

## SCHEDULE

Initialed by two trustees for identification purposes

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**N.B.** Trustees to initial each page of the Conduct Rules

## BODY CORPORATE OF LARISSA MEWS

No. SS 424/1996

### CONDUCT RULES

SUBSTITUTED IN TERMS OF  
Section 35(2)(b) of the Sectional Titles Act, 1986

#### 1. ***ANIMALS, REPTILES AND BIRDS***

- 1.1 Save for the specially trained dog of a blind person, an owner or occupier of a section shall not keep any animal or reptile in a section or on the common property. An owner or occupier may, with the prior consent of the trustees, keep a bird in a cage.
- 1.2 An owner or occupier who has been given approval for a bird shall ensure that it does not cause a nuisance. A breach of such obligations shall entitle the trustees to have the bird removed from the complex.

#### 2. ***REFUSE DISPOSAL***

- 2.1 Refuse shall be securely wrapped in plastic bags. Unless the trustees have arranged for refuse to be collected by staff, refuse shall be placed in the bins located and provided on the common property and the lids shall be securely replaced. Save as aforesaid, no refuse, including private refuse bins, shall be left on the common property.

- 2.2 The trustees shall be entitled to issue written directives for any matters relating to the storage and collection of refuse, including garden refuse.

**3. VEHICLES AND PARKING**

- 3.1 A vehicle shall be deemed to include a motorcycle and a trailer.
- 3.2 An owner, occupier, contractor or visitor shall not park so as to leave unattended any vehicle upon the common property without the prior written consent in writing of the trustees and shall not park a vehicle in an exclusive use parking bay or garage without due authority or entitlement. Notwithstanding the foregoing, the trustees shall be entitled to designate parking areas for visitors, contractors and additional parking for owners and occupiers including restricted periods and time limits.
- 3.3 The trustees may cause to be wheel-clamped, removed or towed away, at the risk and expense of the owner or user of the vehicle, any vehicle parked in breach of these rules without prejudice to the disciplinary proceeding and imposition of fines upon an owner referred to in these rules.
- 3.4 Owners and occupiers of sections shall ensure that their vehicles, and the vehicles of their visitors and contractors, do not drip oil or brake fluid onto or in any other way deface the common property including an exclusive use area.
- 3.5 An owner or occupier shall not be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, including an exclusive use area or in a section.
- 3.6 No buzz bikes, bicycles, tricycles, roller skates, scooters or skate boards shall be used on the common property.
- 3.7 No person shall sleep in any vehicle parked on the common property, including an exclusive use area or in any garage.
- 3.8 Save with the prior written consent of the trustees, mobile campers, caravans and boats shall not be brought onto any portion of the common property, including an exclusive use area or garage.
- 3.9 Vehicles shall not be washed save in the area designated by the trustees.

**4. DAMAGE, ALTERATIONS OR ADDITIONS TO COMMON PROPERTY**

- 4.1 An owner or occupier shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter or add any structure, fixture or fitting to any part of the common property without first obtaining the written consent of the
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trustees. An owner shall be liable to compensate the body corporate for any damages caused to the common property by that owner, his lessee, occupant, employee, guests and any member of his family.

4.2 An owner or occupier shall not 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;

without the prior written consent of the trustees who shall be entitled to prescribe the nature and design of the device and the manner of its installation.

4.3 No air-conditioning unit, awning, external blinds, satellite dish, television aerial or flagpole shall be installed on any part of the common property, including an exclusive use area, without the prior written consent of the trustees and, where applicable, the local authority.

4.4 Any approved installation shall be repaired and maintained by the owner, failing which the body corporate shall be entitled to remedy the owner's failure and to recover the reasonable cost of doing so from such owner.

## 5. ***APPEARANCE FROM OUTSIDE / STORAGE ON COMMON PROPERTY***

5.1 An owner or occupier shall not construct or place anything on any part of a section or the common property, including an exclusive use area and including balconies, decks, patios, stoeps and gardens which in the discretion of the trustees is aesthetically displeasing or undesirable when viewed from the outside of the section.

5.2 An owner or occupier shall not store or leave, or allow to be stored or left, any article or thing in or on any part of the common property except with the written consent of the trustees first having been obtained.

## 6. ***SIGNS AND NOTICES***

An owner or occupier shall not 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.

## 7. **LITTERING**

An owner, occupier, contractor or visitor shall not deposit, throw, or permit or allow to be deposited or thrown, on the common property any rubbish, including dirt, cigarette butts, food scraps, unwanted post or any other litter whatsoever. This shall include discarded household furniture and effects as well as packaging.

## 8. **LAUNDRY AND WASHING LINES**

8.1 An owner or occupier shall not erect his own washing lines nor hang any washing or laundry, bathing costumes, towels or any other items on any part of his section, his exclusive use area, the building patios, balconies or the common property so as to be visible from outside the buildings or from any other sections.

8.2 Laundry must be left to dry on the washing lines provided on the common property but the body corporate shall not be responsible for any loss. No washing shall be left on the lines after 21:00 nor before 05:00. No one apartment shall monopolise the lines, nor can any person "book a line" for future use.

## 9. **STORAGE OF INFLAMMABLE MATERIAL & OTHER DANGEROUS ACTS**

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

9.2 Save for his exclusive use area, an owner or occupier shall not repair, alter or interfere with the electrical supply on the common property. Electrical faults shall be reported to the trustees.

## 10. **LETTING AND PARTING WITH OCCUPATION OF SECTIONS**

10.1 In order to maintain the appeal, value and status of the complex it is the policy of the body corporate to discourage frequent weekend or short-term letting or occupation by persons other than the owner, his family and *bona fide* friends, which makes it difficult to identify and control occupiers and enforce the rules and manage and supervise the complex. It increases the security risk and introduces an occupier who does not necessarily have the same proprietary interest in the complex.

- 10.2 An owner shall not let his section (or allow such section to be sublet) for less than six consecutive months without the prior consent in writing of the trustees, which consent shall not be unreasonably withheld if there are special circumstances. An owner shall furthermore not advertise his section for rental or permit an agent to advertise or obtain tenants for his section unless subject to the said condition.
- 10.3 Save with the prior written consent of the trustees, which consent shall not be unreasonably withheld, an owner shall not part with the occupation of his section in his absence to any person other than his family and *bona fide* friends, whether for part of a day or night or otherwise. Such prohibition shall include parting with occupation for direct or indirect reward or for no reward.
- 10.4 An owner shall, for reasons of security and to permit the monitoring of the movement of the occupiers, be obliged to give prior notice to the trustees or the supervisor (if there is one) or their designated agent by fax or letter of the persons who will from time to time occupy the section and the owner's authority for such occupation.

## 11. **ERADICATION OF PESTS**

An owner shall keep his section free of white ants, borer beetles and other 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.

## 12. **REMOVALS AND DELIVERY OF FURNITURE**

- 12.1 Owners and occupiers shall advise the trustees or the supervisor (if there is one) seven days in advance of the intended day of the removal or delivery of furniture or any other heavy goods. Removal vans shall not impede the flow of traffic.
- 12.2 The trustees shall be entitled to impose a weight restriction upon the vehicle and its load before such vehicle is permitted to travel on the roads of the body corporate.

### 13. **NUISANCE**

- 13.1 An owner or occupier shall not cause or permit any disorderly conduct of whatsoever nature in a section or upon any part of the common property, including an exclusive use area, or do or permit any act, matter or thing in or about the same which shall constitute or cause a nuisance or inconvenience to any other owner or occupier of a section, to the supervisor or staff of the body corporate or to any other person lawfully present.
- 13.2 Owners and occupiers shall cause quietness to be maintained between 22:00 and 07:00 on all days and, in addition, between 14:00 and 16:00 on Saturdays, Sundays and public holidays in sections and on the common property, including exclusive use areas.
- 13.3 Motor hooters shall not be sounded on the common property.
- 13.4 Radios, musical instruments, record players and television receivers shall be used in such a manner as not to disturb owners or occupiers in adjoining sections.
- 13.5 An owner shall be required to keep his air conditioning unit in a good state of repair so as not to cause undue noise to adjacent sections, failing which the trustees shall be entitled to have it repaired at the owner's cost.
- 13.6 Building operations in a section or exclusive use area, including drilling, hammering, sawing and any other noise-creating repairs, whether carried out by the owner or a contractor, shall only be carried out between the hours of 07:00 and 16:00 but not over weekends and public holidays. All building operations shall be expeditiously completed.
- 13.7 Fireworks shall not be lit or discharged in any section, exclusive use area or on the common property.

### 14. **USE**

- 14.1 An owner or occupier shall use or permit the use of his section, including an exclusive use area, for residential purposes only.
- 14.2 In particular, an owner or occupier shall not :
- 14.2.1 Employ any person to work in the section for reward or otherwise, save as a domestic worker.
- 14.2.2 Carry on any profession, practice, occupation, trade or business in or from the section, in particular such that results in customers, clients or persons who have a business relationship with the owner or occupier being admitted to the section.

- 14.3 The maximum number of persons who may permanently reside in or occupy a section overnight is two persons per bedroom. A lounge or dining area shall not be counted as a bedroom. Notwithstanding the foregoing, the trustees shall be entitled, in their discretion, to increase this maximum over holiday periods so that two children under twelve years of age may replace one adult. No person shall be entitled to sleep in a garage or on the common property, including an exclusive use area.
15. ***REPAIRS / ALTERATIONS TO SECTION AND EXCLUSIVE USE AREA***
- 15.1 An owner shall repair and maintain his exclusive use area in a state of good repair.
- 15.2 No structural alterations, additions, enclosure of a patio or balcony and no building work which according to National Building Regulations requires the consent of the local authority, shall be carried out in or to a section or exclusive use area until plans of same have been furnished to the trustees and their prior written consent has been obtained. Any consent shall be conditional upon local authority approval where applicable. The alterations and additions referred to above shall also include the tiling or retiling of floor surfaces other than in a kitchen or bathroom. In particular the trustees shall have regard to the noise factor created by tiled surfaces above bedrooms.
- 15.3 Prior to granting consent the trustees may require a certificate from an engineer that the stability of the building is not impaired.
- 15.4 In granting consent the trustees may impose reasonable conditions as to the work and may request a deposit of money as security for damages.
- 15.5 Repairs or alterations to electrical wiring and plumbing shall be effected only by a person qualified to do so and such work shall comply with the standards and bye-laws of the relevant local authority.
- 15.6 The enclosure of balconies and the replacement of windows and of external doors of a section are required to conform to the style and standard determined by the trustees for the premises as a whole.
- 15.7 An owner shall be responsible for the conduct of his contractors and their employees, all of whom shall comply with the security provisions in these Conduct Rules and, in particular, the obligation to provide proper identification.
- 15.8 An owner shall also observe the rules relating to the making of noise.
- 15.9 Notwithstanding that an external window or door (including a garage door) of a section may comprise part section and part common property, the owner of that section who has practical exclusive use of such window or door, shall be

responsible for the maintenance, repair or replacement of that window, window panes or door and ancillary fittings at his own cost whenever same shall become damaged, defective or worn out. Replacements shall conform to the style and standard determined by the trustees for the premises as a whole. Should an owner fail to do so within thirty days after the giving of written notice, the body corporate may carry out the maintenance, repair or replacement as if such fixtures and fittings were part of an owner's section, and recover the reasonable cost of doing so from such owner.

16. **SECURITY**

16.1 For security reasons the trustees may require an owner to provide personal information including an identity number of :

16.1.1 a lessee or occupier approved in terms of Rule 10.2 or 10.3;

16.1.2 any contractor or service provider who intends to gain entry to a section.

16.2 Failing notice as required in 16.1, the trustees shall be entitled to refuse entry to the building.

16.3 The supervisor (if there is one) or a security officer appointed by the trustees shall be entitled to call upon any person to identify himself or herself and to refuse entry to the common property and any section to any person who is unable to reasonably identify himself or herself with the owner's authorization to occupy the section; likewise the trustees shall be entitled to take whatever steps they deem necessary to remove from a section and the common property any person whom they were entitled to deny entry aforesaid.

17. **DOMESTIC WORKERS**

17.1 The trustees shall be entitled to require the domestic workers of owners and occupiers to provide their names and identity numbers, to carry a permanent card of identification and to take whatever other steps the trustees may deem necessary for the security of the premises. The cost of any or all of the aforementioned shall be borne by the owner/occupier.

17.2 Domestic workers shall not be housed in an owner's section, exclusive use area or on the common property.



18. **ENFORCEMENT OF RULES BY FINES**

- 18.1 In the event of an alleged breach by an owner of any of his obligations under the Act or any of the management or conduct rules or trustees' directives made in terms of the conduct rules, then the trustees shall have the remedies hereafter set out in addition to and without prejudice to any other remedy available.
- 18.2 The trustees shall be entitled to summons an owner or occupier to appear before a committee of not less than two trustees to answer any alleged breach referred to above and to show cause why a fine should not be imposed.
- 18.3 The owner shall be given written details of the alleged breach and reasonable notice of the hearing.
- 18.4 The hearing shall be held as soon as possible and shall be informal. The committee shall consider evidence and documents relating to the alleged breach. The owner or occupier may be represented and shall be allowed to present evidence and documents.
- 18.5 After the hearing, the committee shall reach its decision and give written notice thereof to the owner together with any fine imposed.
- 18.6 The trustees shall be entitled to impose fines not exceeding R5 000.00 for any breach referred to in this rule.
- 18.7 Should the owner fail to appear at the hearing, then the committee shall reach its decision in his absence and thereafter notify the owner in writing.
- 18.8 In the event of the owner disputing the decision or the amount of the fine, such dispute shall be resolved by arbitration in terms of Management Rule 71.

19. **LEVIES AND OTHER CHARGES PAYABLE BY OWNER**

- 19.1 The trustees shall be entitled to make administrative charges against an owner (to be fixed by the trustees in their discretion) for sundry expenses caused by an owner such as obtaining legal, accounting and technical advice, letters written, faxed or sent by e-mail, telephone calls or work generally done, bank charges or other expenses incurred. This shall apply in particular to expenses arising from :
- 19.1.1 the failure of an owner to pay any amount to the body corporate timeously;
- 19.1.2 an owner being in breach of the Act or the Rules or any directive issued by the trustees;

- 19.1.3 an owner making a cash payment into the bank account of the body corporate or its agent;
  - 19.1.4 the provision of any letter or document for or on behalf of an owner;
  - 19.1.5 call-out time for lost keys, water leaks, electricity faults.
- 19.2 All monies due to the body corporate shall be allocated firstly to amounts other than levies and contributions and only thereafter to levies and contributions.
- 19.3 Unless otherwise resolved by the trustees, all levies or contributions shall be payable by members monthly in advance on the first day of each and every month.

20. ***EMERGENCY ACCESS***

Every owner or occupier of a section shall deliver to the trustees duplicate keys to the entrance to his section for the purpose of gaining entry in the event of an emergency.

21. ***SLAUGHTERING OF ANIMALS***

No slaughtering of animals or birds shall be permitted in any section or on the common property.

22. ***LETTING / TRANSFER OF SECTIONS COMPRISING GARAGES***

The owners of sections or exclusive use areas which comprise garages or parking bays shall not be entitled to let same to any person or entity who is not already an owner or occupier of one of the other sections in the scheme. In particular the trustees shall be entitled to prevent any person or entity from hiring, using or occupying such sections or exclusive use areas unless the hirer, user or occupier is also the owner or occupier of one of the other sections.

23. ***TRUSTEES' DIRECTIVES***

In their obligation to do all things reasonably necessary for the control, management and administration of the common property, the trustees shall be entitled to issue reasonable written directives in elaboration of these conduct rules which shall be binding upon owners, occupiers, contractors and visitors.

**24. SWIMMING POOL**

- 24.1 The swimming pool shall be used only by owners, occupiers and their guests. No children under the age of twelve years shall use the pool unless accompanied by an adult. The adult shall keep control of the noise and make sure that the children do not disturb other persons.
- 24.2 The use of surf boards and the playing of ball games is not permitted in the pool.
- 24.3 No ball games shall be played in the pool area.

**25. BRAAI – OUTDOOR FIRE COOKING**

Owners and occupiers are not permitted to braai on their open patios but may do so in the area set aside by the trustees for this purpose. The use of Weber type ovens or gas braais only shall be used and should a smoke nuisance be caused, the permission may be withdrawn by the trustees. The trustees may in their discretion levy a charge for the use of the braai area and surrounds.

**26. DAMAGE TO ANOTHER SECTION / PAYMENT OF INSURANCE EXCESS**

- 26.1 An owner shall be entitled to recover the reasonable cost of repair of any damage to his section from the owner of another section in which the cause of such damage arose.
- 26.2 Should the cost of repair be paid by an insurer, any excess shall be recoverable by the owner whose section sustains damage or by the body corporate (whomever is liable for such excess) from the owner of the other section.
- 26.3 In terms of Management Rule 29 (4) the body corporate shall be responsible for excess payments in respect of specific damage within or to an owner's section, namely such damage as is caused by events beyond the boundaries of the section but **excluding** damage caused by the act or omission of the owner or any occupant of that section and also **excluding** damage caused by the failure of the hot water installation serving such section.

**27. GARDEN AREAS / STAFF**

- 27.1 The body corporate gardens shall be subject to the control of the trustees.
- 27.2 Owners and occupiers shall not give instructions to staff, provided that they shall be entitled to employ staff out of their usual hours of employment for casual work.



27.3 An owner or occupier shall be entitled to plant small shrubs and annuals in his exclusive use area. No trees or large shrubs shall be planted without prior written approval of the trustees. Save for the foregoing, owners and occupiers shall not plant any trees, shrubs, flowers or plants of any kind on the common property nor cut down, dig out or remove same.

28. **EXCLUSIVE USE AREAS**

28.1 In terms of section 27 A of the Sectional Titles Act No. 95/1986, rights of exclusive use and enjoyment of a part/area of the common property (hereafter referred to as EUA) shall be conferred upon a member of the Body Corporate in his capacity as owner, from time to time of his respective section –

28.1.1 in accordance with a layout plan to scale annexed hereto marked "A" on which is clearly indicated the locality of the distinctively numbered EUA; and

28.1.2 in accordance with a schedule annexed hereto marked "B" on which is indicated the purposes for which such EUA may be used and to which member's section such EUA is allocated.

28.2 There shall also be conferred upon the member in his aforesaid capacity the exclusive use and enjoyment of existing improvements to such EUA and any future improvements duly authorised.

28.3 Subject to any restrictions against registration thereof, the provisions of the Act and the prescribed Management and Conduct Rules relating to exclusive use and exclusive use areas shall apply to such EUA as set out in this Rule.

28.4 The owner shall at all times, at his own expense, repair and maintain his EUA and all improvements so as to keep same in a state of good order and repair.

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