies shall be used towards improvements in the complex as determined by the trustees. The issue and payment of a fine shall not prejudice any other rights available to the trustees or the Body Corporate in law and in particular their right to apply to court for an interdict against the offending owner or occupier.
- 12.9.2(c) If as a result of a breach of any of these conduct rules by any owner or occupier, the trustees instruct an attorney the defaulting owner or occupier shall be liable for all costs and charges of whatsoever nature on an attorney client scale incurred by the trustees as a result thereof.

12.9.3. COPY OF RULES

A copy of these rules shall be kept by each and every owner or occupier and shall be made available for inspection by the trustees at any reasonable hour.

12.9.4. WRITTEN PERMISSION

Written permission by the trustees shall only be valid if signed by the chairman and at least three trustees.

12.10. EXCLUSIVE USE AREAS (PRIVATE GARDENS/PARKING AREAS)

- 12.10.1** Notwithstanding the fact that exclusive use areas are in terms

of the sectional title plans registered with the Chief Registrar of Deeds as part of the common property, every owner of a unit in the scheme shall have the right to the exclusive use of his allocated garden and/or parking area, excluding the rights of all other owners and persons, in accordance with A 1. to A 4. of those areas designated to his unit on the attached schedule marked "X" and plan marked "P".

- 12.10.2** The Body Corporate will do everything reasonable within its power to ensure that an owner can enjoy the rights to this exclusive use area.
- 12.10.3** An owner of a unit is obliged to keep the exclusive use area designated to his unit neat, hygienic, tidy and acceptable and this area may only be used as a garden area or parking area as allocated.
- 12.10.4** Notwithstanding the stipulations of A 1 the owner shall give the Body Corporate and or anyone authorised by the Body Corporate, access to the exclusive use area to do any repair work necessary on the common property or to implement rule 70 of Annexure 8 of the Sectional Title Act 95 of 1986.
- 12.10.5** Except where a unit is let, the owner may not let the exclusive use area designated to his unit without the written permission of the board of trustees. Such permission may not unreasonably be withheld.
- 12.10.6** Each owner is responsible for the repair and maintenance (flower beds, oil spills, etc.) of the exclusive use area, including the maintenance and repair of any water pipes, electrical wiring, downpipes, security devices, lapas, verandas, etc. solely servicing that area.
- 12.10.7** For any structures to be erected in/on the exclusive use area, the owner of the area involved should first obtain written permission from the board of trustees. A standard will be determined and any similar structures in future erected by any owner, should conform to the approved standard.