

BROOKDALE BODY CORPORATE

Rietvlei Ridge Country Estate
Goede Hoop Rd

RULES OF CONDUCT LAID DOWN FOR THE BODY CORPORATE OF BROOKDALE IN TERMS OF SECTION 35(2)(b) OF THE SECTIONAL TITLES ACT NO 95 OF 1986 (AS AMENDED)

1 INTRODUCTION

- 1.1 These rules were compiled in order to ensure orderly and peaceful living circumstances for the community made up by the BODY CORPORATE OF BROOKDALE, to create a sense of unity contributing to the common interests of all residents and to see to it that these are properly protected.
- 1.2 The Trustees therefore cordially request you to provide your full and whole-hearted co-operation in the effective and harmonious management of the BODY CORPORATE OF BROOKDALE to in this manner promote a community of which all residents can be proud of in the interest of all.
- 1.3 The term BODY CORPORATE OF BROOKDALE mentioned in these rules refers to members of the Board of Trustees, a managing agent or representative/s as appointed by the BODY CORPORATE OF BROOKDALE to act as control body of the common property in terms of Sections 38 and 39 of the Sectional Titles Act of 1986, as amended.
- 1.4 Any reference to TRUSTEES in these rules also refers to the Board of Trustees, appointed in terms of the provisions contained in the Sectional Titles Act No 95 of 1986, unless expressly stated elsewhere.
- 1.5 The Board of Trustees is entitled to appoint subcommittees consisting of members of the BODY CORPORATE OF BROOKDALE to assist them in the enforcement of these or any other rules decided upon during a General Meeting of the BODY CORPORATE OF BROOKDALE.
- 1.6 These rules may be complemented, amended or revoked by a majority decision of all owners taken during an Annual General Meeting of the BODY CORPORATE OF BROOKDALE or a Special General Meeting Specifically called for this purpose by the BODY CORPORATE OF BROOKDALE.
- 1.7 These rules are and remain the property of the BODY CORPORATE OF BROOKDALE and have to be left in the unit of the occupant/s upon its vacation for the information of succeeding occupant/s.
- 1.8 The occupant/s of a unit is/are cordially requested to study the rules properly and to strictly comply with these.
- 1.9 If a set of conduct rules is lost, the BODY CORPORATE OF BROOKDALE will replace it upon request at a nominal fee.

2 DUTIES OF OWNERS

- 2.1 The attention of all owners, whether they are the occupants of their unit or not, is focused on the conditions contained in subsections (d), (e) and (f) of Section 44(1) of the Sectional Titles Act. (Owners are advised to acquire their own copy of the Sectional Titles Act, Act 95 of 1986.)

3 DOMICILIUM CITANDI ET EXECUTANDI & PROTOCOL REGISTER

- 3.1 It is accepted that any correspondence will be directed to the registered owner of a unit of the BODY CORPORATE OF BROOKDALE as not received prior notice to the contrary, The BODY CORPORATE OF BROOKDALE will direct correspondence to an alternative address, upon condition of proper prior notice being given of such a change of address.
- 3.2 It needs to be emphasized that the Trustees are responsible for updating the protocol register containing the names and addresses of all registered owners, registered bonds and the names of any other person of persons possessing any legal interest in a unit.
- 3.3 It is a statutory duty of all registered owners to inform the BODY CORPORATE OF BROOKDALE without delay of any change in legal ownership, as well as the registration of any additional bonds or

any other legal action concerning his/her unit (Section 44(1)(f) of the Sectional Titles Act, Act 95 of 1986).

4 INFORMATION IN RESPECT OF TENANTS OF UNITS LEASED BY NON - RESIDENT OWNERS

- 4.1 Non-resident owners or their agent/s have to inform the BODY CORPORATE OF BROOKDALE punctually and at all times of the full particulars of their tenants, who such persons are and when they intend to move in or out of a unit. In this way order is not only guaranteed on the common property, but the Trustees are also enabled to determine who enters the common property and who may use its facilities.
- 4.2 It is also the duty of non-resident owners to notify the BODY CORPORATE OF BROOKDALE of the agent/s, if any, leasing their units.
- 4.3 Non-resident owners have to ensure that their agent/s are kept informed of their own obligations towards the BODY CORPORATE OF BROOKDALE regarding these rules and that their agent/s will only accept tenants who are adaptable and acceptable to the occupants of the BODY CORPORATE OF BROOKDALE.
- 4.4 Should non-resident owners delegate their responsibilities in terms of these aspects to an authorized person, the owner remains responsible towards the BODY CORPORATE OF BROOKDALE for any negligence in terms of the prescribed duties.

5 OCCUPANTS AND GUESTS

- 5.1 Owners and tenants are responsible for the conduct of themselves and their guests on the common property and have to ensure that the applicable rules in terms of the Act, agreement or these provisions are adhered to.
- 5.2 Non-resident owners are responsible for the conduct of their tenants, or any other persons occupying the unit, as well as the guests of such occupants.
- 5.3 Non-resident owners have to ensure that their tenants or any other persons occupying their unit are provided with a copy of these rules and have to see to it that they understand and comply with it.
- 5.4 In addition, such owners have in their own interest to procure written undertakings from their tenants or other occupants of their unit stating the latter's intention to comply with these rules.
- 5.5 A maximum of four (4) people only, may reside permanently in any two (2) bed roomed unit at any time and a maximum of six (6) people in a three (3) bed roomed unit at any one time. Visitors staying more than 1 month will be considered permanent residents and the above rule will apply accordingly.

6 REPAIRS AND OTHER ACTIONS OR ACTIVITIES

- 6.1 If repairs to common property in or at a unit are deemed necessary in terms of Section 28(2)(b) of the Sectional Titles Act, Act 95 of 1986 to prevent damage to the rest of the common property or any other unit or units, the Trustees or Managing Agent may enter such unit in the absence of the owner, tenant or any other person occupying the unit concerned. However, they have to ensure that reasonable care is taken to protect the property of the occupant of the unit concerned. If possible, prior notice of any such repair work in or at a unit will be given to the occupant.
- 6.2 Any work has to be done during reasonable hours with as little as possible disturbance and noise, as well as in accordance with these rules.
- 6.3 Occupants doing such work or having it done, have to ensure that the necessary measures are taken to protect the common property and its facilities.
- 6.4 Should any workers transgress these rules, their activities will be terminated by the Trustees and access to the common property will be refused.
- 6.5 Care has to be taken at all times that materials and tools will not damage or disfigure the common property. These have to be stored neatly and out of sight in or at a place or space assigned by the Trustees if not in use.
- 6.6 If the common property is left untidy upon completion of any work, the cleaning and clearing thereof will be done at the expense of the person who originally ordered the work to be done.

- 6.7 These rules are *mutatis mutandis* applicable to any work authorized by the BODY CORPORATE OF BROOKDALE in terms of rule 6.1.
- 6.8 A resident must keep his exclusive use area free from pests. The owner must allow the Trustees to inspect his unit from time to time and take any reasonable action necessary to eradicate such pests. The owner of a unit concerned is obliged to bear the costs of the eradication, inspections and replacement of material, which form part of sections and has been damaged by such pests.

7 FIRES, COMBUSTIBLE MATTER AND RELATED MATERIAL

- 7.1 No occupant may at any time keep or store combustible or other dangerous matter or related material that could increase the insurance risk pertaining to the common property, or that could increase the rate of the fire premium payable by the body corporate on any insurance policy, on the common property or any part thereof.
- 7.2 Owners are strictly advised to equip their units with SABS approved domestic fire extinguishers, as the fire extinguishers available on the common property are not suitable for application to all types of fires, for example fires caused by electrical short-circuits within a unit or garage.
- 7.3 Fire horse reels and fire hoses may not be used for domestic purposes. The seals may only be broken in case of a fire.
- 7.4 The use of fire hoses to wash vehicles or for any other purpose, except to extinguish a fire, is punishable with a fine as determined by the Local Authorities.

8 DISTURBANCES

- 8.1 No owner or occupant may cause any disturbance, or allow his guests or employees to create such a disturbance on the common property.
- 8.2 Hooters may not be used unnecessarily on the common property.
- 8.3 Radios, TV sets and musical instruments have to be used in such a way that they do not disturb the other occupants on the common property.
- 8.4 Unnecessary noise generated by pets has to be prevented.
- 8.5 Application for the keeping of animals has to be handed to the Trustees in writing within **14 (fourteen) days** of occupation.
- 8.6 Silence must be maintained between 14:00 and 16:00 on Sundays and between 22:00 and 7:00 daily, with two exceptions: Fridays and Saturdays silence between 24:00 and 7:00.

9 CHILDREN

- 9.1 Occupants are requested to exercise supervision of their own children and/or the children of their guests to such a degree, that no nuisance or any damage is caused on the common property.
- 9.2 Occupants have in particular to ensure that their children specifically do not tamper with the following items or equipment on the common property:
- Electrical switchboards
 - Security lights
 - Fire hoses
 - Water taps
 - Name plates
 - Trees
 - Shrubs
 - Ornaments
 - Garden equipment
 - Irrigation systems
- 9.3 No ball games or other games are allowed on the communal road surfaces.

- 9.4 Children have to be strictly warned by their parents against any unacceptable activities on the common property, for example the unnecessary ringing of the door bells of other units, any acts of vandalism or activities which may possibly lead to prosecution.
- 9.5 Occupants will at all times be responsible for the acts of their own or their guests' children on the common property.

10 VEHICLES

- 10.1 Vehicles of occupants and their guests may only be parked in the demarcated areas and not in drive ways lanes or in front of garages. Vehicles causing an obstruction will be removed at the risk and cost of the owner or the driver involved.
- 10.2 The dismantling or repair of any vehicle on the common property is strictly prohibited. Minor and emergency repairs or the changing of tires are allowed.
- 10.3 No car wreck/s will be allowed on the common property or any part thereof and will be removed at the expense of the owner.
- 10.4 Persons transgressing against paragraphs 10.2 and 10.10 of these rules will be held responsible for any damage or oil spills, paint marks, etc. Arising from such actions and which deface the common property.
- 10.5 Vehicles may only be washed with a water bucket or hose pipe. Fire hoses may not be used for washing vehicles.
- 10.6 Any heavy vehicle (maximum of 2 tonnes allowed inside the BROOKDALE Complex) entering the common property to on load or off-load cargo requires written approval from the trustees and the owner concerned has to make timeous arrangements with the Trustees to ensure that such vehicles do not cause obstruction, disturbance or damage to walls, paving etc. No permanent vehicles of more than 1 tonne are allowed.
- 10.7 Vehicles may not exceed a speed of 10 km/h on the common property.
- 10.8 Vehicles have to enter or leave the common property as quietly as possible. Motor cycles causing unnecessary noise will not be allowed.
- 10.9 Garage doors should be kept closed if not in use.
- 10.10 No caravans (whether motorized or not), trailers, boats, motorcycles, bicycles, tricycles, scooters, skate boards, roller blades or similar items may be left on the common property or any part thereof where these may detrimentally affect the aesthetic aspects of the complex or cause inconvenience or danger to the occupants.
- 10.11 Tricycles, skate boards or roller blades may not be used on the driving surfaces of the common property.
- 10.12 Residents 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 way deface the common property.
- 10.13 The demarcated parking bays are meant for visitors' use and may not be used by residents except for brief periods when circumstances make this necessary. Where insufficient visitors' parking space is available, occasional visitors may park on the paving in lanes outside garages or residential units, provided they do not obstruct or pose a danger to the safe flow of traffic. This does not apply to long-term visitors. Residents must apply to the Trustees in writing if they have visitors requiring parking for longer than three (3) days.
- 10.14 The Trustees may remove, or tow away, at the risk and expense of the owner, any vehicle parked unlawfully or left abandoned on the common property.

11 LAUNDRY

- 11.1 Washing may only be hung out to dry in the courtyard provided at each unit..
- 11.2 No linen, clothing, washing or any other items may be hung out to dry in or outside any window within sight of other occupants or the public.

- 11.3 Carpets, any type of floor covering, dust cloths or vacuum cleaner bags may not be beaten against walls on the common property.

12 REFUSE DISPOSAL AND SEWERAGE SYSTEM

- 12.1 Dustbins have to be kept in the courtyards of units and may only be placed outside after 18:00 on the eve of the day on which refuse collection by the City Council / Contractor occurs.
- 12.2 Dustbins have to be placed outside the gate of the unit for removal by the cleaner. Refuse has to be disposed of without leaving a smell or being untidy.
- 12.3 No dustbins may be removed or used for garden refuse.
- 12.4 Safety measures: dispose of all broken glass, hazardous Medical equipment i.e. needles etc, in wrapping before placing in black bags.
- 12.5 Refuse and garden refuse may not be disposed of contrary to the regulations of the City Council.
- 12.6 Rubbish may not be left on any part of the common property. Occupants violating these rules risk prosecution by the Health Department of the Local Authority.
- 12.7 Cigarette butts, paper and other objects may not be thrown from verandas, windows or vehicles on any part of the common property or the garden areas of other units.
- 12.8 Surplus garden refuse, redundant furniture, garden furniture, garden equipment, washing machines, toys, medium and large boxes and wooden crates must be removed from the property by residents themselves or they may arrange with the complex manager for the removal thereof at their expense. Such items may not be left on the common property.
- 12.9 No kitchen or any other refuse (for example sanitary towels, disposable nappies, newspaper, etc.) may be put in or flushed down any toilet, outlet-pipe or draining pipe. Only toilet paper may be used in toilets and occupants are urgently requested to also advise their domestic workers in this regard.
- 12.10 Every owner is personally responsible for the opening or cleaning of blocked sewerage and draining pipes at any unit up to the point where it connects to the communal sewerage line linking a series of units. The costs thereof will also be paid by the owner or occupant.

13 ANIMALS

- 13.1 No pets may be kept in a unit or on any part of the common property without the written consent of the Trustees, with the exception of songbirds in cages if they do not cause a disturbance to other occupants.
- 13.2 Permission to keep a pet will only be granted subject to the following conditions:
- All cats must be sterilized.
 - No more than two pets will be allowed per unit unless prior written approval was obtained from the trustees. When selecting a pet, please take into consideration your pets' needs i.e. the area required for size of pet. Should complaints be received regarding your pets' needs not being taken into consideration, it will be reported to the SPCA.
 - Applications for keeping pets must be accompanied by sterilization certificates issued by a veterinary surgeon and certificates of immunization against rabies, distemper, cat flu and any other diseases the Trustees may stipulate from time to time.
 - The certificates must be renewed and resubmitted upon expiry.
- 13.3 Dogs may not be taken for exercises or walked without a leash on the paved portion of the common property. Owners of animals befouling the common property will be responsible for the cleaning and removal of their pets' excrement.
- 13.4 Dogs barking unnecessarily and causing noise have to be silenced. Such noise is extremely disturbing to persons staying at home during the day, students involved in studies, babies, etc. Other arrangements also have to be made when pets stay at home when occupants leave at night.
- 13.5 Bird cages or any form of pet accommodation have to be kept tidy and be placed in such a way that these are not unsightly to the public.
- 13.6 Cats must wear collars with bells and all pets must wear a collar with the telephone number of the owner, without which they will be considered feral and removed from the property..

- 13.7 The Body Corporate reserves the right to request the guardian to remove his pet should they become a nuisance. If the owner fails to obey the instruction, the Trustees have the right to have the animal removed at its owner's expense.
- 13.8 The local authority by-law relating to pets will be strictly enforced.
- 13.9 Kennels must be placed so that they are not visible from the common property.

14 EXTERIOR VIEW OF UNITS

- 14.1 No alterations, improvements, additions or structural changes whatsoever to the exterior of a unit may be made without a written application to this effect by the owner to the BODY CORPORATE OF BROOKDALE.
- 14.2 Such application has to be accompanied by a detailed description, as well as drawings or illustrations of the intended alteration.
- 14.3 Approval will be given in writing by the Trustees, should such an application be granted.
- 14.4 The exterior view of units may not be painted, plastered or otherwise treated.
- 14.5 Gutters, outlet pipes, windows, door frames, doors and garage doors are part of the common property which has to be maintained and painted by the BODY CORPORATE OF BROOKDALE.
- 14.6 No outside entrances of a unit may be changed or extended without the prior approval of the Trustees. All approved changes must be in unison with existing aesthetic features of the building.
- 14.7 No unsightly or unaesthetic decorations, notices or advertisements may be fitted to the external view of a unit.
- 14.8 No parking space on the common property may be fenced in or provided with a roof.
- 14.9 No air conditioners, antennas, satellite dishes or solar heating systems visible from outside a unit and aesthetically displeasing to the view of complex may be installed without the approval of the trustees, in any area other than in the areas as indicated by the Trustees.
- 14.10 Only approved security and garden gates, matching existing fittings in color and style, may be installed. Window burglar proofing must be installed on the inside. The Trustees can be consulted in this regard.

15 FITTINGS AND INSTALLATIONS

- 15.1 Occupants may under no circumstances tamper with or repair any electrical installations, municipal fittings and fire equipment, etc. on the common property. Defects to any of these items have to be reported to the Trustees immediately.
- 15.2 Occupants damaging, disfiguring or untidying the common property will be responsible for the repair thereof.

16 GARDENS AND LAWNS

- 16.1 Occupants should take care that the gardens of their units are always well kept and tidy. Tree branches, shrubs and creepers overhanging garden fences bordering on communal driveways or municipal sidewalks by more than 30cm have to be cut and removed by the owner of the unit involved.
- 16.2 Residents may not plant anything on the common property or remove/ damage any plants on the common property without the approval of the Trustees.
- 16.3 Occupants are welcome to recommend changes to the upkeep or planning of gardens on the common property to the Trustees.
- 16.4 Water is one of our biggest and most precious privileges and therefore has to be used with consideration. Water is one of the services mainly contributing to the regular increase in levies. Please use water as sparingly possible, whether you are taking a bath, irrigating the garden or washing your car.

- 16.5 Sprinkler irrigation has to be used economically.
- 16.6 No shrubs or trees causing unreasonable littering of leaves, seeds, etc. on the common property or causing a nuisance to an occupant's neighbors may be planted. Such vegetation may be removed at the occupant's cost by the BODY CORPORATE OF BROOKDALE.
- 16.7 Every resident is responsible for maintaining the neat appearance of his or her exclusive garden area.
- 16.8 No Wendy Houses or tool sheds may be erected.

17 ACTIVITIES ON THE COMMON PROPERTY

- 17.1 No electrical appliance causing a disturbance to radio or television sets may be installed or used in units or garages. Welding may only be done subject to the conditions laid down by the Trustees.
- 17.2 No industry, occupation, profession or commercial activities or hobbies that cause any inconvenience or nuisance to other residents may be conducted on the common property or within a unit.
- 17.3 No auctions or jumble sales may be held on the common property or inside a unit.

18 SERVANTS / LODGERS

- 18.1 Non-resident owners of units or tenants may not allow lodgers, domestic workers or gardeners to live in their units, whether on payment or not, without prior application to the Board of Trustees.
- 18.2 Occupants have to ensure that their servant/s, lodgers or their visitors do not loiter, cause noise or sleepover on the common property, Lodgers and domestics living on the premises are subject to the same rules as all other occupants. Such people therefore have to be informed and warned according to the rules.
- 18.3 Any serious difficulties experienced by occupants with their own or other occupants' domestics or their visitors, or with the laborer/s appointed by the BODY CORPORATE OF BROOKDALE have to be immediately reported to the Trustees during working hours that is between 8:00 and 16:00 on weekdays. The assistance of the South African Police Service has to be called in outside working hours, during weekends or on public holidays if the nature of the problems justifies this.
- 18.4 The Trustees reserve the right to take any steps against any employees of occupants transgressing these rules and, if necessary, and refuse them entry to the common property.

19 EMPLOYEES APPOINTED BY THE BODY CORPORATE OF BROOKDALE

- 19.1 The employee/s in the service of the BODY CORPORATE OF BROOKDALE is / are appointed according to a service contract prescribing their working hours. They will at all times be on the common property under the direct supervision and control of the Chairperson, Supervisor or in their absence, any member of the Board of Trustees appointed by the Chairperson / Supervisor.
- 19.2 Employees' services can be made available to occupants of units only after their daily tasks have been fulfilled. Such services are provided subject to the occupants' own risk and remuneration for the services rendered has to be paid by the occupants involved.
- 19.3 The Trustees reserve the right to demand the employee/s' services at any time on behalf or to the advantage of the common property.
- 19.4 In addition to the above, no owner or occupant may interfere with the activities of employees in service of the BODY CORPORATE OF BROOKDALE.

20 NOTICES

- 20.1 No occupant may remove or damage notices put up by the BODY CORPORATE OF BROOKDALE or any other authorized body on the common property.
- 20.2 No owner or occupant may put up any sign, notice board, signboard or advertisement of any nature at all on any part of the common property or a part thereof if it is visible from any location outside the section concerned without prior written consent of the Trustees.

21 COMPLAINTS

- 21.1 All complaints have to be handed in writing to the Trustees as soon as possible in order to have the matter dealt with by the BODY CORPORATE OF BROOKDALE if necessary.
- 21.2 The BODY CORPORATE OF BROOKDALE has to determine the facts concerning any complaints as soon as possible to ensure that the matter is dealt with effectively and timeously.

22 SUGGESTIONS

- 22.1 The Trustees would welcome any suggestions aimed at improving the control of the complex. Suggestions have to be directed to the Trustees in writing to allow the BODY CORPORATE OF BROOKDALE to keep proper record thereof, to ensure its consideration and to see to it that the proposer receives the necessary acknowledgement if the proposal is implemented.

23 ADMINISTRATION

- 23.1 All levies are due and payable in advance on the first day of each and every month.
- 23.2 Interest will be raised on all arrear accounts. Arrear levies will attract interest of 2 % per month or as decided by the Trustees.
- 23.3 Further penalties or legal action, to be determined from time to time will be imposed on owners with accounts in arrears for 60 days or longer. The BODY CORPORATE OF BROOKDALE shall be entitled to recover all legal costs incurred on the attorney and own client scale.
- 23.4 The Trustees may amend or add to the House Rules from time to time, as may be deemed necessary to ensure harmonious co-existence of residents.
- 23.5 The Trustees have the right to fine transgressors where any of the rules as stipulated by the BODY CORPORATE OF BROOKDALE from time to time have been broken or infringed upon. Such fines will form part of the levy and shall become due and payable on the due date of payment of the levy.

24 ENFORCEMENT OF THE RULES

- 24.1 In terms of the Sectional Titles Act 95 of 1986 the BODY CORPORATE OF BROOKDALE is *inter alia* charged with the task of fulfilling all laws, regulations and rules concerning the common property, and to see to it that these are complied with. Special attention is focused on the rules contained in Section 35, 36(4) and 37, as well as the amended attachments 1 and 2 of the Sectional Titles Act, Act 95 of 1986.
- 24.2 PLEASE NOTE! Disregard or transgression of any of these rules may in some cases lead to legal action or any other appropriate steps which might be lawfully taken by the BODY CORPORATE OF BROOKDALE against transgressors.

25 IMPLEMENTATION OF THE RULES AND REVOCATION OF PREVIOUS RULES

- 25.1 These rules replace all previous rules issued by the BODY CORPORATE OF BROOKDALE in terms of Section 35(2) (b) of the Sectional Titles Act, Act 95 of 1986.

26 EXCLUSIVE USE AREAS - GARDENS

- 26.1 On Special General Meeting held on **30 November 2009** the members of the Body Corporate by a unanimous vote created exclusive use under section 27A of the Sectional Titles Act by converting the gardens on common property to exclusive use areas registered at the deeds office.

RULES ACCEPTED ON _____ DURING THE SPECIAL GENERAL MEETING.