

PARK AVENUE BODY CORPORATE **CONDUCT RULES**

INDEX:

1. ANIMALS, REPTILES AND BIRDS
2. REFUSE REMOVAL
3. VEHICLES
4. DAMAGE, ALTERATIONS OR ADDITIONS TO THE COMMON PROPERTY
5. APPEARANCE FROM THE OUTSIDE
6. SIGNS AND NOTICES
7. LITTERING
8. LAUNDRY
9. STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS
10. LETTING OF UNITS
11. ERADICATION OF PESTS
12. MOVING IN / OUT OF PREMISES
13. NOISE LEVELS AND MISCONDUCT
14. OCCUPANTS PER UNIT
15. REMOTES AND ACCESS DISCS
16. AIR CONDITIONING UNITS
17. ADDITIONS AND RENOVATIONS
18. DSTV
19. COMPLIANCE WITH THE RULES OF UMHLANGA RIDGE TOWN CENTRE
MANAGEMENT ASSOCIATION
20. MANAGEMENT OF LEVY DEFAULTERS
21. USE OF GYM
22. FINES – ENFORCEMENT OF THE RULES OF THE BODY CORPORATE

These Conduct Rules are used to regulate the management, use and conduct of Park Avenue owners, residents, their guests and visitors.

1. ANIMALS, REPTILES AND BIRDS

No animals, reptiles or birds shall be kept in any section or any part of the common property. No pets are allowed.

2. REFUSE DISPOSAL

An owner or occupier of a section shall-

- 2.1 maintain in an hygienic and dry condition, a receptacle for refuse within his section, his exclusive use area or on such part of the common property as may be authorized by the Trustees in writing;
- 2.2 ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained;
- 2.3 for the purpose of having the refuse collected, place such receptacle within the area at the times designated by the Trustees;
- 2.4 when the refuse has been collected, promptly return such receptacle to his section or other area referred to in paragraph (a);
- 2.5 The bin area is located on the basement floor as well as on each floor at the fire escape. Please ensure the gate on the basement floor is closed at all times.
- 2.6 No bin bags, boxes or packets containing dirt to be left at the entrance, pathways or corridors of Park Avenue
- 2.7 . All dirt to be placed in the green bins provided in the bin areas.

3. VEHICLES

- 3.1 No owner or occupier shall park or stand any vehicle upon the common property, or permit or allow any vehicle to be parked or stood upon the common property, without the consent of the Trustees in writing.
- 3.2 The Trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on the common property without the Trustees consent.
- 3.3 Owners and occupiers of sections shall ensure that their vehicles and the vehicles of their visitors and guests do not drip oil or brake fluid on to the common property or in any other way deface the common property. Should this occur, the cost of cleaning the affected area will be for the owners / occupants account.

- 3.4 No owner or occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.
- 3.5 Owners to ensure that their vehicles are at all times parked in their correct bays. Should a vehicle not park in its correct destination it may warrant the wheels being clamped and fines of R300 being levied against the owner.
- 3.6 No washing of motor vehicles in any area other than the designated wash bay.
- 3.7 Parking overnight in visitors parking is not allowed. Should visitors be spending the night or weekend, an email must be sent to Trafalgar informing them so that they in turn can inform Security. Commercial Owners and Tenants staff are not allowed to park in the visitors parking under any circumstances.

4. DAMAGE, ALTERATIONS OR ADDITIONS TO THE COMMON PROPERTY

- 4.1 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 obtaining the written consent of the Trustees.
- 4.2 Notwithstanding sub rule (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 and design of the device and the manner of its installation.

5. APPEARANCE FROM OUTSIDE

- 5.1 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. In particular, the owner or occupier is not allowed to hang any clothing, linen or laundry in the balconies.
- 5.2 All curtains and/or blinds visible from the exterior of the building are to be either neutral or white in colour thereby giving a uniformed appearance from the exterior.

6. SIGNS AND NOTICES

No owner or occupier of a section, used for residential or commercial purposes, shall place any "For Sale", "To Let" sign, notice, billboard or commercial sale 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

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

7.2 No littering on staircases, corridors or common areas of The Ma.

8. LAUNDRY

8.1 An owner or occupier of a section shall not, without the consent in writing of the Trustees, erect his own washing lines, nor hang any washing or laundry or any other items on any part of the building or the common property so as to be visible from outside the buildings or from any other sections.

8.2 Hanging up washing is prohibited in corridors or passages or in public view or common areas of Park Avenue. Drying yard has been created for this respect.

9. 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 the premium payable by the Body Corporate on any insurance policy.

10. LETTING OF UNITS

10.1 All tenants of units and other persons granted rights of occupancy by any owner or the relevant unit are obliged to comply with these rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

10.2 All Tenants must have a minimum of a six (6) month lease.

10.3 A section owner shall obtain written permission from the Trustees to let/his section the granting of which shall not be unreasonably withheld. A section owner shall furnish the Trustees with a copy of a proposed agreement of lease, which shall incorporate these Conduct Rules. Any reference made in the Conduct Rules to an owner shall be deemed to include a tenant. Nothing contained in this sub-clause shall derogate from the rights of the Trustees to recourse against the owner of a section if the tenant fails to comply with the directions of the Trustees.

10.4 All members of the Body Corporate agree and confirm that any owner who enters into a lease agreement or allows possession, use and or occupation for any reason whatsoever for any period of time must submit all details of said occupants to the trustees and or Managing Agent prior to occupation being granted. Any failure to submit the aforementioned details is an offence and may attract a fine in line with these rules.

11. ERADICATION OF PESTS

An owner 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 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. MOVING IN / OUT OF PREMISES

12.1 Owners are to notify the Managing Agent at least 48 hours prior to the intended move of the DATE and TIMES of the move. The Supervisor will be contacted by the Managing Agent and instruct to install the lift covers to protect the lift interior.

12.2 MOVING TIMES:

(a) Moving in and out between: 08:00am to 18:00pm – Monday to Friday

(b) Moving in and out on a Saturday between 08:00 to 13:00pm

12.3 Vehicles are to be stationed on the ground floor parking when moving personal items into and out of the building.

12.4 The above rules 7.1, 7.2 and 7.3 also apply to deliveries of furniture or like or removal of items of furniture and the like.

12.5 A moving fee of **R250.00** is payable for lift usage and is payable into the relevant levy account.

12.6 Moving items of any nature on a SUNDAY is prohibited.

13. NOISE LEVELS AND MISCONDUCT

An owner or occupier shall not use his/her section in such a manner that it will cause a nuisance to any other section.

13.1 Occupants of units must refrain from making a noise and causing a disturbance to other occupants. The following times of silence should be adhered to:

Weekdays: 22:00pm – 06:00am

Weekends: 22:00pm – 07:00am

13.2 All Independent Contractors to ensure that the noise levels kept to a minimum. Hammering and drilling must be completed between 08:00am and 6pm on weekdays and 08:00am to 13:00pm on Saturdays. No work to be carried out on Sundays. Use of Park Avenue Body Corporate electricity is strictly prohibited.

13.3 Children are not allowed to play on the common areas and or the parking area.

13.4 Pool only to be used from 07:00am – 19:00pm.

13.5 Consumption of alcohol in public and common areas is strictly forbidden.

Notwithstanding the aforementioned time-periods of ensuring silence, excessive disturbance outside these times is strongly discouraged and may be subject to penalty, if excessive.

14. OCCUPANTS PER UNIT

Not more than one (1) person per 15sqm per unit. This equates to:-

1 Bedroom (2) persons

2 Bedroom (4) persons

3 Bedroom (6) persons

15. REMOTES AND ACCESS DISCS

Gate remotes or access discs are not to be issued to any domestic worker, contractor or persons other than the registered owner and/or their tenants/rental agents.

16. AIR CONDITIONING UNITS

16.1 No owner/tenant is permitted to install any air conditioning units without the written consent of the Trustees of the Body Corporate, to avoid any violation of the Body Corporate and /or design rules of the association (if any).

16.2 One (1) air conditioning plug and condensate pipe is provided in service duct. Should there be a need for additional air conditioning units, the owner must seek permission of the Body Corporate Trustees.

16.3 All air conditioners may only be installed in the drying area/service yard of the sections.

16.4 Air conditioners installed by Commercial unit owners must be screened off.

17. ADDITIONS AND RENOVATIONS

Any intended additions and/or renovations to sections must be communicated to the Trustees and written approval to proceed with same must be obtained. No work will be permitted on site prior to consent from the Body Corporate Trustees.

18. DSTV

Each unit is pre-installed with DSTV and digital HD network. NO other external aerials are permitted.

19. COMPLIANCE WITH THE RULES OF UMHLANGA RIDGE TOWN CENTRE MANAGEMENT ASSOCIATION (RF) NPC

An owner shall not do or permit to be done anything that contravenes the rules of the Umhlanga Ridge Town Centre Management Association as per Annexure A hereto or any amendments to these rules from time to time.

20. MANAGEMENT OF LEVY DEFAULTERS

20.1 It is in the sole discretion of the Trustees to take any remedial action necessary against any owner for the enforcement of any right, duty or obligations owed by any owner to the Scheme for the payment of any levy, administrative fee or any other charge that may become due in the enforcement of the Act, the Rules or any other obligation owed.

20.2 All members of the Body Corporate agree that any legal or administrative fees incurred by the Scheme, pursuant to a valid agreement with any supplier, in the prosecution of any obligation owed or the enforcement of the rules as against an errant owner can and should be debited to the members account immediately.

20.3 All members of the Body Corporate agree that all debt collection charges as amended from time to time in the Act, which may be incurred by the Body Corporate when employing the services of a registered debt collector as defined in the Debt Collectors Act of 1998, can and should be debited to the errant members account immediately.

21. USE OF GYM

Please ensure that all equipment and lights in Gym room are switched off after use.

22. FINES – ENFORCEMENT OF THE RULES OF THE BODY CORPORATE

In the event of a contravention of any of the requirements of the Sectional Titles Act, the Management rules of the Body Corporate or the Conduct Rules of the Body Corporate, the following action shall be taken against the registered owner of the Unit:

22.1 A first written warning notice shall be delivered or sent to the registered owner by hand, email or registered post giving full details of the alleged contravention in clear and unambiguous terms.

22.2 In case of a further breach of the rules, or in the case of a blatant disregard of the rules which, a second written warning notice shall be delivered or sent to the registered owner by hand, email or registered post giving full details of the alleged contravention in clear and unambiguous terms.

22.3 Following a further breach of the rules, a final letter will be issued to the owner or his agent, who will be invited to attend a meeting or hearing within seven (7) days of the event date of the letter.

22.4 The purpose of the meeting is to enable the owner to respond to the allegation and evidence against him. The owner shall be given the right to cross-examine any witnesses and shall be allowed to call his own witnesses.

22.5 Based on the outcome and information from the hearing. The Trustees shall then decide if the owner is guilty of the contravention or not. If found guilty, the Trustees will impose the fine if circumstances warrant such a consideration. The owner shall be informed of the decision and reasons thereof, as well as the final amount of the fine.

22.6 The members of the Body Corporate shall review the scale of the fines to be imposed at each annual general meeting.

22.7 An owner will be liable for all legal costs and any other expenses, incurred by the Body Corporate in enforcing the Conduct Rules of the complex or the provisions of the Sectional Title Act.

Fines: Contravention of Conduct Rules

1. Any rule regarding refuse removal	R200
2. Any rule regarding vehicles	R300
3. Any rule regarding damage to common property	R300
4. Any breach regarding appearance from the outside	R200
5. Any breach regarding signs or notices	R200
6. Littering	R300
7. Hanging washing or laundry visible to other persons	R300
8. Storage of inflammatory material or dangerous acts	R500
9. Not keeping section free of pests	R300
10. Any breach regarding letting of units	R500
11. Noise and misconduct	R500

Fines: Contravention of Management Rules

68 (i) Injurious to the reputation of the building	R500
68 (ii) Contravention of the law or by law	R500
68 (iii) Alterations which impair stability or use and enjoyment	R500
68 (iv) Doing anything which prejudices harmonious appearance	R500
68 (v) Not use exclusive use area for purpose other than intended	R500
68 (vi) Construct anything on exclusive use area without consent	R500
68 (vii) Failing to maintain the hot water system	R200

Contravention of the Sectional Titles Act

44 (a) Permitting persons to section and exclusive use area	R500
44 (b) Carry out work as ordered in respect of section	R500
44 (c) Repair, maintain and keep clean section and exclusive use area	R500
44 (d) Use common property by interfering with others	R500
44 (e) Use section or exclusive use area and cause a nuisance	R500
44 (g) Not use section for any purpose other than shown on plan	R500