

MOUNT GRACE

*Rules of Conduct
In accordance with Section 35 (2) (b)
Of the Sectional Titles Act (95/1986)*

MOUNT GRACE

*Gedragsreëls
Ooreenkomstig Artikel 35 (2) (b)
Op die Wet van Deeltitels (95/1986)*

BODY CORPORATE MOUNT GRACE

RULES OF CONDUCT

Compiled for the control, management, administration and use of the units as well as the Communal Property of Mount Grace, in accordance with the Sectional Title Schemes Management Act 8 of 2011 (STSMA) as prescribed.

RULES

1. General

The communal property of Mount Grace belongs to all owners of units. It is the responsibility of all owners/occupiers to guard the common property as private property.

1.1 These rules shall apply to all owners / occupiers

2. Vehicles

- 2.1 Owners and occupiers may not use garages as living rooms or servants quarters.
- 2.2 No owners or occupier shall park or stand any vehicle upon the common property, passage or lawn, or permit or allow any vehicle to be parked on the common property, save for guest parking for short periods of time on the designated guest parking bays. Stickers and clamping actions will be enforced.
- 2.3 The Trustees may in addition cause to Impound, remove or tow away (And impose fines), at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on the common property or passage.
- 2.4 Owners and occupiers of sections shall ensure that the vehicles of their visitors and guests shall not drip oil or brake fluid on the common property, any exclusive use area, or any section for that matter.
- 2.5 No owner or occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, any exclusive use area or any section for that matter.
- 2.6 The speed limit in Mount Grace will be 20 km/h or lower as indicated otherwise and fines will be imposed on transgressors as per Par. 25.
- 2.7 No toys or other objects may be left on any part of the common property or marked parking spaces.

3. Damage, alterations or additions to the common property

- 3.1 An owner or occupier 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 the written consent of the Trustees.
- 3.2 Notwithstanding sub-rule (1), and provided that the Trustees have first approved in writing the nature and design of the device and the manner of installation, an owner or person so authorised may install –
 - 3.2.1 any locking device, safety gate, burglar bars or other safety device for the protection of his section; or
 - 3.2.2 any screen or other device to prevent the entry of animals or insects, TV antennas, air cooling systems or any form of structure which will be permanently installed on the outside walls on units.
- 3.3 No screen, carport, patio, shelter, awning, Wendy House, shade net or lapa may be erected or attached without the consent of the Trustees. Alterations outside the living units must be aesthetically and quality-wise on par with the complex, and the same existing colour scheme must be utilised. An application, with a sketch plan attached, must be submitted to the Trustees for approval or temporary approval. This must be submitted over and above any plan required by the City Council for final approval. Approval from the City Council must be obtained by the owner at his/her own costs.

4. Appearance from Outside

An 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, steps or gardens which, at the discretion of the Trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.

5. Signs and Notices

No owner or occupier of a section used for residential purposes shall place any signs, notices, billboards or any advertisement of any nature whatsoever on any part of the common property before the consent of the Trustees has been obtained in writing.

6. Littering

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

7. Laundry

An owner or occupier of a section shall not, without the written consent of the trustees, erect his/her own washing lines, nor hang any washing or laundry or any items on any part of the building if it is visible from the outside of the building or any other unit.

No washing may be placed on balconies, patios or any other visible place.

8. Refuse Disposal

An owner or occupier of a section shall –

- 8.1 maintain in a hygienic and dry condition, a receptacle for refuse within his exclusive use area or on such part of the common property as ,may be authorised by the Trustees in writing;
- 8.2 ensure that before refuse is placed in such receptacle, that it is securely wrapped, placed in another container or completely drained if need be;
- 8.3 for the purpose of refuse collection, place such receptacle within the area and at the times designated by the trustees;
- 8.4 when the refuse has been collected, to promptly return such receptacle to the section or other area referred to in paragraph 9.1;
- 8.5 no rubbish, including dirt, shall be deposited on the common property so as to be visible from outside the building or from any other sections; and
- 8.6 an owner or occupier is responsible for making his/her own arrangements with the municipality or service provider for additional refuse removal.

9. Storage of inflammable materials and other dangerous acts

An owner or occupier shall not store any material, or do or permit 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.

10. Letting of units

All tenants of units, and other persons granted rights of occupancy by any owner of the relevant unit, are obliged to comply with these Rules of Conduct, notwithstanding any provision to the contrary contained in any lease or any granting of rights of occupancy. It is the responsibility of owners to take all necessary steps to ensure that their tenants adhere to and abide by these house rules.

11. Eradication of Pests

An owner shall keep his section free of white ants, borer and/or other wood-destroying insects and, to this end, shall permit the Trustees, the managing agent and their duly authorised agents or employees, to enter his/her section from time to time for the purpose of inspecting the section and taking such action as may be deemed necessary to eradicate any such pests. The cost of the inspection, the eradication of 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.

12. Silence

- 12.1 An owner or occupier is responsible for the control of his/her guests or visitors. No unnecessary noise or the using of hooters is permitted.
- 12.2 Radios, musical instruments, TVs and hi-fi equipment must be used in such a manner that it causes no disturbance to any other unit. This includes the action/behaviour on the common property (eg roads).
- 12.3 No loud music or noise after 22:00 (10.00pm) from Sunday to Thursday and after 24:00 (midnight) on Fridays and Saturdays.
- 12.4 No loud music or noise on Sunday from 6:00 till 22:00.
- 12.5 Fireworks are not permitted at the Mount Grace complex.
- 12.6 Excessive noise of vehicles, motorbikes, toys, any mechanical instruments or electric tools is not permitted.

13. Gardens

- 13.1 No plants, flowers or trees on the common property may be removed without the consent of the Trustees, who in turn will advise the Caretaker accordingly.

- 13.2 The depositing of dirt or other garden rubble on the common property is not permitted. The owner or occupier must make prior arrangements with the garden service or the municipality for the removal of such dirt or rubble.
- 13.3 No packing material may be dumped in catches or on the common areas.
- 13.4 Plant refuse especially that with thorns, must be cut into small pieces and placed in containers before being placed in black bags.

14. Hobbies

No hobbies or other activities, which may cause disturbance to others, are allowed to be practiced on the common property.

15. Children

- 15.1 No children are allowed to play with a ball on the common property, eg roads, of the Mount Grace Complex.
- 15.2 The use of any shooting mechanisms, eg toy pistols, guns or slingshots, firing any projectile are not permitted in the Mount Grace complex.
- 15.3 Owners or occupiers must control their own children and those of their guests in such a manner as not to disturb other occupiers. Children are not allowed to play with plants or any other item on the common property.

16. Domestic and other Servants

- 16.1 Owners or occupiers must ensure that their servants do not make a noise on the common property or, for that matter, any part of the complex.
- 16.2 Servants must be requested to keep the Mount Grace washrooms, should they have permission to use them, clean and tidy.
- 16.3 The showers and washing facilities are only for the use of labourers in the employ of the Trustees.
- 16.4 No servants or gardeners are permitted to stay in any unit's garage or Wendy house.
- 16.5 Owners or occupiers must provide the Trustees with a copy of their servant's identification document.

17. Visitors

17.1 Owners or occupiers are responsible for the behaviour of their guests and must ensure that their visitors comply with the Rules of Conduct of Mount Grace as well as the Sectional Title Act.

17.2 Visitors will be limited to a maximum of 10 visitors' entries per 24 hour period.

18. Business Activities

18.1 No business, trade or profession, which may cause excessive traffic or disturbance to other owners or occupiers, is allowed on the common property.

18.2 No jumble sales and/or auctions, and or hawkers are permitted on the common property or any part of the common property.

18.3 No advertisements or publicity material may be distributed or exhibited on the common property.

18.4 No selling of goods and or services will be allowed inside Mount Grace. No hawkers will be allowed.

19. Animals, reptiles and birds

19.1 Occupiers of a section shall not, without the written consent of the Trustees, which approval may not be unreasonably withheld, keep any animal, reptile or bird in a section or on the common property.

19.2 When granting such approval, the Trustees may prescribe any reasonable conditions.

19.3 The Trustees may withdraw such approval in the event of any condition prescribed in terms of sub-rule 19.2 is transgressed.

19.4 No dogs are allowed to wander around the grounds unattended and without a leash. All droppings must be removed IMMEDIATELY by the owners.

19.5 Occupiers are responsible for the removal of their animal's waste on the communal property as well as in their own gardens. No farm animals, reptiles and or wild animals will be allowed.

19.6 Dogs, cats or any animals are not permitted to be a nuisance to other occupiers.

19.7 The area where animals are kept should be kept in a clean state so as not to attract flies and cause smells to the discomfort of others.

19.8 A maximum of 2 pets per unit will be allowed.

19.9 Dogs should preferably be of the small kind.

- 19.10 Barking and yelping dogs, especially when the owner(s) are absent are a disturbance to others. If any complaints are received, animal owners are requested to attend to the problem, failing which the Trustees will be obliged to prohibit annoying animals, and withdraw any consent without notice.
- 19.11 Dogs and cats must be sterilised.
- 19.12 Dogs must wear an identification tag on their collars, containing the owner's name, unit number and contact number.
- 19.13 Pet owners must at all times comply with the rules of the SPCA. If it becomes evident or apparent that they are not complying with these rules, the Trustees will have the right to enter the premises, with or without the appropriate law enforcement officials, to take the necessary action.
- 19.14 Disobeying any of the abovementioned rules may result in the permission for keeping pets being revoked, and the owner will be notified to remove such pets from the premises. Should the owner not comply, it may lead to legal action being instituted against the owner for his/her own account.

20. Number of residents per unit

- 20.1 The Trustees will, at their discretion, determine the number of residents per unit.

21. Levies

- 21.1 Monthly levies and/or other amounts owed to the Mount Grace Sectional Title Scheme are controlled in terms of the Sectional Title Act, and will be revised from time to time.
- 21.2 The monthly levy is payable on or before the first working day of every month. Owners who experience difficulty should motivate their request for consideration to the Board of Trustees – permitted as a “once-off” only, and must not create a precedent.
- 21.3 Steps will be taken against owners who are in arrears.
- 21.4 The income of the company shall consist of compulsory yearly contributions (“levies”) to be paid by the members and subsidized by the company on a monthly basis. This shall be used to promote and fulfil the main objectives of the company. However, should a member fall into arrears with the payment of its contributions toward the company, then such contributions for the current financial year will then and in those circumstances immediately become due, owing and payable for a period of 12 months in advance.

22. Complaints, requests, commentary

- 22.1 To create the required environment, achieve a better lifestyle, and to be able to live in peace, everyone must co-operate. Everyone is entitled to his/her privacy, and this privacy must always be taken into consideration by other occupants and/or visitors/guests.
- 22.2 Occupiers/owners are kindly requested not to be petty and nitpicking.
- 22.3 Owners or occupiers are kindly requested to consider other people at all times, eg when on the communal property, the roads etc.
- 22.4 Any complaints and/or requests must always be in writing.
- 22.5 No anonymous complaints will be entertained

23. Rules with regard to exclusive use areas

- 23.1 Any right of exclusive use does not create rights to urban immovable property which admits to being mortgaged as contemplated in Section 27(6) of the Act.
- 23.2 Any exclusive use area shall only be used for the purpose of use as indicated on the sketch plan as garden respectively.
- 23.3 (a) Each owner shall be responsible for the maintenance and upkeep of his/her exclusive use area, and shall be liable to pay for all present and future costs and expenditure incurred in connection thereof.
(b) Should an owner, after having received seven (7) days written notice per registered post to his address fail to repair or adequately maintain the improvements to his exclusive use area, the Body Corporate shall be entitled to remedy the owner's failure and to recover the cost by debiting such amount against the monthly levy account.
- 23.4 An owner shall not, without the written consent of the Trustees, extend, raise, remove or in any way alter the boundary walls of his exclusive use area.
- 23.5 An owner shall not, without the written consent of the trustees, do or allow anything to be done to his/her exclusive use area, which is likely to prejudice the harmonious appearance of the building, or which is likely to be offensive.
- 23.6 In the event of an owner selling or letting his/her unit. It shall be the owner's duty to provide the new owner or lessee with a copy of these rules by annexing it as a schedule to any purchase agreement or agreement of lease.
- 23.7 In the event of any conflict between the stipulation of these rules and any stipulations of the Act and the Management rules proclaimed, shall these rules

be subordinate and in addition, do not prejudice the general stipulations of the Act and Management rules as proclaimed.

23.8 An owner of a section or sections entitled to the right to the exclusive use of a part or parts of the common property, is liable for contributions as determined from time to time by the Trustees in accordance with Section 37(1)(c) of the STSMA.

23.9 Any slaughtering and or processing of animals will only be allowed after the required permission and necessary certificate for the slaughtering from the City of Tshwane Metropolitan by-laws is presented and delivered to the registered office of the Body Corporate 14 days in advance.

24. Imposing of fines for contravening these rules.

24.1 The Trustees may impose a fine to the owner for contravening any of these rules after due notice of such contravention was given to the owner.

24.2 Such notice will be in writing and delivered to the unit concerned. A copy will be sent to the owners' e-mail address.

24.3 The quantum of such fines will be determined by the Trustees as set out in paragraph 25.

25. NOTICES, FINES, PENALTIES & ARBITRATION

25.1 Infringement of any of the rules herein may result in a fine not more or equal to one month's levy being imposed. The following shall apply for incidences of transgression:

25.2 A written notice to the owner and resident indicating the alleged transgression of a rule(s) and informing the owner / resident that the said infringement(s) should be rectified within 30 (thirty) days from date of the notice.

25.3 If the infringement has not been rectified within 30 (thirty) days of the written notice a fine equal to half on one month's levy shall be imposed with immediate effect.

25.4 If the infringement has not been rectified within 30 (thirty) days of the previous fine, a fine not more or equal to one month's levy shall be imposed with immediate effect.

25.5 The owner / resident will be granted the opportunity to appeal against the alleged transgression and / or fine within 14 (fourteen) days of the notice / fine to the Trustees or any other body appointed for this purpose by the Trustees.

26. LEGAL COSTS

An owner shall be liable for and pay all legal costs, including costs as between attorney and client on an attorney and own client scale. collection commission, expenses and charges incurred by the Body Corporate in obtaining the recovery of arrear levies, or any other arrear amounts due and owing by such owner to the Body Corporate, or in enforcing compliance with these rules, the conduct rules or the Act.

27. COMMON PROPERTY

- 27.1 The use of any alcoholic and or any drug related substances on the common property is NOT allowed.
- 27.2 The use of any fireworks inside Mount Grace is NOT allowed.
- 27.3 The use and production of marijuana / dagga or any drugs inside Mount Grace is prohibited.

These rules are compiled by the Board of Trustees. Rules may, from time to time, according to the circumstances, be changed or amended through Special Resolution by the Body Corporate.