



**rural development  
& land reform**

Department:  
Rural Development & Land Reform  
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE REGISTRAR OF DEEDS  
Private Bag X9028, Pietermaritzburg, 3200; Tel: 033 355 6800; Fax: 033 345 510

Browne, Brodie & Fourie

BY HAND

Dear Sir / Madam

**NOTIFICATION IN TERMS OF SECTION 35(5) AND REGULATION 30(3)  
AND (4) AND REG 30 (7) OF THE SECTIONAL TITLES ACT 1986**

Your letter dated 13 January 2011 refers.

Receipt is acknowledged of your abovementioned letter, the contents thereof having been noted in the relevant file of the Scheme known as Gillyn Body Corporate of Sectional Plan Number **SS349/1984**

Yours faithfully

^ REGISTRAR OF DEEDS: PIETERMARITZBURG  
Date: 26 January 2011

Enquiries: Thandeka Xulu  
Telephone: 033 -355 6800  
Our Ref: AE 6/6/1(S021)  
Your Ref: 19D005163/SANDY

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# **BODY CORPORATE OF GILLYN**

No. SS : 349/1984

## **CONDUCT RULES**

SUBSTITUTED IN TERMS OF

Section 35(2) (b) of the Sectional Titles Act, 1986

### **1. ANIMALS, REPTILES AND BIRDS**

- 1.1. An owner or occupier of a unit shall not, without the written consent of the trustees, which approval may not unreasonably be withheld, keep any animal, reptile or bird in a unit or on the common property.
- 1.2. When granting such approval, the trustees may prescribe any reasonable conditions.
- 1.3. The trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of sub rule (1.2).
- 1.4. In the event of approval being withdrawn in terms of rule (1.3) the trustees shall have the right to require any such animal, reptile or bird to be removed from the building.
- 1.5. In no event shall animals be permitted in any public portions of the building or any other common property.

### **2. REFUSE DISPOSAL**

- 2.1. Rubbish or refuse may not be left on any portion of the common property or elsewhere where it will be visible from the common property, whether in a container or not, but should be placed in a refuse bag in the garbage bins provided on each floor.
- 2.2. Cardboard boxes may not be placed in the garbage bins but must be placed next to the bins.
- 2.3. Kitchen refuse, cardboard boxes, glass etc should be disposed off in different types of bags made available in terms of municipal by laws.

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### **3. VISITORS**

- 3.1. Overnight visitors will be subject to a fee of R100 which will annually be reviewed to the discretion by the board of trustees.
- 3.2. No visitors are allowed after 10pm to 7am unless written permission is obtained from the trustees.

### **4. GARDENING AND PLANTS**

No plants may be planted or uprooted or placed on the common property by owners or occupiers without the consent of the trustees. All gardening on the common property shall be done by the person authorized by the trustees. Owners or occupiers may be required to remove vegetation regarded as harmful by the trustees.

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

- 5.1. 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 the written permission of the trustees.
- 5.2. Heavy furniture, luggage and the like shall only be carried across the common property, and not dragged across the surface thereof.
- 5.3. An owner may make minor alterations to the interior of his unit, but no major upgrade such as structural alterations, alterations to the water piping, electrical wiring, conduits or plumbing may be effected without the prior written consent of the trustees and then subject to such conditions as the trustees impose.
- 5.4. Repairs or alterations to electrical wiring and plumbing shall be effected only by a person qualified to do so, and such work shall comply with the standards and by laws of the relevant authority.
- 5.5. Internal repairs and maintenance to the units will not be done by the body corporate or their staff, as all internal repairs and expenses for same will be the owner's responsibility unless damage caused from common property.

- 5.6. The supervisor will deny access to contractors if no permission had been granted by the trustees.

**6. APPEARANCE FROM OUTSIDE/STORAGE ON COMMON PROPERTY**

- 6.1. The owner or occupier of a unit shall not place or do anything on any part of the common property, including balconies, passages and garden which, at the discretion of the trustees is aesthetically displeasing or undesirable.
- 6.2. An owner or occupier shall not store or leave, or allow to be stored or left, any article in any part of the common property except with the written permission of the trustees.
- 6.3. No air conditioning unit, awning, external blinds, satellite dish or television aerial shall be installed on any part of the common property except with the written consent of the trustees first having been obtained.
- 6.4. Airconditioning units must be maintained and serviced by the owner. Costs will be the owner's responsibility.

**7. SIGNS AND NOTICES**

No owner or occupier of a unit shall place or allow to be placed any sign, notice, billboard or advertising of any kind whatsoever on any part of the common property including the outside wall without the written consent of the trustees. "For Sale" and "To Let" signs must be free standing and not attached to the common property.

**8. LITTERING**

- 8.1. An owner, occupier, contractor or visitor shall not deposit, throw or permit or allow to be deposited or thrown, any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever, on to the common property. Unwanted post must not be discarded in the common property, but must be placed in the refuse bins.
- 8.2. Residents are requested to assist in preventing littering of the premises.

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## 9. LAUNDRY

- 9.1. An owner or occupier shall not erect his own washing line if these are visible from the outside.
- 9.2. Washing may be hung out to dry only in the area specifically provided.
- 9.3. Washing hung out to dry is at the sole risk of the person doing so.
- 9.4. Clothes horses and laundry on balconies **may not** be visible from the outside of the building.
- 9.5. Clothing items, including bathing costumes, towels and dishcloths (and carpets) may not be hung over balconies or fences.

## 10. STORAGE OF DANGEROUS ITEMS

- 10.1. An owner or occupier shall not store any material or do not permit or allow to be stored, any dangerous material in the building or on the common property which may put the premises or persons at risk of damage or harm, or increase the insurance premiums payable by the body corporate.
- 10.2. An owner or occupier shall not repair, alter or interfere with the electrical supply on the common property. Electrical faults shall be reported to the supervisor or trustees.

## 11. LETTING OF UNITS

- 11.1. The owner or the owner's agent must make the tenant aware of the house rules, a copy of which will be kept by the supervisor or chairman. The owner/agent shall permit the trustees to interview the lessee after concluding the lease agreement.
- 11.2. An owner/agent who wishes to let a unit must incorporate a clause in the lease agreement to the effect that the occupant will abide by the Rules of the body corporate and must make known the fact to his tenant any breach of the rules will be subject to a fine and could terminate the lease forthwith.

- 11.3. The supervisor or security guard appointed by the trustees shall be entitled to call upon any person to identify him/herself and to refuse entry to the common property and any unit to any person who is unable to reasonably identify him/herself with the owner's authorization to occupy the unit. Likewise the trustees shall be entitled to take whatever steps they deem necessary to remove from a unit and the common property any person who they were entitled to deny entry aforesaid.
- 11.4. No letting and/or subletting with occupation shall in any way release the owner from any of his obligations to the body corporate in terms of the act.
- 11.5. All tenants of the units and other persons granted rights of occupancy by an owner of the relevant unit as well as visitors, contractors and any employees, are obliged to comply with these rules, notwithstanding any provision to the contrary contained in any lease or grant of rights of occupancy.
- 11.6. No sub-letting is permitted unless owner/agent consents to same in terms of the lease agreement.

## **12. ERADICATION OF PESTS**

An owner shall keep his unit and storage area free of white ants, borer beetles and other insects and to this end shall permit the trustees, supervisor, the managing agent and their duly authorized agents, to enter upon his unit from time to time for the purpose of inspecting the unit and taking such action as may be reasonably necessary to eradicate any such pests. The cost of these inspections and the eradicating of these pests may be found within the unit, replacement of any woodwork or other material forming part of such unit which may be damaged by any such pests shall be borne by the owner of the unit concerned.

## **13. REMOVALS AND DELIVERY OF FURNITURE**

- 13.1. Owners and occupiers shall advise the trustees or the supervisor 7 days in advance of the intended day of removal or delivery of furniture or any other heavy goods.
- 13.2. It shall be the duty of each owner to ensure that the supervisor is notified at a reasonable length of time (at least 2 days) where possible before the occupant of a unit is due to move in or out thereof, to enable the supervisor to observe the movement of furniture over the common

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ground. No furniture may be taken into or removed from the building after 17H00 hours and before 7H00 hours.

- 13.3. Security guards on duty should be notified of any single movement of individual personal movable items to and from the unit of the time and date when movement of these items will occurs

#### 14. NUISANCE


- 14.1. An owner or occupier shall not cause any disorderly conduct of whatsoever nature in a unit or any part of the common property, or do to permit any act, matter or thing in or about the same which shall constitute or cause a nuisance or inconvenience to any other owner or occupier of a unit, to the supervisor or staff of the body corporate or to any other person lawfully present.
- 14.2. Owners and occupiers shall cause quietness to be maintained between 22:00 hours and 07:00 hours on all days and in addition, between 13:00 and 07:00 hours on Saturdays in units and on the common property. Silence must be maintained on Sundays and public holidays in units and on the common property area.
- 14.3. Any noise which can be heard in the corridors shall be deemed to be too loud.
- 14.4. An owner shall be required to keep his air conditioning unit in a good state of repair so as not to cause undue noise, failing which the trustees shall be entitled to have it repaired at the owner's cost.
- 14.5. Building operations in a unit, including drilling, hammering, sawing, and any other noise-creating repairs, whether carried out by the owner or contractor, shall only be carried out between the hours of 08:00 and 17:00 on Mondays to Fridays and from 08:30 to 12:00 hours Saturdays, but not on Sundays and public holidays.
- 14.6. Owners and occupiers must assure that they do not cause noise to be heard by persons in units below them. In particular, owners and occupiers shall ensure that the movement of furniture over tiled surfaces, footsteps of persons with hard sole shoes and other like contact with surfaces do not result in noise being carried to the unit below.

- 14.7. Fireworks shall not be lit or discharged in any unit or on the common property.
- 14.8. Owners and occupiers must ensure that their children do not play in passages.
- 14.9. Owners and occupiers, visitors, employees and contractors are not allowed to consume or carry alcohol on the common property and passages.
- 14.10. No hobbies or other activities may be conducted on the common property if such would cause a nuisance to the other occupiers.
- 14.11. Loud talking and any activity causing a nuisance to other occupiers on the passages and on the common property is not allowed at any time.
- 14.12. An owner or occupier shall not play loud music at any time.
- 14.13. No chatting and/or shouting through the windows is allowed.

## 15. USE

- 15.1. All owners and occupiers of units shall ensure that their behaviour does not damage any property or harm any plants.
- 15.2. Unless otherwise authorized in writing by the trustees, the maximum number of persons who may reside in or occupy a unit is as follows:  
  
Bachelor flats - 2 adults plus 2 children under 12 years old.  
  
1 bedroom flats - 3 adults plus 3 children under 12 years old.
- 15.3. No persons may live in places other than residential units, e.g. storage rooms.
- 15.4. No owner or occupier shall employ or house servants on the property illegally or contrary to any law, by-law, the Sectional Titles Act or the rules of the body corporate.

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- 15.5. Owners and occupiers are responsible for the behaviour of their servants and must at all times ensure that they adhere strictly to the rules of the body corporate.
- 15.6. An owner or occupier is responsible for the conduct of his/her visitors and must ensure their adherence to all requirements of the Act and the rules of the body corporate.
- 15.7. Employees of the body corporate will not take instructions from the owners or occupiers nor will they undertake tasks or errands.
- 15.8. Any form of "Time Sharing" is not allowed.
- 15.9. No braais may be held anywhere on the property, neither within the sections or in the corridors nor the roof top.

## **16. LIFTS**

- 16.1. Children are not allowed to play in lifts, foyer or passages.
- 16.2. Children under the age of 12 years are not allowed into lifts unaccompanied.
- 16.3. Smoking in lifts, on common area, on any open space and any other places in terms of the tobacco law applicable in South African is prohibited.
- 16.4. Lift one should be essentially used by residents and visitors and lift two essentially for B.C. staff and service contractors including for laundry purposes, such as washing.
- 16.5. Operation of the lift times are from 05.00am to 10.00pm of which after these specified times the lift can only operate for emergency cases.

## **17. LOSS OR DAMAGE**

The body corporate shall not be responsible for any loss or damage suffered by an owner caused by the body corporate or by any servant or agent of the body corporate from any cause whatsoever, and it shall be the responsibility of an owner to effect his own insurances in respect of contents contained in his/her unit, or in any part of the common property.

## **18. OWNER'S DEFAULT**

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- 18.1. If an owner, whether by himself or by his/her lessee, invitee, guest, agent, servant or employee, commits a breach of any of these rules and fails to remedy such a breach within a period of seven (7) days after the giving of written notice to remedy such breach by the trustees or by the managing agents, if so authorized by the trustees, the body corporate shall be entitled to take such action as may be available to it in terms of this Rule or the Act or by law.
- 18.2. If an owner fails to maintain or repair his unit in a good condition, and such failure persists for 14 days after the giving of written notice to repair or maintain in case of emergencies or 30 days for general repairs, given by the trustees or the managing agents, the body corporate shall be entitled to remedy the owner's failure and to recover the cost of doing so from the owner.

## 19. REPAIRS

- 19.1. No structural alterations, additions, enclosures of a balcony and no building work which according to the National Building Regulations requires the consent of the local authority, shall be carried out in or to a unit until plans of same have been finalized and given to the trustees and their prior written consent has been obtained. Any consent shall be conditional upon local authority approval where applicable.
- 19.2. Prior to granting consent, the trustees may require a certificate from an engineer that the stability of the building will not be impaired.
- 19.3. In granting the consent, the trustees may impose reasonable conditions as to the work and may request a deposit of money as security for damages.
- 19.4. Repairs or alterations to electrical wiring and plumbing shall be effected only by a person qualified to do so.
- 19.5. The replacement of windows and of external doors of a unit are required to conform to the style and standard determined by the trustees.
- 19.6. An owner shall be responsible for the conduct of his contractors and their employees, all of whom shall comply with the security provisions and the obligation to provide proper identification.

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- 19.7. The owner shall endeavour to keep the noise of the contractors to a minimum.
- 19.8. Notwithstanding that an external window or door of a section may comprise common property, the owner of that unit shall be responsible for the repair or replacement of that window, window panes or door ancillary fittings at his/her own cost whenever same shall become damaged, defective or worn out, unless the damage is covered by insurance.

## **20. STAFF AND SECURITY**

- 20.1. The trustees shall be entitled to require employees of owners and occupiers to provide their names and ID numbers and to take whatever other steps the trustees may deem necessary for the security of the premises.
- 20.2. An owner or occupier shall for security reasons give prior notice to the supervisor or trustees of any person or service provider who is to gain access to his unit.
- 20.3. Irregularities should be reported to the supervisor during normal working hours between 07h00 to 18h00.

## **21. ENFORCEMENT OF RULES BY FINES**

- 21.1. In the event of an alleged breach by an owner of any of his obligations under the Act or any of the Management and Conduct Rules then the Trustees shall have the remedies hereunder set out in addition to and without prejudice to any other remedy available.
- 21.2. The Trustees shall be entitled to notify an owner/occupier with a 7 day written notice to rectify the breach referred to in 21.1. and imposing of a fine for the breach if not rectified within the prescribed period.
- 21.3. The Trustees shall be entitled to impose fines not exceeding R2000 for any breach referred to in these rules, the Sectional Titles Act 95 of 1986 and the body corporate Management Rules and will be reviewed on an annual basis to the discretion of the trustees.
- 21.4. In the event of an owner disputing the decision or the amount of the fine, such dispute shall be resolved by arbitration in terms of Management Rule 71.

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## 22. LEVIES AND OTHER CHARGES PAYABLE BY OWNER

22.1. The trustees shall be entitled to make administrative charges against an owner (to be fixed by the trustees at their discretion) for sundry expenses caused by an owner including but not limited to legal advice, accounting and technical advice, letters written, faxed or sent by e-mail, telephone calls or work generally done, bank charges or other expenses incurred. This shall apply in particular to expenses arising from the following:

22.1.1. the failure of an owner to pay an amount due to the body corporate.

22.1.2. an owner being in breach of the Act or the Rules or any directive issued by the trustees.

22.1.3. an owner making a cash payment into the bank account of the body corporate or its agent.

22.1.4. the provision of any letter or document for or on behalf of an owner.

22.1.5. call-out time for lost keys, water leaks and electrical faults.

22.2. All monies due to the body corporate shall be allocated firstly to amounts other than levies and contributions and only thereafter to levy contributions.

22.3. Unless otherwise resolved by the trustees, all levies or contributions shall be payable by owners monthly in advance on the first day of each month.

22.4. The trustees shall have the right to charge interest on late payments of levies, fines or other amounts due to the body corporate at the maximum interest rate permissible.

## 23. EMERGENCY ACCESS

The supervisor must be given a contactable telephone number by the owner of each unit to enable the owner to be reached in case of an emergency.

## 24. SLAUGHTERING OF ANIMALS

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No slaughtering of animals or birds shall be permitted in any unit or on the common property.


## 25. TRUSTEES DIRECTIVES


In their obligation to do all things reasonably necessary for the control, management and administration of the common property, the trustees shall be entitled to issue reasonable written directives in elaboration of these conduct rules which shall be binding upon owners, occupiers, contractors and visitors.

We hereby certify that these are the rules for inclusion in Schedule 2 (Section 27 (2) (a) (ii)) which were duly submitted to an extraordinary general meeting of the Body Corporate known as

### GILLYN BODY CORPORATE

held on the 17 day of November 2010, and adopted by special resolution of the members thereof in substitution for the rules contained in Schedule 2 as submitted to the Registrar of Deeds in terms of Section 5 (3)(f) of the Sectional Titles Act, No. 66 of 1971.

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