

**NOTIFICATION UNDER SECTION 35(5) OF THE
SECTIONAL TITLES ACT, 1986**

We, the undersigned,

and

the undersigned trustees of the body corporate of the **ROBRADU** scheme known as
No SS181/1982, situate at SOMERSET WEST, CITY OF CAPE TOWN,
PROVINCE WESTERN CAPE

hereby give notice that on _____ 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:

Conduct Rules in substitution of existing rules.

The rules have been made by special resolution of the Body Corporate.

Signed at Somerset West on this 4TH day of JUNE 2003.

B. KNIGHT. (CHAIRMAN)

Address N^o 3

ROBRADU N^o 1

SCHOLTZ RD

SOMERSET WEST.

[Signature]
TRUSTEE
[Signature]
TRUSTEE

SCHEDULE

**CONDUCT RULES IN TERMS OF SECTION 35(1)(b) OF
ACT 95/1986 FOR THE ROBRADU SCHEME NO SS181/1982
SOMERSET WEST**

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 unreasonably be 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 trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule (2).
- (4) Neither the trustees nor the body corporate shall be liable for any injury, damage or loss caused to any person by an animal, bird or reptile (herein referred to as pets) kept by any person, whether on or outside the common property and each person keeping such pet shall be liable to the body corporate for damages or loss caused to it by such pet(s) and upon the keeping of such pet, accepts the obligation of indemnification of the trustees and the body corporate against any claims for damages against them caused by such pet(s) or incidental to the keeping of such pets.
- (5) Should any person fail to remove a pet from his section, after request thereto by the trustees, the trustees shall have the right to remove it or have it removed and either kept at kennels, sold or put out at the expense of the owner or occupier concerned. In the event of selling, the proceeds will be utilised for the costs of removing and selling and the balance, if any, will be forfeited to the body corporate as a penalty for the owner's failure.

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;

[Signature]

- (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) the occupants shall at all times ensure that municipal refuse bags used by them are of a good quality and not in any way overloaded or torn such that the sidewalk will be littered when the bags are handled by municipal workers or otherwise;
- (d) refuse bags are to be placed on the pavement, i.e. the left hand side facing the street. Bags must be put out not sooner than the evening preceding the official refuse removal day. Should through any cause a refuse bag be torn or damaged spilling any refuse, the occupier concerned shall immediately, when it comes to his/her attention, attend to the cleaning of the area concerned.

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. Occupants of the bigger units (as defined in rule 12) may, apart from a vehicle parked in their garages, park another vehicle in the driveway in front of their garage doors, while occupants of the smaller units may park one vehicle under the canopy at the rear of Robradu as indicated by the parking signs. Other vehicles may be parked on the parking provided for visitors, but only after 7 pm from October to March and from 6 pm from April to September. Parking will at all times be at the owner's own risk.
- (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. The trustees may also cause the wheels of infringing cars to be clamped and released only upon payment of clamping expenses and the penalty which the trustees may, from time to time, decide upon and notify all owners of. The responsibility will rest upon owners to notify their tenants or other occupiers thereof. Until such time as the trustees may decide upon a penalty, the penalty will be R250,00 (TWO HUNDRED AND FIFTY RAND) per vehicle so clamped.
- (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.

- (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 or in a section.
- (5) No vehicles which are unsitely due to damage or neglect may be parked on common property, and vehicles so parked may be dealt with as provided for in 3.(2) above.
- (6) Mobile homes and/or caravans shall only be allowed to park on common property for such short periods as are reasonably required for purposes of bona fide packing or unpacking, or, in the instance of bona fide weekend or similar short term visitors of members or occupants, only for the period of such bona fide short term visits. The secretary or chairman of the Board of Trustees shall be informed by the member or occupant concerned in writing prior to the commencement of such parking of the exact period during which such vehicle will so be parked.

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.
- (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;

Provided that the trustees have first approved in writing the nature and design of the device and the manner of its installation.

Appearance from outside

- 5. 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.

Signs and notices

6. No owner or occupier of a section, used for residential purposes, shall 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.

Littering

7. 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.

Laundry

8. 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.

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 or which may constitute a nuisance to occupiers of other units in the development.

Tenants and Occupants

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 and the Law in general, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy. Such owners and/or tenants and/or occupants shall take reasonable steps to ensure that their contractors, employees or other visitors adhere to these rules and the Law. In the event of any infringement the Body Corporate shall be entitled to hold responsible for such infringement any one or more of either the actual infringer and/or the occupant and/or the owner of the unit concerned. Depending upon the grossness or continuance repetition of the infringement, and without limitation to any other rights which the Body Corporate may in Law have, the trustees shall in particular also have the right to deny any infringing contractor,

employees or visitors, either permanently or for such period as they may deem reasonable, access to the common property by notice to him/her and simultaneous notice thereof to the owner or occupant concerned.

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 authorized 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, eradication of 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.

Number of occupants

12. Units may only be occupied by parents and their dependant children and the smaller units (built, according to the plans approved by the Municipality, as two bedroom units) may only be occupied by the parents, and, three children while the bigger units (built, according to the plans approved by the Municipality, as three bedroom units) by the parents and four children. This rule will, however, not apply in the event of the number of children being exceeded by virtue of the birth of a child of the parent(s) subsequent to occupation of the unit. A third adult person may, however, also occupy the units in lieu of children. The trustees may, by written consent, and on such conditions and for such period as they may deem necessary to protect the rights of the other owners and the objects of this rule (protection against overcrowding in a dense residential area) allow a deviation of this rule.

Safe driving

13. Drivers of vehicles in the development shall always exercise such special caution as the conditions of visibility, roadwidth, buildings, density etc. in the development may require, in particular as regards alertness for other vehicles, pedestrians and the limiting of speed to a safe minimum.

Noise and Disturbance

14. Noise and disturbances by owners and occupiers shall at all times be kept to levels reasonably acceptable for a relatively high density residential area of this nature. Hobbies and occupations causing noise shall, while remaining reasonable and acceptable, therefor be ceased with at 7 pm on weekdays and

1 pm on Saturdays and Sundays and all other noises and disturbances at 11 pm latest.

Gardening tools

15. If owners or occupiers use the gardening tools or equipment provided for by the body corporate, it shall be cleaned and returned to the trustee in control in the same good order in which it was received. In the event of breakages, excluding breakages due mainly to reasonable wear and tear, the owner or occupier concerned shall bear the costs of repair or replacement.

Cleaning of gardens, patios, watercanals

16. Owners or occupiers shall:

- (1) Keep walled in gardens and patios trimmed and tidy and they may not be used for storage of unsightly goods, such as carton boxes, scrap of any description or building materials other than temporary when building works are in process.
- (2) All watercanals cleaned regularly. Plant material and other rubbish are to be removed from the canals and not washed into neighbour's sections.

Nuisance

17. Owners and occupants may not permit anything to be done on their units or on common property which constitutes a nuisance or an unreasonable invasion of the rights and privacies of the other occupiers of the development and especially their closest neighbours.

Penalties against Owners

18. (1) The trustees shall, in the event of any infringement of these rules and/or the Sections of the Sectional Titles Act 95/1986 or the Clauses of the Management Rules of the Scheme applicable to the duties and obligations of owners and/or occupiers of units, be entitled, in addition to any other remedies which they in Law or in terms of these rules may have, after reasonable written notice to the owner of the unit concerned, setting out briefly particulars of the alleged infringement and the hour, date and place of an investigating meeting where the matter will be considered, as well as the fact that such owner, or his duly authorised representative (who shall, unless the owner is present to confirm it, have to furnish a written power of attorney as proof of

his authority) will have the right to be heard and to support his case by the oral testimony of witnesses as well as the fact that, in the event of a finding of guilty of an alleged infringement, a penalty may be imposed against the owner.

- (2) The chairman of the board of trustees (or his substitute appointed by the board of trustees, if he is not available) will precede at the meeting and shall conduct the hearing in an orderly but informal manner. He shall be assisted by at least one other trustee, and they are jointly referred to herein as the "Trustees Tribunal".
- (3) The preceding officer shall allow for such cross examination as may reasonably be necessary to come to a fair conclusion on the matter so investigated. If deemed necessary for the purposes of justice, he shall have the right to adjourn and continue the meeting on a future date notified of verbally at the meeting concerned, or, thereafter, by further written notice. The trustees finding and any penalty imposed (which finding and/or imposition shall be unanimous if the matter is considered by less than three trustees, and shall be carried by majority vote in the event of more trustees, the preceding trustee in such event having a casting vote in the event of a tie of votes) will be announced by the preceding trustee either verbally at the meeting or by further written notice to the owner within thirty days thereafter, and shall, upon such notification become final and binding. Failure, however, so to notify, shall be deemed to be a finding of not guilty of the alleged infringement and no further investigation will thereafter be conducted in respect of the same alleged infringement.
- (4) Reasonable notice of an investigating meeting or of the date of continuance of an investigating meeting which had been temporarily adjourned, shall, unless the owner concerned agrees to a shorter notice period in writing, be given at the meeting to be continued or delivered to the said owner personally at least 21 days prior to the date of the investigating meeting or the date of continuance, or by dispatching such written notice by prepaid registered mail to the owner's address last known to the body corporate, not less than 30 days prior to the date of the investigating meeting or continuance thereof.
- (5) An infringement by any occupier of a unit shall for all purposes of this rule also be deemed to be an infringement by the owner who shall personally be liable for penalties imposed for any such infringements.
- (6) The trustees tribunal shall, upon a finding of guilty of an infringement, have the right, depending upon any one or more of the nature and wilfulness of the infringement and the owner concerned's previous record and attitude with regard to infringements of rules, have the right to issue a warning or to impose a penalty equal to a maximum of 50% of the body corporate's monthly levies applicable to the unit

concerned at the time of the infringement for each such infringement. Such penalties will become part of and be payable with the levy of the first month after the month on which it was imposed. The trustees tribunal may also order that the penalty will, in the event of a continuance of the same infringement subsequent to such finding and imposition, be continuously so levied for each future month in respect of which the infringement is continued with on the first day thereof. These penalties shall be in addition to any other penalties which an owner may have paid or be obliged to pay in terms of any other rule.

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