

DUTIES OF OWNERS AND OCCUPIERS OF SECTIONS

Statutory and General

69. In addition to his obligations in terms of Section 32 of the Act an owner:

- (i) shall not use his section or permit it to be used in such a manner or for such purpose as shall be injurious to the reputation of the building;
- (ii) shall not contravene or permit the contravention of any law, by-law, ordinance, proclamation, statutory regulation or the conditions of any licence relating to or affecting the occupation of the building or the common property or the carrying on of business in the building or the conditions of title applicable to his section or any other section;
- (iii) shall not make alterations to his section which are likely to impair the stability of the building or the amenity of other sections or the common property;
- (iv) shall not do anything to his section which is likely to prejudice the harmonious appearance of the building;
- (v) 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 once in every calendar year 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 and of eradicating any such pests as may be found within the section shall be paid for from the amounts levied in terms of rules 30 and 31. In the event of it being found necessary to replace any woodwork or other material forming part of such section which may be damaged by any such pests the cost of such replacement shall be borne by the owner of the section concerned.
- (vi) shall not make structural alterations, modifications or additions to the exterior of his section without the consent thereto of the Board of Trustees being first sought, and obtained, in writing.

Binding Nature

70. The provisions of the rules and of the house rules and the duties of the owner in relation to the use and occupation of sections and common property shall be binding on the owner of any section, and any lessee or other occupant of any section, and it shall be the duty of the owner to ensure compliance with the rules by any lessee or occupant, including servants, guests and any member of the family of any owner, lessee or occupant.

Owner's Failure to Maintain

71. If an owner -
- (a) fails to repair or maintain his section in a state of good repair as required by section 32(c) of the Act; or
  - (b) fails to maintain adequately any area of the common property allocated for his exclusive use and enjoyment and such failure persists for a period of one month after the giving of written notice to repair or maintain given by the trustees or the managing agent, the body corporate shall be entitled to remedy the owner's failure and to recover the reasonable cost of doing so from such owner.

EXPROPRIATION

72. (1) If at any time the whole or any part of or any rights in the common property are expropriated, each of the owners shall be deemed to have appointed the trustees as his duly authorised agents and representatives -
- (a) to negotiate and settle the compensation payable to him and to that end, to employ attorneys, advocates and experts; and
  - (b) on his behalf to receive and give valid acquittance for any compensation moneys paid.
- (2) Any compensation moneys received by the trustees on behalf of the owners in terms of sub-rule (1) shall be paid to the owners in accordance with their participation quotas unless any owner notifies the trustees before such moneys are so distributed that he considers such a

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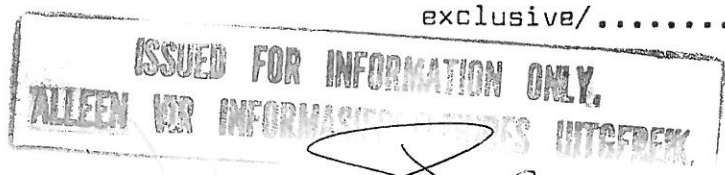
distribution would be inequitable in which event they shall be distributed either -

- (a) in accordance with a scheme approved by unanimous resolution; or
  - (b) in accordance with a scheme approved by the arbitrator.
- (3) For the purpose of this rule, the "arbitrator" means a practising senior advocate nominated by the trustees. The trustees shall be obliged to nominate the arbitrator within three weeks of being called upon to do so by any owner.
- (4) If the whole or any part of or any rights in the common property are expropriated, any owner may refer the formulation of a scheme as contemplated in sub-rule (2) to arbitration in terms of the Arbitration Act, subject to the provisions of this rule.
- (5) In formulating a scheme as contemplated in sub-rule (2), the owners and the arbitrator shall have due regard to the quantum of damages suffered by each owner as a result of the expropriation and if the exclusive rights of any particular owner or owners to use the common property have been affected by the expropriation the scheme should, if reasonably practicable, provide for the allocation to such owner or owners of the exclusive use of another part of the common property for the same purpose.

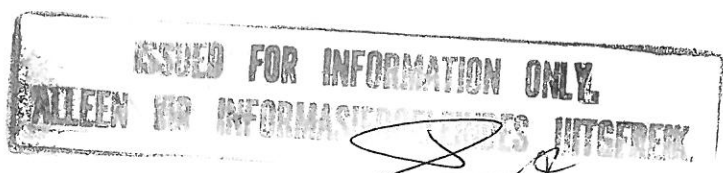
EXCLUSIVE USE AREAS


73. (1) Notwithstanding the fact that certain areas, more fully described below, are in terms of the sectional plan relating to the sectional title scheme as filed with the Registrar part of the common property, the owner of each unit comprised in the scheme shall, subject to sub-rules (2), (3), (4), (5) and (6) below, be entitled to the

exclusive/.....



- exclusive use, occupation and enjoyment to the exclusion of the rights of all other owners and all other persons, of the areas depicted on the plan annexed hereto marked "X", to be used by him for the purpose or purposes indicated thereon.
- (2) The body corporate shall take all necessary steps in its power to ensure that the exclusive use areas shall be reserved for the exclusive use of the owners entitled to such use in terms of sub-rule (1).
- (3) An owner shall be obliged to maintain the exclusive use area of which he has the exclusive use as if it were part of his section, and shall be obliged to take all reasonable and necessary steps to keep such area in a clean, hygienic, neat and attractive condition.
- (4) An owner shall not use his exclusive use areas or permit them to be used in such a manner or for such purposes as are likely to impair the safety, appearance or amenity of other sections or other parts of the common property.
- (5) Notwithstanding the provisions of sub-rule (1) above, an owner shall permit the body corporate and/or other owners access across his exclusive use area for any purpose reasonably required for the maintenance of the exclusive use areas of such other owners. Each owner shall also allow the body corporate access to and across his exclusive use area -
- (a) for any purpose reasonably required for the maintenance of the common property; and
- (b) for the purpose of implementing the provision of rule 71 should the body corporate so require.
- (6) Save where the unit concerned is let, owners may not let other exclusive use areas allocated to them in terms of rule 73 without the written consent of the trustees, which consent shall not be unreasonably withheld.



Reëls in hierdie bylae uiteengesit, aangevul, gewysig of herroep, soos uiteengesit  
 Rules set out in this schedule, added to, amended or repealed, as set out in  
 In trustees se Kennisgewing gedateer notification by trustees dated..... 24 June 1984  
 substituted rules filed herewith.  
 Registrasiekantoor: Deeds Registry:  
 ..... PMBurg .....  
 Datum/Date: 1987-10-01  
 .....  
  
 REGISTRATEUR VAN AKTES  
 REGISTRAR OF DEEDS

We hereby certify that these are the Rules for  
 inclusion in Schedule 2 (Section 27(2)(a)(ii) )  
 which were duly submitted to an Extraordinary  
 General Meeting of the Body Corporate known as  
 BOULEVARD COURT No. 335/85  
 situate at Lot 80, Block V Townlands of Durban  
 No. 1737 measuring 516 sq.m.  
 held on the 24<sup>th</sup> day of JUNE 1984  
 and adopted by a special resolution of the  
 members thereof in substitution for the Rules  
 contained in Schedule 2

as/ ..

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