

The Body Corporate of Hermitage - Conduct Rules

SS 190/1990

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These conduct rules have been made in accordance with the provisions of Section 32(2) (d) of the Section Titles Act of 1986. Owners and occupiers are also referred to their obligations in terms of section 44 of the said Act and Rule 68 of management rules.

1: LETTING, USE and OCCUPANCY of UNITS

No Section shall be used for purposes other than which it was intended, and may not be used in such a manner as shall be injurious to the reputation of the building, or the wellbeing of the residents.

Each owner shall insure that the number of persons who stay overnight in any unit for which right of occupation is held by the owner, does not exceed the numbers hereinafter stipulated "except at the discretion of the Trustees";

- (a) A unit designed as a one- bedroom flat shall not be occupied by more than two persons.
- (b) A unit designed as a two- bedroom flat shall not be occupied by more than two adults and two children, or three adults only.
- (c) A unit designed as a three-bedroom flat shall not be occupied by more than six persons, inclusive of children

The maximum number of occupants noted above includes any overnight visitors. Therefore if the number of regular occupants is already equal to the applicable number stated above, no overnight visitors are permitted.

An owner shall not allow any room other than a bedroom to be used as a bedroom or sleeping quarters, except by visitors on a temporary basis for not more than one calendar month per annum, and then not by more than two persons, save by written permission of the Trustees.

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 grant of rights of occupancy.

2: DAMAGE, ALTERATIONS or ADDITIONS to the COMMON PROPERTY and OBSTRUCTIONS

- (1) An owner or occupier of a section shall not attach any DSTV dish, mark, paint, drive nails or screws or the like into, or otherwise damage, or alters any part of the common property without first obtaining the written consent of the Trustees.
- (2) Notwithstanding sub- rule (1), an owner or person authorized 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 entry of animals or insects; and
- (c) Provided that the Trustees have first approved in writing the nature and design of the device and the manner of its installation.

3: APPEARANCE FROM THE OUTSIDE:

- a) 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.
- b) Owners or occupiers of a section shall within seven days of first taking occupation hang white or cream curtains, or alternatively curtains with white or cream lining, covering all windows.

4: SIGNS, NOTICES AND ESTATE AGENTS

The managing agents must be informed when putting up a flat for sale or changing tenants. To arrange access for the letting agents (keys and remotes), copies of the conduct rules, and residency forms to be completed, signed and returned to Managing Agent's office within seven days of the new owner or tenants moving in.

No "For Sale" signs may be displayed except on show days. No "To Let" signs may be displayed.

No owner or occupier of a section shall place any sign, notice, advertisement or billboard of any kind whatsoever on any part of the common property or a section without the written consent of the trustees or managing agent first having been obtained.

5: LITTERING

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

6: NOISE

Excessive noise of **ANY KIND** shall at no time be tolerated. Most noise disturbances in flats are caused by over- amplifications of sound with modern sound reproduction equipment. Therefore residents and their visitors must at all times maintain the quiet character of Hermitage and not to disturb others by:

- (a) Playing music, television or radios loud enough to be heard outside their flats or car radios to be heard outside the car.
- (b) Talking, shouting or screaming in a unit that can be heard outside the unit is not permitted at any time. Loud talking, shouting or screaming on the common property is also not permitted at any time.
- (c) Carrying on alterations or renovations, which involved hammerings, banging or drilling which may only be carried out on weekdays between 8 am and 5 pm and on Saturdays between 8 am and 12 midday. No noise of this nature is permitted after hours or on Sundays and public holidays.

7: ANIMALS, REPTILES AND BIRDS

- (a) An owner or occupier of a section shall not without the consent in writing of the trustees, which approval may not be unreasonably withheld, keep any animal, bird or reptile in a section or the common property.
- (b) When granting such approval, the trustee may prescribe any reasonable conditions.
- (c) The trustees may withdraw such approval in the event of any breach of any conditions prescribed in terms of sub- rule (b)

8: FIRES AND BRAAIS

No fires or braais are permitted on the common property or in a section.

9: REFUSE DISPOSAL AND BIN AREA

Household refuse must be securely wrapped before being placed in the large municipal bins, and **only glass objects may be placed in the small bin** and marked accordingly. There is a R 100 fine for dumping broken, unwanted household articles in the bin area.

10: STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS

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 premium payable by the body corporate or any insurance policy.

11: STORAGE

Common property and in particular, staircases, passages may not be used as storage areas or used to garage bicycles, motor cycles etc.

12: VEHICLES AND CAR PARK

- (a) The parking of residents' vehicles only shall be confined to designated numbered parking bays except that garage owners/ occupiers or visitors shall be permitted to park in front of their garage doors, provided that they do not cause any inconvenience.
- (b) The use of numbered parking bays is limited to residents occupying units whose owners have exclusive use rights as registered in the Cape Town Deeds Registry or who rent a parking bay from the body corporate.
- (c) On-site parking bays are for use by residents only and are limited to one bay per unit.
- (d) There is no on-site visitors' parking but there are two visitors' bays outside the main entrance gate.
- (e) Trustees may cause to be removed or towed away at the risk and expense of the owner of any vehicle parked, standing, abandoned on the common property without the Trustee's consent.
- (f) No owner or occupier shall be permitted to dismantle or affect any major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.
- (g) Clean cars with a bucket (not hose), place litter from inside the car in the bin area.

- (h) Owners and occupiers of sections shall ensure that their vehicles and 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.
- (i) No owner or occupier shall park, or allow to be parked; on the common property any vehicle that is not mechanically or electronically in good working or that makes excessive exhaust or other noise.

13: WASHING LINES/ LAUNDRY

An owner or occupier of a section shall not hang any washing or laundry or any other item on any part of the building or common property, so as to be visible from the outside of the buildings. An owner or occupier of a section may therefore only hang washing or laundry out to dry in the designated closed wash line area and/ or open wash line area and within flat drying yards.

14: PENALTIES/ BREACH OF RULES

The Trustees shall have the authority to discipline owner who violate, or whose tenants violate the rules, and shall, if the trustees consider necessary, impose a fine not exceeding the amount of one month's levy. In the event of considerable damage, the total cost of the repairs shall be recovered by the Trustees from the owner concerned.

Should the violation of the rule(s) continue after the imposition of the fine referred to above, the Trustees may impose a monthly penalty equal to 50% of the monthly levy applicable to the unit of the owner in default until such time that the violation ceases. The Trustees are authorized to add the penalty to the monthly levy payable by the offending owner.

Accounts are due and payable on or before the first day of every month. Should any account of any section remain unpaid on the seventh day of the month in which it is due, the electricity supply to the section will be disconnected. The supply will only be reconnected during normal office hours, 8AM to 5PM on weekdays on receipt of proof of payment of the full account, interest, and disconnection and reconnection fees as set by the Trustees from time to time.

15: ACCESS CONTROLL: REMOTES AND KEYS

- (a) No owner or occupier is entitled to own a remote for the vehicle gate. It is hired on payment of a deposit. Should there be a change of occupancy; the owner must report the matter to the managing agent, and upon return of the remote, will be entitled to claim back the deposit. Thereafter the new occupant makes an application to the managing agent for the use of a remote, with a payment for the deposit, should the occupant make use of a motor vehicle. The granting of use of a remote is at the discretion of the Managing Agent, and may be revoked if the sub- rules listed here under are not adhered to:
 - (i) Should a remote be required on a temporary basis for the vehicle gate, a request must be submitted to the agent with a payment of the deposit.
 - (ii) All owner or occupants are to use the pedestrian gate and not the auto gate when they or their visitors enter or leave the property on foot. The auto gate is for vehicles only. **It is vital that all residents and their visitors adhere to this rule, because continued use of the auto gate for pedestrians purposes a weakness in the control system.**

- (iii) All owners and occupants must uphold the security of the complex by ensuring that gates are properly closed after use. **No entry may be granted to any persons not authorized to do so by an accompanying owner or occupier.** Ask question before letting anyone in.

16: ALTERATIONS AND RENOVATIONS TO A SECTION

Any alterations or renovations to a section require the prior written approval of the trustee

When making application the owner concerned must provide:

- a) A sketch plan detailing the work to be done
- b) A full description of the proposed alterations and renovations
- c) The planned start and completion dates

It must be noted that

- d) No rubble or building material may be stored anywhere on the common property at anytime
- e) Work may only be done between the hours of 8 am and 5 pm on Mondays to Fridays and between 8 am and 12 midday on Saturdays. No work may be done on Sundays or public holidays.
- f) No work may be started prior to the written consent of the trustees being received.

17: SMALL CHILDREN

When small children are outside their units they MUST BE SUPERVISED by an adult (not other children) at all times. They are not allowed to play games in the car park. I.e. no ball games, riding scooters, tricycles, bicycles, roller skating, chasing games up and down the stairs and along walkways, screaming and shouting.

These activities are extremely disturbing to other residents, and can lead to broken windows, damage to cars and dangerous accidents when cars drive out in a hurry.

There is a park and a cycle track next to the canal (over Liesbeeck Parkway).

Note that these rules also apply to visiting children.

18: SECURITY

Break-ins, theft from cars or wash lines or any suspicious incident must be reported to Trustees and Managing Agent as soon as possible, especially after police have been called in. Other residents can then be warned to be more vigilant.