

**NOTIFICATION UNDER SECTION 35(5) AND
REGULATION 30(3) AND (4) OF THE
SECTIONAL TITLES ACT 1986**

(Form V)

We, BHEKI LATHA and ADAM ARBEE (only two Trustees required to sign), the undersigned Trustees of the Body Corporate of the Sectional Title Scheme known as STRETTON BAY, Sectional Scheme No 147/1985 situate at 9-11 ST ANDREWS ST DURBAN hereby give notice that on 09-06-2010 the Body Corporate made the following rules (set out in the Schedule) which have been initialled by the Trustees for identification for the control and management of the buildings:

- (a) Conduct Rules (in substitution of, addition to or withdrawal of, or in amendment of the existing Rules).

The Rules referred to in paragraph (a) have been made by special resolution of the members of the Body Corporate.



TRUSTEE



TRUSTEE



Stretten Bay Conduct Rules

Rules established for body corporate of Stretten Bay in terms of Section 35 of the Sectional Titles NO.95 of 1986, here after referred to "the act". These rules are effective immediately and replace all other existing house Rules.

1. Preamble

- 1.1 These rules have been drawn up with a view to ensure orderly, pleasant and congenial living conditions and surrounding for all the residents and the protection of the collective interests of the owner and investors.
- 1.2 These rules may be added to, amended or repealed by a special Resolution at a General Meeting of the Body Corporate. Any addition amendment or revocation has been registered in the Deeds office in terms of Section 35 (5) of the sectional Titles Act.
- 1.3 In terms of section 39 of the Act, all functions & duties of the Body Corporate are performed by the Trustees subject to any restrictions imposed or directions given at a General Meeting of owners of sections.
- 1.4 The reference to Body Corporate / Trustees in these Rules, when relating to the application and enforcement of the Rules, shall include any person carrying out duties on instructions of the Board of Trustees.
- 1.5 In applying and enforcing these and any other Rules the Trustees may appoint members of the Body Corporate on sub -committees to assist them.

2. Proprietary Rights to Conduct Rules

- 2.1 These rules are and remain the property of the body corporate and shall remain in the section (flat) when is vacated.
- 2.2 Should a set of Rules be lost the Body Corporate may charge a reasonable fee for its replacement.

3.1 Duties & Rights of the Board of Trustees

- 3.1 The prime duty of Trustees is to effectively take care of the investments of the various owners, to the satisfaction of the majority of owners. At times this requires certain action, legal or otherwise to be taken. No owner whose levy is in arrears may become a Trustee.
A Trustee whose levy falls into arrears will be removed as such after a period of 2 months has elapsed and the arrears have not been fully settled.
Trustees who fail to attend 3 consecutive meetings will automatically be removed as a trustee

4. Domicilium citando et Executandi & Register of owners

- 4.1 It is the duty of the Owners to notify the Trustees forthwith of any change of any change of ownership in his /her section and of any mortgage or other dealing in connection with his/her section as specified in section 44 (1) (f) of the act.
- 4.2 The Trustees are charged to maintain a register of owners and registered mortgagees of sections and of all other persons who have a real right, together with their addresses, after receiving the information from the owners.

5. Supply of tenants particulars by non-resident owners

Two handwritten signatures in black ink, one on the left and one on the right, appearing to be initials or names.

- 5.1 Owner must supply full particulars of tenants of their sections and any changes as they take place, to the Trustees before such tenants take occupation. This is essential not only for good order, but to identify who is entitled to be on the premises and use the amenities.
- 5.2 Owners must also notify the Trustees and keep them informed as to the agent, if any, who does the leasing on their behalf.
- 5.3 Such owners shall fully and clearly instruct their agents as to the said owner's obligations with respect to these rules, and shall further instruct the agents that only persons acceptable to and congenial with the community of the Scheme shall be selected as tenants.

6. Owners & Tenants Default

- 6.1 The owner of a unit is fully responsible for any action of the tenant, workers & visitors to a unit whilst such are on the property of the Body Corporate.
- 6.2 Any cost incurred due to such persons causing any damage to any part of the Body Corporate property becomes the responsibility of the owner.
- 6.3 Any legal cost will be for the owner's account.

7. Owners and Agents Duties

- 7.1. The provisions of the Prescribed Management Rules and Conduct Rules, and the Duties of owners and agents in relation to the use and occupation of the section and common property shall be binding on the owner and agent of any section and any lease or other occupants of any Section and it shall be the duty of the owner or agent to ensure compliance with the rules by his / her lessee or occupant including employees, guests and any member of his / her family, his / her lessee or occupant.
- 7.2. All tenants of sections and other persons granted rights of occupancy by any owner of the relevant section are obliged to comply with these conduct Rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.
- 7.3 Occupants are responsible for the behaviour acts or omissions of their visitors and shall ensure that such visitors are made aware of, understand and conform to these rules. Owners shall further ensure that tenants or occupants undertake in writing to abide by the rules and conditions. The format of the undertaking and the manner of lodging shall from time to time be prescribed by the Trustees.
- 7.4. In the interest of security, occupants are requested to notify the Trustees timeously in advance of third parties, who may from time be authorised by them to enter their section to effect repairs, delivery or collect goods. In event of such notice not being given, Trustees may refuse entry.

8. Alcohol

- 8.1 No open use of alcohol on the common property is permitted. Foyer area, passages or stair ways.



8.2 Consumption of alcohol may only take place within the 4 (four) walls of the occupants unit.

9. Children

- 9.1 Occupants and visitors children shall be controlled and supervised in order to avoid damage to the common Property and inconvenience and disturbance to other occupants.
- 9.2 Occupants must ensure that their children do not tamper with electrical switches, taps, post-boxes, name plates, trees, plants or any other fitting including garden items.
- 9.3 Security and other staff are not the guardians of occupants or visitors children, the occupant and their visitors are to ensure that their children behave in an orderly manner. No children may be left at the security desk or foyer area.
- 9.4 No children under the age of 12 years are allowed to use the lifts unaccompanied by an adult. If the lift gets stuck with a small child it could be traumatic.
- 9.5 No children allowed playing on any part of the common property. Passages, foyer and stairways.
- 9.6. No ball games, skate boarding, skating, and cycling in any part of the common property including parking areas is permitted.

10. Motor Vehicles and Parking

- 10.1 No occupant shall park his / her vehicles on common Property, or permit his/her visitor's vehicle to be parked on Common Property, without the written consent of the Trustees which approval may not be unreasonably being withheld.
- 10.2 The Trustees may cause a vehicle to be towed or a wheel clamp placed on a vehicle, if such is parked on the common Property without the Trustees written consent.
- 10.3 Occupants of Sections shall ensure that their vehicles and the vehicles of their visitors and guests do not drip oil or brake fluid on the common property or in any other way deface the Common Property.
- 10.4. Occupants shall not be permitted to dismantle or effect major repairs to any vehicle on any part of the Common Property.
- 10.5 No motor wrecks may be kept on the Common Property or on the sidewalks.
- 10.6 Any persons causing damage to any part of the Common Property shall be held responsible for repairs to such area of damage.
- 10.7 Parking of vehicles in entrances to the Common property or in areas giving access to garages and causing obstruction by doing so is strictly forbidden. Vehicles so parked will be towed away at the risk of the owner thereof.
- 10.8 Vehicles may only be washed in the occupants parking bay. These areas are to be left tidy and clean, thereafter. Cigarettes stubs etc. must be deposited in the occupant's rubbish bin.



- 10.9 Vehicles may not be driven at a speed exceeding 10km /per hour on common property.
- 10.10 Vehicles must be driven as quietly as possible on the common property.
- 10.11 Motor hooters or audible warning devices (excluding burglar alarms) may not be used on the common property.
- 10.12 Garages to be used for the intended purposes and shall be kept clean and tidy at all times.
- 10.13 Should occupants have more than 2 vehicles, additional vehicles may only be parked in areas allocated by the Trustees for that purpose if available.
- 10.14 Vehicles parked under any no parking signs will be towed away at the owner's expense. When receiving visitors please ensure that they do not use residents parking bays, or in any way block entry to parking bays. Non-compliance will result in the vehicles being towed away at the expense and risk of the owner. Only bays marked "Visitors Parking" or unmarked bays may be utilized.
- 10.15 No caravans / boats / trailers may be parked left on the common property without the written permission of the trustees

11. Alterations, additions, Maintenance repairs & Damages

- 11.1 No owner or occupier of a section shall 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.
- 11.2 Owners may install:
 - a. 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 manner of installation or.
 - b. Any locking device, safety gate, burglar bars, or other safety devices for the protection of his / her section.
- 11.7 All rubbish from work done must be removed by the contactor or occupant of the unit on the same day and is not to be left in passages or any of the common areas.
- 11.8 No rubble is to be placed in the municipal refuse bins
- 11.9 The Trustees shall be notified timeously of any work whatever the nature which is to be undertaken within or to the interior of any section and which will involve activity on the common property Such work shall be performed only at reasonable times and with the least possible inconvenience and disturbance to other occupants.
- 11.10 Those persons having such work done and those persons performing it shall at all times cooperate closely with the Trustees and shall in consultation with the Trustees, ensure that proper and satisfactory measures are continuously taken to adequately protect the common property from damage defacement, disfigurement or defilement.
- 11.11 Should workmen fail to co-operate they may be prohibited by the Trustees from working on the premises.
- 11.12 It shall further be the absolute responsibility of those persons having the work done to ensure that the workmen implement and follow protective measures at all times and clean up properly after each work session after completion of the project.
- 11.13 The person having the work done, shall be held liable for the costs incurred for cleaning up or reparations done, should the common property be left in a dirty, littered or soiled condition on completion of such work.



- 11.14 The above Rules shall apply to any work authorised by the Trustees.
- 11.15 Any damage caused by an occupant and or a visitor to a unit and or common property will be repaired at the cost of the owner of the unit involved.

11.16 Working hours are as follows and are to be strictly adhered to :-

Monday - Friday

08h00 - 16h00

Saturdays

08h00 - 12h00 (midday)

Sunday & Public Holiday: - No work to be done on these days.

12. Common Property

12.1 This is the property beyond the four (4) walls of a unit and is at all times for thoroughfare only. passages, stairways and foyer area.

12.3 No persons may gather in such areas for any reason what so ever

12.4 No washing may be hung in these areas.

13. Keys, fire regulation and flammable goods.

13.1 According to the Fire Regulations Act, it is necessary for the supervisor & Trustees to be informed at all times of any overnight visitors staying for any length of time.

13.2 Fireworks are strictly prohibited and offenders will be fined.

13.4 All flammable goods must be stored in a safe manner Le. Turpentine, mentholated spirit, etc to be stored out of reach of children or as directed on labels or packaging.

14. Business & Other activities

14.1 This building is registered at the deeds office as residential and is used strictly for living purposes.

14.2 No business profession or trade may be conducted on the common property or in any section without the approval of the Body Corporate.

14.3 No auctions or jumble sales may be held on the common property or in any section without the prior written permission of Trustees.

14.4 Hobbies causing a disturbance or nuisance are prohibited.

15. Domestic staff

15.1 Occupants are to ensure that their domestic staff do not cause excessive noise in their sections or on



the common property.

- 15.3 No domestic staff shall be allowed on the common Property after 20:00 without the consent of the Trustees.
- 15.4 Should domestic staff contravene these rules, the Trustees reserve the right, if justified to refuse such person entry to the common property after notifying the employer.
All domestic staff are to supply the Trustees with a certified copy of their ID's and will then be issued with a an entry card which is to be shown to security on entering the building.

16 Employees & Hawkers

- 16.1 the employees of the building i.e. supervisor, cleaners & security shall not be interfered with. They receive instructions from the trustees only
- 16.2 No hawkers shall be allowed on any part of the common Property. And no cold canvassing is allowed.

17. Laundry

- 17.1 An occupant of a section shall not, without prior written consent of the Trustees, erect washing lines, nor hang washing or laundry or any other items or any other items on any parts of the buildings or the common property so as to be visible from outside the building or from the passages or the common property.
- 17.2 Carpets and duvets may not be hung over the balconies or in any part of the common property.
- 17.3 Carpets and Rugs shall not be shaken, dusted or brushed over balconies outside a section.

18 Appearance From Outside

- 18.1 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 which at the discretion of the trustees is aesthetically displeasing or undesirable when viewed from the outside of the section.
- 18.2 No air-conditioning unit may be installed without prior written consent of the trustees and where applicable the local authority.
- 18.3 No Dstv aerial installations may be placed on the balconies without written consent by the trustees. to Dstv dishes are to be placed on the roof of the building. Any dishes installed otherwise will be removed at the cost of the owner or occupier.
- 18.4 No exterior blinds, awning and other fittings shall be installed save with prior written approval of the Trustees. Blinds awnings and other fittings which are to the public view shall at all times be maintained and in a state of good repair and in a clean condition, failing which the Trustees have the right to require their removal, or alternatively, to attend to the repair there of at the cost and expense of the owner or occupier. Colour and types of blind and awnings shall be that of the building.
- 18.5 Ensure at all times the hangings (curtains/Blinds) at the windows of a unit do not adversely affect the overall

appearance of the building. The Trustees hold the right to request for corrective action to be taken should it be necessary.

- 18.6 No hanging of sheets as curtains.
- 18.7 No owner or occupant is permitted to paint any part of the common property. Balconies, passage walls or any exclusive use area.
- 18.8 No clothing, toiletries or other such articles may be placed in windows / window sills where they can be viewed from the common properties.
- 18.9 No feeding of pigeons or other birds as they cause a nuisance and carry bird lice.
- 18.10 No loitering on any part of the common property i.e. stairways, fire escapes, passages, foyer, front stairs, parking area and outside of the building.

19. Refuse Removal & Littering

19.1 An occupant of section shall:-

- (a) Within his section or exclusive use area, maintain in hygienic and dry condition, a receptacle for household refuse.
 - (b) Ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained.
 - (c) For the purpose of having the refuse removed by the municipality authority, place such receptacles within the area and the times designated by the Trustees.
 - (d) When the refuse has been removed, return such receptacle to his / her section.
 - (e) No maintenance rubble to be placed in municipal refuse bins.
- 19.2 Rubbish may not be handled contrary to the regulations of the local municipal authority, e.g. broken glass must be wrapped in a double layer of newspaper before being disposed of.
 - 19.3 Littering on the common property is strictly prohibited.
 - 19.4 Occupants shall ensure that contractors attending to maintenance or improvements to their section on their behalf do not litter on the Common Property.
 - 19.5 Persons leaving rubbish on any part of the Common Property or public areas surrounding the property are liable to prosecution under the Municipal Health Regulations.
 - 19.3 No kitchen refuse, food waste, fats, condoms, sanitary pads, diapers or waste of any kind may be thrown or washed down kitchen drains, pipes or toilets. Occupants shall be responsible for cleaning blocked drains in their sections.



- 19.7 There are refuse areas on all floors with bins provided. Please ensure that all refuse is wrapped in plastic bags and placed in these bins.
- 19.8 Bins are taken out on Monday, Wednesday and Friday before 7 am and will be returned after being emptied and washed.

20. Common Property Equipment and Installations

- 20.1 Fire fighting equipment may under no circumstances be used for any purpose than that which it is intended. Fire extinguishers and fire hoses are not to be used for any purposes other than that of fighting fires. Any occupant or their visitors found using the fire equipment for any other purpose than fighting a fire will be liable for prosecution by the fire department but will also be made to pay for resealing of the equipment by the fire department well as incur a fine of R150.00 which will be included with the monthly levy.
- 20.2 Under no circumstances may occupants tamper with or have work done on the above systems or installations serving the Common Property. Any defects noticed by occupants must be reported to the Trustees.

21. Signs and Notices

- 21.1 No signs / notices may be fixed to the outside of the doors / Common Property without prior written approval from the Trustees. Failure to obtain such approval will result in the removal of such signs and notices.
- 21.2 No distribution of Junk Mail (Pamphlets) or announcement to be placed in post boxes. Written approval must be obtained from the trustees
- 21.3 Any signs and or Notices to be placed in the Notice Board must be neat and will cost R20.00 per page payable to the office and will remain for no longer than three (3) months.

22. Smoking

No smoking allowed in the lift, foyer or any part of the Common Property. A fine of R150.00 will be imposed, as the local legislature deems smoking in closed areas a Health Risk.

23 Noises

- 23.1 Be aware that there are people around you and take them into consideration.
- 23.2 Reasonable silence must be maintained between the hours of 22h00 and 07h00. On Sundays silence must be maintained throughout.
- 23.3 If the floor of your unit has been tiled please note that high -heels and the moving of furniture, etc. can be heard by the occupants below you.
- 23.4 Never may the sound of your TV set, HI-Fi, Home Theatre, musical instruments & / or general living noises

be heard beyond the four walls of the unit.

- 23.5 Any gathering should be contained within the unit at all times. You are to notify the Trustees and your surrounding neighbours 3 days in advance of any social gathering that could cause a nuisance or any inconvenience to other occupants, employees or agents employed by the Trustees or any person being lawfully on the premises.

24 Security & Visiting Hours

- 24.1 All visitors to the building may only enter once the occupant has signed and collected them at the front gate.
- 24.2 All visitors are to sign the visitor's register when entering and leaving and will only be allowed to do so when the respective occupant is present.
- 24.3 All visitors are to be collected and left at the front gate.
- 24.4 Security is to ensure that no owner or occupant or their visitors are sitting on the steps outside the building and / or loitering in front or on the side of the building.
- 24.5 All occupants to advise the supervisor of intended overnight visitors during working hours and this will be entered into the overnight book.
- 24.6 All overnight visitors to be paid for in advance at R5 per visitor per night not exceeding three (3) nights.
- 24.7 Security to notify the supervisor of any unauthorised overnight visitors upon their arrival.
- 24.8 No owner or occupier shall do or cause to be done, anything which is intended to, or which may have the effect of diminishing the effectiveness of the security system which is installed or operated in the building by the trustees.
- 24.9 Residents may only allow non -residents to follow them into the security area provided said non residents are bona-fide guests of the resident.
- 24.11 In the event of a malfunction or power failure no owner, occupant or their guests are permitted to attempt opening the security door under any circumstances. A Trustee and the supervisor are to be summoned and they will then open the door.
- 24.12 When moving in or out of the building, security will request the following information which if not supplied in full, moving will not be allowed to continue. Security will maintain a separate book for this purpose.
- (a) Name of person/s moving in or out.
 - (b) ID numbers, contact details of the person/s moving in or out.
 - (c) Copy of lease agreement.
- 24.13 Owners take note any visitor arriving after visiting hours will not be permitted entry, prior written permission must be obtained from the Trustees and the supervisor is to be notified.

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24.14 Visiting hours is as follows as it is to be strictly adhered to:-

08h00 - 22h00 (10 pm)

Please Note:-The intercom will be switched off from 20h00

(8 pm) - 07h00 and no visitors will be allowed to buzz or enter.

25 Letting of units & Moving times

25.1 Under no circumstances may a unit be let to any person/s, prior to said person/s, together with other occupants intending to live there having been interviewed and approved by the appointed trustees. Should there be a change of occupants living in the unit the new occupants must first be interviewed and approved by the appointed Trustees.

25.2 Under no circumstances may a tenant sublet a unit.

25.3 Preference will be give to South African citizens.

25.4 A once off fee of R300 to be paid in full in advance for lift fees and access.

25.5 Under no circumstances may overcrowding be permitted.

25.6 Moving of furniture will be permitted during the following times:-

Monday to Friday: 08h00 to 16h00

Saturday: - 08h00 To 14h00

Sundays & Public Holidays: - No furniture removals will be done on these days.

25.7 Note these times are final and will in incur a fine of no less than R100.00

26 Pets

Pets are not allowed in the building.

27 Eradication of Pests

27.1 An owner shall keep his / her section free of mice, rats, white ants, borer or other wood destroying insects and to this end shall permit the Trustees or managing agent to enter the section and take such action as maybe reasonable to eradicate such pests.

27.2 The cost of the inspection and eradication of such pests as may be found in such section or exclusive use areas, replacement of any woodwork or other installations forming part of the section which may be damaged by such pests, shall be borne by the owner of the section concerned.

28. Use of the Units

28.1 This building complies with Council Housing Codes for inner city dwelling. These laws are designed for the safety & security of all flat dwellers (owner & or occupants).

- Bachelor without balcony (G5, 106,206,306,406,506) 2 persons only.
- Bachelor with Balcony (G3, G4, 103, 104,105, 203, 205) 3 persons only

(303,304,305,403,404,405,503) 3 persons only.

(504,505)

- One bedroom {G1, G2, G6, 101, 102,107,201, 202,207} 4 persons only.

{301,302, 307, 401, 402, 407,501,502, 507}

- Penthouse 601 602 6 persons only 8 persons only

Note overcrowding will not be tolerated and legal action will be taken at the expense of the owner or occupant.

Overcrowding penalties will be R100.00 per person per day above the permitted numbers. Should the people overcrowding the flat not vacate within 7 days, the Body Corporate reserves the right to approach their attorney to have the owner of the relevant flat prosecuted until the correct number of people is adhered to.

29 Penalties

- 29.1 Should occupants disregard these Rules they may be summoned before a disciplinary committee by the Board of Trustees.
- 29.2 Should the occupant be found guilty by the disciplinary committee a fine not exceeding R3000 (Three thousand Rands) may be imposed.
- 29.3 Should any amount payable to the Body Corporate by any owner or tenant be due in arrears interest will accrue at 24% per annum, compounded monthly, from the date the amount become due till the date of receipt of payment. The Trustees may from time to time alter the interest rate provided that such interest rate does not exceed the maximum rated permitted by law. The Trustees must give all persons affected by this, 30 days prior written notice of any alteration to such interest rate stating the amended rate and effective date of implementation.
- 29.4 Should it be necessary for the Trustees to act against any owner or occupant, such owner or occupant shall be liable for all legal costs on an attorney and client scale, as well as collection, commission and administrative costs.