

# SOTERIA

Chicago Avenue, Strand, 7140

SECTIONAL TITLE SCHEME

## CONDUCT RULES

### 1. ANIMALS AND BIRDS (PETS)

#### 1.1 Current permit holders:

- 1.1.1 Owners and occupiers whom have previously received written approval from the trustees to keep pets shall ensure that their pets do not foul the common property, nor cause a nuisance to any other occupiers.
- 1.1.2 Animals are to be kept indoors and will not be allowed to roam freely on the common property. When dogs are walked, they should at all times be on a leash.
- 1.1.3 The owner or occupier shall keep to the conditions that were given them upon the approval from the trustees.
- 1.1.4 The trustees may withdraw such approval in the event of any breach of any condition prescribed when given written consent, provided that the Trustees have first furnished the owner or occupier with a written warning. If the owner or occupier fails to comply with the written warning within 10 (ten) days of the date of the notice, the trustees may withdraw their approval and require the owner or occupier to immediately remove the pet from the section and the common property.

#### 1.2 New owners and occupiers.

- 1.2.1 As of December 2008 no new animals or birds will be allowed in Soteria, neither for current owners or occupiers nor for future owners or occupiers.
- 1.2.2 No visitors will be allowed on the premises with animals.

### 2. REFUSE DISPOSAL

- 2.1 An owner or occupier of a section shall deposit his refuse in a refuse bin before 08h00 on weekdays and before 07h30 on Saturdays.
- 2.2 An owner or occupier shall ensure that before refuse is placed in the wheelie bins, it is securely wrapped in suitable strong plastic bags (refuse bags), or in the case of tins or other containers, that it is completely drained before being deposited into a refuse bag.
- 2.3 No food scraps or any other wet items may be placed directly into a refuse bin. These items must be in a securely wrapped plastic bag before being placed in refuse bins. Broken glass or any other sharp items must be wrapped in paper before being placed in refuse bins.
- 2.4 No refuse, broken furniture or empty boxes may be placed in front of the refuse room. It is the responsibility of the owner or occupier to have such items removed at their own cost.

### 3. VEHICLES

- 3.1 An owner or occupier of a section may only park or stand his vehicle on the one parking bay or garage allocated to the unit he owns, occupies or rents from another owner. The parking bay or garage numbers are painted on the tarmac and correspond with the unit numbers.
- 3.2 Subject to Sub rule 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.
- 3.3 The parking bays reserved for visitors only are marked with a "v" on the tarmac, and shall only be used by visitors of owners and occupiers to park or stand a vehicle, subject to the conditions imposed from time to time by the trustees. No owner or occupier may park or stand his vehicle on a visitor's parking bay.
- 3.4 Owners and occupiers will not be permitted to allow more than one quest's vehicle into the complex at any one time.
- 3.5 The trustees may cause to be removed or towed away, or its wheels to be clamped at the risk and expense, including payment of a release penalty to be determined by the trustees from time to time, any vehicle parked, standing or abandoned on the common property without the trustees consent.
- 3.6 Owners and occupiers shall ensure that their vehicles, and the vehicles of their visitors, do not drip oil or brake fluid on the common property or in any other way deface the common property.
- 3.7 No owner or occupier shall be permitted to dismantle or affect major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.
- 3.8 No speeding will be allowed on the premises and all owners, occupiers and visitors must adhere to the speed limit of 15 km/h on the premises.
- 3.9 The parking of vehicles is subject to the express condition that vehicles are parked at owner's risk and responsibility and that no liability shall attach to the Body Corporate for any loss or damage of whatever nature.
- 3.10 Vehicles may only be washed in the wash bay marked for this purpose. Playing of car radios during a car wash is prohibited.

#### **4. DAMAGE, ALTERATIONS OR ADDITIONS TO THE COMMON PROPERTY**

- 4.1 A 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 An owner (or person authorised by him) shall not affect any alterations or additions of whatsoever nature to the common property, without the prior written consent of the trustees, who may attach reasonable conditions to their consents. Once the trustees consent in respect of a specific alteration or addition has been given, such consent shall be followed in respect of similar items (alterations or additions) to be effected in respect of other units in the scheme.
- 4.3 No structural alteration to a section or the common property, such as alterations to the walls of a section, or alterations or work to plumbing, electrical installations or conduits may be effected without the prior written consent of the trustees, who may attach reasonable conditions to their consents.
- 4.4 Notwithstanding sub rules 4.1, 4.2 and 4.3, 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 installation.
- 4.5 If an owner or a person authorised by him, fails to obtain the consent or approval of the trustees in terms of these rules, or fails to comply with the conditions imposed by the trustees, the trustees may request the owner to remove the alteration or addition at his own expense. The trustees are authorised, after 7 (seven) days written notice having been given to the relevant owner, to remove or cause the removal and/or restitution of the alteration or addition at the risk and the expense of the owner concerned, who shall have no recourse against the body corporate or its trustees, employees or contractor for any damage resulting there from.
- 4.6 Any work done in pursuance of these rules must be done with the minimum discomfort, disturbance, obstruction and nuisance to the other occupiers of sections and must be done during the hours 08h00 to 17h00 on Mondays to Fridays or during the hours 09h00 to 13h00 on Saturdays, but not at all on Sundays.
- 4.7 All security gates are fixtures and may not be removed when vacating a unit. Maintenance thereof is the responsibility of the owner of the unit.

#### **5. APPEARANCE FROM OUTSIDE**

- 5.1 The owner or occupier of a section shall not place, store or do anything on any part of the common property, including balconies, "stoeps" and gardens, which in the opinion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of a section.
- 5.2 Owners and occupiers must ensure that their sections are provided with adequate curtaining or blinds at all times and within 7 (seven) days of taking occupation. All curtains must have linings, and all linings of curtains, and blinds when viewed from outside, must be of a neutral colour and acceptable to the trustees.

#### **6. SIGNS AND NOTICES**

- 6.1 No owner or occupier of a section 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 and subject to their conditions.
- 6.2 The trustees may remove such sign, notice, billboard or advertisement in the event of no written consent having been obtained or in the event of non-compliance with the imposed conditions, which removal will be effected at the risk and expense of the owner or occupier concerned.

#### **7. LITTERING**

- 7.1 Subject to Conduct Rule 2, an owner or occupier shall not deposit, throw, or permit or allow to be deposited or thrown, on the common property or from any balcony any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever. A breach of this rule will attract a fine of R50, to be charged to the levy accounts.

#### **8. LAUNDRY AND DRYING YARDS**

- 8.1 Owners and occupiers may use the laundries and hang their washing or laundry on the washing lines in the designated drying yards, subject to the directives imposed from time to time by the trustees.
- 8.2 The use of washing lines is at the owner or occupier's own risk.
- 8.3 Owners and occupiers shall not hang any washing or laundry of 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. Particularly, no washing may be hung on a balcony or "stoep". A breach of this rule will attract a fine of R150, to be charged to levy accounts.

#### **9. LETTING AND OCCUPANCY OF UNITS**

- 9.1 All lessees of units and other persons granted rights of occupancy by an 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 grant of rights of occupancy.
- 9.2 An owner shall ensure that each and every tenant of his section receives a copy of these rules, before taking occupation of the section.
- 9.3 Owners must notify the Trustees and/or Ground Manager when new tenants are taking occupation.
- 9.4 An owner of a section, whether or not he personally occupies that section, shall at all times ensure that the number of persons who permanently reside in that section, does not exceed the number stipulated for that section in the following schedule:
  - 9.4.1 ONE BEDROOM APARTMENT: 2 persons\*
  - 9.4.2 TWO BEDROOM APARTMENT: 4 persons\*

- unless there are children under the age of 10 in which case an exception will be made at the discretion of the Trustees

9.5 For the purpose of this rule, a person who regularly sleeps in a section shall be deemed to permanently reside in that section. Notwithstanding the aforesaid, the owner of a section may allow additional persons to temporarily reside in his section but must obtain the prior written consent of the Trustees (which shall not be unreasonably withheld). Any consent given by the Trustees in terms of this rule may be given subject to such reasonable conditions as they in their sole discretion deem appropriate.

9.6 No owner may let his section on a time share basis: or in other words, no owner shall be permitted to sell a right to any person to occupy his unit or any part thereof for a certain limited period of time on an annual basis.

#### **10. MOVING IN AND OUT OF SECTIONS**

10.1 The moving of furniture, in or out of the building, may only be undertaken during the day time and must cease completely at 20h00 each day. Moving in and out on Sundays between 08h00 and 15h00 will not be permitted.

10.2 A moving fee is charged to owners after they or their tenants move into a building. The fee charged is a minimum of R50.00. However, should any damage be caused to the doorposts, staircases and tiles on landings, an additional amount might be charged to cover the costs of repairs.

#### **11. MAINTENANCE OF UNITS, ERADICATION OF PESTS AND HEALTH REGULATIONS**

11.1 An owner shall at all times maintain his section in a good, clean and habitable order and condition, and shall be responsible for all interior painting, maintenance, inclusive of blockage of sewers and sanitary equipment and connections, and repairs of whatever nature including repairs to doors and window.

11.2 An owner shall not erect any tent or the structure or alter or remove any shrub, tree or plant on or in the common property without the written consent of the Trustees first having obtained.

11.3 An owner shall keep his section free of rats, mice, cockroaches, 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 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 of such pests as may be found within a 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. ADMINISTRATION OFFICE**

12.1 Office hours for the Caretaker will be from 10h00 to 12h00 on business days (excluding public holidays) and 08h00 to 10h00 on Saturdays.

12.2 Owners and occupiers may hand their written complaints or grievances pertaining to noise or any nuisance caused by other owners or occupiers to the Grounds Manager in the Administration office during office hours. Any other complaints must be submitted to the Trustees or Managing Agent in writing.

#### **13. POST-BOXES**

13.1 Owners or occupiers shall duly clear their post-boxes and shall deposit any discarded post and junk mail in the refuse bins. No junk mail or discarded post may be left outside the post-boxes.

#### **14. SWIMMING POOL**

14.1 The swimming pool on the common property is primarily for the use of owners and occupiers, who shall comply with the conditions pertaining to usage imposed from time to time by the trustees.

14.2 Small children (10 years and younger) may not enter the pool area without their **parents/guardian** to supervise them. Older children may use the pool area with the consent of their parents and provided they adhere to the conditions imposed from time to time by the trustees.

14.3 No alcohol may be consumed in the enclosed pool area.

#### **15. COMMON PROPERTY (GARDEN AREA)**

15.1 The Trustees or Managing Agent shall ensure that the common property (garden area) is properly maintained. Owners and occupiers or their visitors may not damage the common property (garden area), including the trees, shrubs and any form of fitting such as lights. Any person, who damages the common property (garden area) or such items, whether deliberately or negligently, shall be liable for the costs of repair or replacement thereof, failing which the owner of the unit shall be liable to the body corporate for such costs, which may be added to his levy account and recovered as a levy debt.

15.2 No alcohol or alcoholic beverages will be allowed on the common property. This includes the braai areas, garages, carwash and swimming pool.

#### **16. RULES PERTAINING TO CHILDREN AND GAMES**

16.1 Parents are responsible for the safety of their children. No child under the age of 7 should be allowed to play unsupervised on the common property.

16.2 Children are only allowed to play in the designated areas and only during the hours as set out by the Trustees and amended from time to time. Children will not be allowed to play in the designated play areas, or any where on the common property during the following hours 20h00 to 08h00. These will be referred to as the "Quiet Hours".

16.3 The quiet hours are applicable to children of all ages as well as teenagers.

16.4 Children make use of the designated play areas, equipment and swimming pool at their own risk. The body corporate will not be liable for any injury caused to any child or parent while on the common property.

- 16.5 An owner or occupier shall not allow his child to be a nuisance or disturbance to anyone.
- 16.6 Children may under no circumstances play in and around buildings which for the purpose of this rule will include passageways, staircases, the office block, the security area and the laundries.
- 16.7 No owner shall permit the hitting, kicking, striking, throwing or bouncing of balls or other objects on the common property.
- 16.8 No bicycle riding, skateboard riding, roller-skates or plastic bikes of any nature shall be permitted in the roads or on the common property.

#### **17. BRAAIING AND BRAAI FACILITIES**

- 17.1 The braai facilities on the common property are primarily for the use of the owners and occupiers who shall comply with the conditions pertaining to usage imposed from time to time by the Trustees.
- 17.2 Owners and occupiers with built-in braai facilities may utilise such willies to braai on their balconies, whilst other owners and occupiers may use electrical or gas braai devices to braai on their balconies and “stoeps”

#### **18. CRECHE – NOT APPLICABLE – NOW PRIVATELY OWNED**

#### **19. NOISE, NUISANCE OR DISTURBANCE**

- 19.1 Owners and occupiers shall maintain absolute quietness in their section and on the common property between the hours of 23h00 and 07h00.
- 19.2 Owners and occupiers shall not do or permit anything to be done in their sections or on the common property, which constitutes an unnecessary or unreasonable noise, nuisance or disturbance to other occupiers or an unreasonable invasion of their privacy. In particular the playing of electronic music instruments, radios, TV’s and general party noises must be controlled. For the purpose of this rule, the Trustees have the discretion to determine what constitutes an unnecessary or unreasonable noise, nuisance or disturbance or unreasonable invasion of privacy.
- 19.3 The horns of motor vehicles may not be sounded at any time on the common property, excepts as a warning of imminent danger or in the case of an emergency.
- 19.4 No residential sections may be utilized for any commercial or industrial purpose whatsoever or as a consulting room by a professional person, without the written consent of the trustees.
- 19.5 No hawkers, collectors or agents may enter the premises in order to conduit their business door to door. No collection lists may be circulated without the trustees consent in writing.
- 19.6 The owner and occupier shall not hold or allow to be held any auction sale in the section or any portion of the common property under any circumstances.
- 19.7 Owners and occupiers are responsible for the behaviour of their visitors and must at all times ensure that they adhere to the rules of the body corporate.

#### **20. SECURITY**

- 20.1 Every owner or occupier must at all times ensure that the security and safety of all the other occupiers of sections and their property are preserved, and in particular must:
- 20.1.1 ensure that upon entering or leaving, the building or premises all security doors and gates are properly closed;
- 20.1.2 that such doors and gates are never opened for unknown or unauthorised persons and
- 20.1.3 comply with the directives in respect of security as imposed from time to time by the trustees
- 20.2 Owners and occupiers shall give their visitors access to the premises via the intercom. No unknown or unauthorised person may be given access via the intercom.
- 20.3 The body corporate or its employees, agents or contractors shall not be liable or responsible for the receipt or non-receipt and delivery or non-delivery of goods, postal matter or any other property.
- 20.4 All persons on the common property or using any of its facilities or services are there and do so entirely at their own risk, and no person shall have any claim against the body corporate of whatsoever nature arising from such use, nor for anything which may befall any person during the course of such use, whether caused by human or animal agency, natural phenomena or otherwise. The body corporate shall not be liable for any injury, loss or damage of any description that any person may sustain, physically or to his or her property directly or indirectly, in or about the common property, its amenities or in the individual section or for any act done or for any neglect on the part of the body corporate or any of the body corporate employees, agents or contractors.

#### **21. EMPLOYEES**

- 21.1 Owners or occupiers may not request body corporate employees to perform work for them during their work hours or otherwise interfere with body corporate employees or contractors in the performance of their duties as allocated to them by the trustees or managing agent.
- 21.2 Owners and occupiers are responsible for the conduct of their own employees on the common property and shall ensure that they comply with the Conduct Rules and the Directives imposed from time to time.

#### **22. INSURANCE**

- 22.1 The body corporate shall have no responsibility whatsoever for the insurance of the contents of any particular section, which shall at all times, be the sole responsibility of the owner in question.
- 22.2 An owner shall not do or permit to be done in his section or on the common property anything which will or may increase the rate of premium payable by the body corporate on any insurance policy or which may tend to vitiate any such insurance policy.
- 22.3 An owner or occupier of a section shall not store inflammable material in the building or on the common property.

- 22.4 Should the body corporate be liable for an insurance excess relating to damage which has arisen inside his unit or on any related exclusive use area, or due to damage caused to any part of the common property by the occupiers of his unit, the owner in question will be required to pay the excess.

### **23. FIRE HOSE AND EXTINGUISHERS**

- 23.1 Fire hose and extinguishers are to be used only for the purpose for which they were installed.

### **24. INTERPRETATION**

- 24.1 In the interpretation of these rules, unless context otherwise indicates:

24.1.1 "Act" means the Sectional Titles Act, 1986 (Act 95 of 1986), as amended from time to time and any regulations made and in force there under;

24.1.2 words and expressions to which a meaning has been assigned in the Act, shall bear the meaning so assigned to them.

24.1.3 words importing:

24.1.3.1 the singular number only shall include the plural, and the converse shall also apply,

24.1.3.2 the masculine gender shall include feminine, and neuter genders: and the neuter gender shall include the masculine and feminine genders,

24.1.3.3 a reference to natural persons shall include juristic persons, trusts and partnerships, and the converse shall also apply.

- 24.2 When any number of days is prescribed in these rules, the same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday in the Republic of South Africa, in which event the last day shall be the next succeeding day, which is not a Saturday, Sunday or public holiday.

- 24.3 In the event of any conflict between the Conduct Rules and the Management Rules, the Management Rules shall prevail.

### **25. DIRECTIVES**

- 25.1 The trustees may from time to time issue Directives in connection with any Conduct Rule, to provide direction as to the practical application of the rule or to regulate, guide and clarify practical aspects pertaining to a rule. However, no new Conduct Rules may be created through the issuing of Directives.

### **26. APPLICABILITY**

- 26.1 The provisions of Management Rules, the Conduct Rules and the Act, and the duties of the owner in relation to the use and occupation of his section 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 Management Rules, Conduct Rules and the provisions of the Act by his lessee or occupant, including employees, guests and any member of his family, or that of his lessee or his occupants. Should any such person cause damage to the common property, the owner of the section shall be liable to the body corporate for the costs of repair of such damages, which may be added to the owner's levy account and maybe recovered by the trustees as a levy debt.

### **27. IMPOSITION OF PENALTIES**

- 27.1 If the conduct of an owner, lessee or an occupier of a section or his family members, visitors or employees constitutes a nuisance in the opinion of the trustees, or if an owner, lessee or an occupier or his family members, visitors or employees contravenes, breaches, disobeys or disregards a Management or Conduct Rule, the trustees may furnish the owner where applicable the lessee or occupier with a written notice which may in the discretion of the trustees be delivered by hand or registered post. In the notice the particular conduct, which constitutes a nuisance, must be adequately described or the Rule that has allegedly been contravened must be clearly indicated, and the owner and where applicable, the lessee or occupier must be warned that if he persists in such conduct or contravention, a fine will be imposed on the owner or where applicable on the lessee or occupier.

- 27.2 If the owner, or where applicable, the lessee or occupier nevertheless persists in the particular conduct or in the contravention of that particular rule, and a second complaint is received, the trustees may impose an initial fine on the owner or where applicable, the lessee or occupier.

- 27.3 If a third complaint of the same nature is received the trustees may be entitled, but not obliged, to impose a subsequent fine as determined by the Trustees from time to time, depending on the nature of the transgression. The transgressor may appeal in writing against a fine so imposed, but the finding of then trustees in this regard, after due consideration of such appeal, shall be final and binding.

- 27.4 In respect of a fourth complaint, be entitled to, but not obliged as duly authorised representative of the owner of the unit, to terminate the lease of the transgressor and take all such legal steps as may appear requisite in order summarily to terminate the continued occupation of the unit by the transgressor.

- 27.5 Should the transgressor referred to in the above rule not commit a further offence for a period of eight months, then all previously recorded transgressions shall lapse and not be taken into account during the hearing of future complaints against such transgressor.

- 27.6 Any fine imposed in terms of rule 27, may if it is not paid within 14 (fourteen) days after the owner and where applicable, the lessee or occupier has been notified of the imposition of the fine, be added to the contribution which an owner is obliged to pay in terms of section 37 (1) of the Act and claimed by the trustees as part of the monthly levies payable by the owner.

### **28. RELAXATION OF RULES**

- 28.1 No indulgence or relaxation in respect of these rules shall constitute a waiver or consent; or prevent their enforcement by the trustees at any time.