

CHILTERN HOUSE
Body Corporate

28 Ridge Road
BEREA
Durban
4001

CATEGORY A: RIGHTS AND DUTIES OF OWNERS

SECTION 44 (1) An owner shall –

- (a) permit any person authorised in writing by the body corporate, at all reasonable hours on notice (except in case of emergency, when no notice shall be required), to enter his section or exclusive area for the purposes of inspecting it and maintaining, repairing or renewing pipes, wires, cables and ducts existing in the section and capable of being used in connection with the enjoyment of any other section of common property, or for the purposes of ensuring that the provisions of this Act and the rules are being observed;*

- (b) forthwith carry out all work that may be ordered by any competent or carry out all work that may be ordered by any competent public or local authority in respect of his section, other than such work as may be for the benefit of the building generally, and pay all charges, expenses and assessments that may be payable in respect of his section;*

- © repair and maintain his section in a state of good repair and, in respect of an exclusive use area, keep it in a clean and neat condition;*

NOTE ; Owners and tenants are reminded that the wastage of water is a Punishable offence. This includes defective plumbing, unrepaired Water leaks, and general wastage of water. The payment of monthly Municipal charges are paid out of the levies contributed by owners of individual units. The water consumption and therefore the levy budget is based on the reasonable water consumption of an average number of occupants per Unit as follows:

1 Bedroom	-	2 occupants
2 beds	-	4 occupants
3 beds	-	6 occupants
4 beds	-	8 occupants

All owners are reminded that any increase in occupancy and therefore consumption has the direct effect of levies being raised accordingly

- (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other owners or other persons lawfully on the premises.*

- (e) not use his section of exclusive use area, or permit it to be used, in such a manner or for such purpose as shall cause a nuisance to any occupier of a section;

NOTE:

- (i) *Owners are reminded that they are required to ensure that their guests or tenants do not constitute a nuisance to other occupants.*
- (ii) *No audible / non-audible security alarms are allowed in units.*
- (f) notify the body corporate forthwith of any change of ownership in his section and of any mortgage or other dealing in connection with his section; and
- (g) when the purpose for which a section is intended to be used is shown expressly or by implication on or by a registered sectional plan, not use nor permit such section to be used for any other purpose: Provided that with the written consent of all owners, such section may be used for another purpose.

STATUTORY AND GENERAL**RULE 68**

- (1) In addition to his obligations in terms of section 44 of the Act, an owner -
 - (i) shall not use his section, exclusive use area or any part of the common property, 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 or 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 so contravene or permit the contravention of the conditions of title applicable to his section or any other section or to his exclusive use area of any other exclusive use area;

NOTE 1:

Owners and tenants, are reminded that the use of hoses to wash vehicles, constitutes a contravention of various legislation.

NOTE 2:

Owners and tenants are reminded that broken glass must be properly wrapped in paper before disposal - failure to do so could result in a contravention of Municipal regulations leading to possible prosecution of the offender.

- (iii) shall not make alterations which are likely to impair the stability of the building or the use and enjoyment of other sections, the common property or any exclusive use area;
- (iv) shall not do anything to his section or exclusive use area which is likely to prejudice the harmonious appearance of the building;

(v) shall/

- (v) shall, when the purpose for which an exclusive use area is intended to be used, is shown expressly or by implication on or by a registered sectional plan, not use, nor permit such exclusive use area to be used, for any other purpose: Provided that with the written consent of all owners such exclusive use area may be used for another purpose;
 - (vi) shall not construct or place any structure or building improvement on his exclusive use area, without the prior written consent of the trustees, which shall not be unreasonably withheld;
 - (vii) shall maintain the hot water installation which serves his section, or, where such installation serves more than one section, the owners concerned shall maintain such installation pro-rata, notwithstanding that such appliance is situated in part of the common property and is insured in terms of the policy taken out by the body corporate.
- (2) An owner who exercises his rights in terms of section 60(3) of the Act shall bear all costs to give effect thereto.

BINDING NATURE

- RULE 69** The provisions of these rules and of the conduct 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 his lessee or occupant, including employees, guests and any member of his family, his lessee or his occupant.

OWNER'S FAILURE TO MAINTAIN

- RULE 70** If an owner -

- (a) fails to repair or maintain his section in a state of good repair as required by section 44(1)(c) of the Act; or
- (b) fails to maintain adequately any area of the common property allocated for his exclusive use and enjoyment;

and any such failure persists for a period of thirty days after the giving by the trustees or the managing agent on their behalf, the body corporate shall be entitled to remedy the owner's failure and to recover the reasonable cost of doing so from such owner.

RULES 1 TO 11 OF ANNEXURE 9

ANIMALS, REPTILES AND BIRDS

1. (1) An owner or occupier of a section shall not, without the consent in writing of the trustees, which approval may not be unreasonably withheld, keep any animal, reptile or bird in a section or on the common property.
- (2) When granting such approval, the trustees may prescribe any reasonable condition.
- (3) The/

- (3) The trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule (2).

REFUSE DISPOSAL

2. (1) An owner or occupier of a section shall
- (a) 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 authorised by the trustees in writing;
 - (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 collected, place such receptacle within the area and at the times designated by the trustees;
 - (d) when the refuse has been collected, promptly return such receptacle to his section or other such area referred to in paragraph (a).

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.

NOTE 1: *Owners and tenants are reminded that the washing of their vehicles may therefore also be carried out only on either the parking bay sold or allocated to the owner/tenant or any other area designated by the trustees.*

NOTE 2: *Owners and tenants are reminded that the parking of vehicles other than motor cars, for example caravans, trailers, boats etc on common property requires the prior written consent of the trustees.*

- (2) The trustees may cause to be removed or towed away, at the risk and expense of the owners of the vehicle, any vehicle parked, standing or abandoned on the common property without the trustees consent.
- (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 the common property or in any other way deface the common property.
- (4) 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 in a section.

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 consent of the trustees.

NOTE: /

(2) Notwithstanding sub rule (1) , an owner or person authorised by him, may install

(a) any locking device, safety gate, burglar bars or other safety device for the protection of his section, or

(b) any screen or other device to prevent the entry of animals or insects.

LITTERING

5. 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, food scraps or any other litter whatsoever

STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS

9. 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.

LETTING OF UNITS

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

NOTE: *Owners are reminded that tenants and other occupants are bound by these rules in the same fashion as owners.)*

ERADICATION OF PESTS

11. 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.

CATEGORY B: TRUSTEES DUTIES, MEETINGS AND ADMINISTRATIVE RULES

DOMICILIUM CITANDI ET EXECUTANDI

RULE 3

- (1) The trustees shall from time to time determine the address constituting the domicilium citandi et executandi of the body corporate as required by section 38(1)(m) of the Act, subject to the following:
 - (a) Such/

- (a) Such address shall be situated in the magisterial district in which the scheme is situated and shall be the address of the Chairman or other resident trustee duly appointed in general meeting or in the magisterial district in which the offices of any duly appointed managing agent are situated being the address of such managing agent;
- (b) no change of such address shall be effective until written notification thereof has been received by the registrar;
- (c) the trustees shall give notice to all owners of any change of such address.

POWERS OF TRUSTEES

RULE 26

- (1) Subject to any restriction imposed or direction given at a general meeting of the body corporate, the powers of the trustees shall include the following:
 - (a) To appoint for an on behalf of the body corporate such agents and employees as they deem fit in connection with -
 - (i) the control, management and administration of the common property; and
 - (ii) The exercise and performance of any or all of the powers and duties of the body corporate;
 - (b) to delegate to one or more of the trustees such of their powers and duties as they deem fit, and at any time to revoke such delegation.
- (2) The trustees may not make loans on behalf of the body corporate to owners of units or to themselves.

CONTRIBUTIONS AND LIABILITY IN TERMS OF SECTION 37(1) AND 47 OF THE ACT

RULE 30

It shall be the duty of the trustees to levy and collect contributions from the owners in accordance with the provisions and in the proportions set forth in rule 31.

RULE 31

- (1) The liability of owners to make contributions, and the proportions in which the owners shall make contributions for the purposes of section 37(1) of the Act, or may in terms of section 47 of the Act be held liable for the payment of a judgement debt of the body corporate, shall with effect from the date upon which the body corporate comes into being, be borne by the owners in accordance with a determination made in terms of section 32(4) of the Act, or in the absence of such determination, in accordance with the participation quotas attaching to their respective sections.
- (2) At every annual general meeting the body corporate shall approve, with or without amendment, the estimate of income and expenditure referred to in rule 36, and shall determine the amount estimated to be required to be levied upon the owners during the ensuing financial year.
- (3) Within/

- (3) Within fourteen days after each annual general meeting the trustees shall determine the amount payable by each owner in accordance with the determination made in terms of section 32(4) of the Act or, in the absence of such determination, the participation quota attaching to his section, and shall forthwith advise each owner in writing of the amount payable. Such amount shall thereupon become payable in instalments, as determined by the trustees.
- (4) The trustees may from time to time, when necessary, make special levies upon the owners or call upon them to make special contributions in respect of all such expenses as are mentioned in rule 31(1) above (which are not included in any estimates made in terms of rule 31(2) above), and such levies and contributions may be made payable in one sum or by such instalments and at such time or times as the trustees shall think fit.
- (5) An owner shall be liable for any pay all legal costs, including costs as between attorney and client, 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.
- (6) The trustees shall be entitled to charge interest on arrear amounts at such rate as they may from time to time determine.

RECORD OF RULES AND THEIR AVAILABILITY

RULE 32

- (1) The trustees shall keep a complete record of all rules in force from time to time.
- (2) The trustees shall on the application of -
 - (a) an owner of a unit;
 - (b) an occupant of a unit;
 - (c) the prospective purchaser of a unit;
 - (d) the holder of any registered sectional mortgage bond;
 - (e) the managing agent; and
 - (f) the auditor or the accounting officer

supply to any such person a copy of all rules in force, and may require them to pay a reasonable charge therefore.

RULE 48

The managing agent shall keep full records of his administration and shall notify the body corporate and all holders of registered sectional mortgage bonds of all matters which in his opinion detrimentally affect the value of the common property and any of the sections.

RULE 49

- (1) The trustees shall give reasonable prior notice to the managing agent of all meetings of the trustees and he may with the consent of the trustees be present thereat.
- (2) The trustees shall from time to time furnish to the managing agent copies of the minutes of all meetings of the trustees and of the body corporate.

GENERAL MEETINGS - WHEN TO BE HELD**RULE 51**

- (1) Annual general meetings shall be held once in every year. Provided that no more than fifteen months shall elapse between the date of one annual general meeting and that of the next.

ANNUAL GENERAL MEETING - PROCEEDINGS AT

RULE 56 The following business shall be transacted at an annual general meeting:

- (a) the consideration of the financial statement and report referred to in rules 37 and 38;
- (b) the approval with or without amendment of -
 - (i) the schedules of replacement values referred to in rule 29(1)(c); and
 - (ii) the estimate of income and expenditure referred to in rule 36;
- (c) the appointment of an auditor or an accounting officer;
- (d) the determination of the number of trustees for the ensuing year;
- (e) the election of trustees for the ensuing year;
- (f) any special business of which due notice has been given in terms of rule 54;
- (g) the giving or imposing of any directions or restrictions referred to in section 39(1) of the Act; and
- (h) the determination of the domicilium citandi et executandi of the body corporate.

QUORUM/

QUORUM AT ANNUAL GENERAL MEETING'S

RULE 57

- (1) No business shall be transacted at any general meeting unless a quorum of persons is present in person or by proxy at the time when the meeting proceeds to business.
- (2) A quorum at a general meeting shall be -
 - (a) the number of owners holding at least 50 per cent of the votes, present in person or by proxy or by representative recognised by law and entitled to vote, in schemes where there are ten units or less;
 - (b) the number of owners holding at least 35 per cent of the votes, present in person or by proxy or by representative recognised by law and entitled to vote, in schemes with less than 50 but more than 10 units; and
 - (c) the number of owners holding at least 20 per cent of the votes present in person or by proxy or by representative recognised by law and entitled to vote, in schemes with 50 or more units.

RULE 58

If within half-an-hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not present within half-an-hour of the time appointed for the meeting, the owners present in person or by proxy and entitled to vote shall form a quorum.

PROXIES AT ANNUAL GENERAL MEETING'S

RULE 68

- (1) Votes at a general meeting may be cast either personally or by proxy, whether on a poll or on a show of hands.
- (2) A proxy shall be appointed in writing under the hand of the appointee, or his agent duly appointed in writing, and shall be handed to the Chairman prior to the commencement of the meeting: Provided that the foregoing provisions shall not apply in the case of any proxy created and contained in any registered mortgage bond, if such mortgage bond is produced at the meeting.