

Hampshire Downs(HD) Body Corporate Conduct Rules

18-20 Seventh Avenue

Morningside 4001

The HD Body Corporate House Rules were framed by the HD Body corporate Board of Trustees in accordance with: a) The Sectional Titles Act, b) The Rental Housing Act, c) The Rules for the Control, Management, Administration, Use and Enjoyment of the residents of flats and the common property, d) the rules governing the controlling body, e) the by-laws of the Durban city municipality.

1.1 Availability of HD body corporate house rules.

- a) On application by an owner or authorised person having a registered, bona fide right over a flat, or request in writing by such owner or authorised person, the HD body corporate will make the HD body corporate house rules in force at the time, available for inspection, to the owner or authorised person.

1.2 Changes to HD body corporate house rules.

- a) The HD body corporate house rules may be changed at any:
 - i) Annual general meeting of bona fide owners of flats in HD.
 - ii) Special general meeting of bona fide owners of flats in HD.
- b) Such changes to the HD body corporate house rules shall only be legal and binding if:
 - i) Such a meeting was legally constituted.
 - ii) A quorum was present at such a meeting.
 - iii) A majority vote was recorded in favour of such change to the house rules.
- c) Such changes to the HD body corporate house rules are equally and legally binding on all residents and owners at all times, and are intended to minimum inconvenience, to all owners and residents.

1.3 Voting rights at HD body corporate monthly or special meetings.

- a) Legally elected trustees who are not in arrears with their levy payments may vote at:
 - i) HD body corporate monthly trustees meetings.
 - ii) HD body corporate special trustees meetings.
- b) Non-elected representatives may vote at HD body corporate monthly and HD body corporate special meetings provided they have:
 - i) Power of Attorney, or alternatively.
 - ii) By Proxy, provided they have complied with any proxy requirements.
 - iii) Purchasers must obtain clearance.
- c) Non-elected representatives may not vote if the legally elected trustee they represent is in arrears with their levies.

1.4 New ownership – knowledge of HD body corporate house rules.

- a) When purchasing a flat in HD, new owners should be conversant with the conditions of occupation including the house rules in force, or any amendments to the house rules. It is in the interests of sellers of flats and Estate Agents, new owners and tenants to be aware of the conditions of ownership and occupation. It is the responsibility of any new owner to obtain a copy of the House rules, prior to occupation of a flat, to ensure that the house rules are complied with, effective from the date of occupation.

1.5 Report on arrival: New owners and tenants.

- a) All new owners, new tenants and all other occupants must report their arrival to the building supervisor.

1.6 Registration.

- a) Before obtaining a levy clearance for the registration of any flat in HD into any person's name, all outstanding levy payments must be fully paid.
- b) All owners, purchasers and tenants must obtain said clearance prior to occupation, from the body corporate of HD, or managing agents, in writing, that all levies have been paid.
- c) Registration of the owner or tenant with the building supervisor of HD must take place 24 hours prior to them being permitted to take up residence in HD.
- d) Such registration must be made during the normal working hours of the building.
- e) The terms and conditions of the rules governing the HD body corporate, inclusive of the house rules of the HD body corporate as may be carried from time to time, shall be deemed to be incorporated in any lease agreement between an owner and a tenant, and any clause in such a lease agreement or contract which is inconsistent with the house rules of the HD body corporate, shall be deemed to be null and void and of no use or effect.

1.7 Lessee's acceptance of HD body corporate house rules: owners and Estate Agents responsibility.

- a) It is the responsibility of the owner when letting or leasing a flat to ensure that all tenants in flats, and other persons granted rights of occupancy of the relevant flat, comply with the HD body corporate house rules, notwithstanding any provision to the contrary contained in any lease agreement or any grant of rights of occupancy.

1.8 Leasing of flats: Lease agreements.

- a) Owners are entitled to let flats and tenants are entitled to lease flats, for a period as decided by the owner, provided the owner shall remain primarily responsible for the occupant(s) compliance with the HD body corporates house rules in force, and without prejudice to any other rights which the HD body corporate may have.
- b) The HD body corporate shall be entitled, through the board of trustees, to recommend to the owner to give written notice to the tenant, If in breach of the house rules, to vacate the flat within a time limit specified in such a written notice.

- c) New tenants moving in to HD must ensure that they have negotiated and signed a lease agreement with the owner or agent to rent the flat. Under no circumstances will new tenants be permitted by the building trustees to move into HD without written or telephonic authorisation from the owner or agent.
- d) Vacating tenants have no legal right whatsoever to negotiate a lease agreement. Such tenants may thus not negotiate a lease agreement with substitute tenants.
- e) New tenants taking over an existing lease agreement are in breach of the house rules of the HD body corporate. Unless the building trustees have received authorisation from the owner or agent in writing or telephonically, that a new lease agreement has been negotiated and signed with the owner or agent, such tenants will not be permitted to move into HD.
- f) Any owner who enters into a lease agreement, or allows possession, use and occupation for any reason whatsoever for any period of time, must submit all details of said occupant/s to the Trustees and/or Managing Agent prior to occupation being granted. Any failure to submit the aforementioned details is an offence and may attract a fine in line with these Rules.

2.0 What new owners or tenants must do before taking up residence:

- a) Register with the body corporate of HD via the building Trustees.
- b) Advise the supervisor of the exact date, day and time they will be moving in.
- c) Hand in a certified copy of their identity document or passport, together with a copy of the lease agreement.
- d) Complete a registration form with all the relevant details required.
- e) Read, understand and comply with the HD house rules.
- f) Sign a declaration agreeing to abide by the house rules of the body corporate.
- g) The trustees must have received authorisation in writing or telephonically from the owner or agent that the tenant may be permitted to move in.
- h) Read and abide by the procedure in the event of a fire in HD.

2.1 What owners and tenants must do before moving in or out of HD:

- a) Access discs and gate remotes are return to the owner or transferred to the new owner.

2.2 Residents responsibilities while resident in HD:

- a) Residents take full responsibility for their behaviour and conduct while in HD. It is their responsibility to ensure that they abide by the house rules of the HD body corporate at all times.
- b) Residents take full responsibility for the behaviour and conduct of their visitor(s) while in HD. It is their responsibility to ensure that their visitor(s) abide by the house rules of the HD body corporate.
- c) Residents are liable for any damage caused by them to common property while residing in ND. – owners for tenants who reside in HD
- d) Residents are also liable for any damage caused by their visitor(s) while in HD.

e) Owners are liable for any excesses for any insurance claim involving damage within their flat, as per PMR 29(4) of the sectional titles act.

f) Tenants must be aware that they may not sub-let the flat that they rent.

2.3 House rules pertaining to the number of residents per flat:

a) Number of occupants restricted by law:

4 occupants and 1 child – Flat numbers 45, 35, 25, 15, 05

4 occupants – Flat numbers 1, 2, 3, 4, 6, 21, 22, 23, 24, 26, 31, 32, 33, 34, 36, 41, 42, 43, 44, 46

b) Extra occupants may be considered in special circumstances. Application, via the chairperson and approval by the Body corporate trustees, is necessary before such extra residents may move in. If permission is granted, extra occupants must be registered in the same manner as any other resident taking up residence in HD. An additional fee of R2800 per month per person, in advance, must be paid to the body corporate. This fee is charged to offset the extra expenses incurred such as water, access gates etc.

2.5 Repairs, Interior Maintenance and Alterations to Flats in Hampshire Downs:

a) When repairs and alterations to flats are made, the trustees must be advised in advance. Such alterations or repairs may take place during the following times only:

Weekdays: Between 08h00 and 16h30.

Saturdays: Between 08h00 and 12h00.

b). In the event of **Emergency Repairs** for plumbing, sewerage or electrical problems, the trustees must be advised before such repairs are made.

c) **Non-emergency repairs** or alterations **may not** be carried out on Sundays or Public holidays. The use of noisy tools, such as hammers, electric drills etc is forbidden on **Sundays, Public holidays or as indicated in Point 2.5 a) above.**

d) Under no circumstances may any owner or resident alter or add to, structurally or decoratively, externally or internally, any portion of his/her flat or any portion of the common property, save with the prior written consent of the HD body corporate and on written proof of acceptance by the Durban Municipality of such plans.

e) In the event of such additions or alterations being approved in writing by the Durban Municipality and the HD body corporate, the costs incurred remain the owner's responsibility and not that of the HD body corporate.

f) No alteration, addition or construction shall contravene the Sectional Titles Act.

g) No major modification, alterations or addition is allowed to the existing electrical conduit, water or plumbing systems without the prior, written consent of the HD body corporate and then only if subject to such conditions as the HD body corporate may impose.

3.0 Suggestions, Requests and Complaints:

a) Trustees serve the body corporate in an honorary capacity. To minimise the work involved, the following procedures must be adhere to.

b) If you have a suggestion, request or complaint, please submit in writing.

c) Always indicate who the suggestion, request or complaint is from. Anonymous or verbal suggestions, requests or complaints will not be accepted or dealt with.

d) Place the written suggestion, request or complaint in a sealed envelope and address it to: The Chairperson – HD Body Corporate.

e) A decision will be made by the body corporate after due consideration.

f) If it is a very urgent matter, a special committee meeting will be called and a decision will be made by the body corporate after due consideration.

g) Verbal complaints to the trustees should be made only in the case of an EMERGENCY, This should be in the event of fire, flooding, electrical faults, plumbing, malfunction, criminal activities or vandalism etc.

h) Complaints or requests of a general nature affecting the day to day running of HD, must be submitted in writing and addressed to the building supervisor – we have no supervisor.

i) It is requested that, outside his/her normal working hours, the building supervisor should only be called upon in the case of Emergencies.

3.2 Cleaning Staff:

a) The cleaning staff are under the control of the chairperson of the body corporate/board of trustees **only**.

b) They are accountable to the chairperson of the body corporate and will attend to and receive instructions from the chairperson of the body corporate or delegated body corporate trustees or the building supervisor **only**.

c) The staff will **not** take orders or complaints from residents.

d) The duties of the cleaning staff are as specified in their job descriptions, which may be changed by the HD body corporate from time to time after prior consultation with the cleaning staff.

e) Staff employed by the HD body corporate are prohibited from performing private tasks for residents while on duty.

f) No resident may use the services of the staff during their normal working hours for cleaning of vehicles, deliveries or errands etc.

3.4 Security:

a) The security system at the front entrance was installed for the safety of residents of HD and their property.

b) The disc (Tag) system was installed by the body corporate to control illegal access to HD by strangers, vagrants, thieves and unauthorised persons. Theft, vandalism, unauthorised and unwanted visitors and trespassers have caused havoc over the years hence the introduction of the Disc (Tag) system.

c) No Resident will be able to gain entrance to Nordic Broadway without using the formatted Disc (Tag). Disc used in other buildings will not open the front door.

d) Residents entering HD are requested to ensure that other unauthorised persons do not sneak through when they open the front door with their Disc (Tag) to enter HD.

e) Residents have been provided with two Disc(tag) per flat paid for by the HD body corporate.

3.6 Refuse:

a) Suitable containers must be used for the disposal of the refuse. Cockroach and other pest infestations must be prevented at all times.

b) Plastic or refuse bags must be used to dispose of refuse.

c) All residents are reminded that no refuse (garbage) bags, containers, packets may be placed outside flats, corridors and stairs.

d) Refuse in securely closed plastic or refuse bags must be placed in the refuse bins provided on the ground floor in the refuse area.

e) It is also a serious contravention of the HD body corporate house rules to litter, leave or discard rubbish (litter), unwanted items anywhere in the building including passages, fire-hose compartments, fire escape stairways, parking areas or any other similar area of the common property.

f) Residents are reminded that the Durban municipality will not remove items such as discarded furniture, building rubbles, debris and appliances etc when they collect refuse. The disposal of such items is the responsibility of the Resident and should be transported to the municipal dumping ground at own expense.

3.7 Washing and Washing Lines:

- a) Washing must not be hung from flat windows or common property that is visible to public view or visible to any other section(s) of the building.
- b) Washing lines are provided for the drying of washing and should be used for this purpose.
- c) Residents may not hang their washing out to dry and then leave it on the washing lines for several days despite it being dry the same day, thus preventing other residents from using the washing lines.

3.8 Throwing objects out of windows:

- a) The dangerous practice of throwing objects from flat windows is strictly forbidden. Residents leave themselves open to prosecution by such actions.
- b) Residents are requested to prevent children from throwing items from flat windows or the verandahs. Fireworks, ice-blocks, packets of water, refuse etc thrown from great heights can cause serious injury and will not be tolerated.
- c) Residents are requested never to throw items such as cigarette butts, bits of paper, spent matches, ash, food scraps, fruit peels, used condoms, dirty water, tea bags or any item whatsoever out of the windows or from the verandahs onto the street, pavement, courtyard or common property below.

3.9 Feeding of birds and cat:

- a) the feeding of birds or stray cats from flat windows, verandahs or in the common property or parking areas is strictly prohibited.

4.0 Storage of Inflammatory Substances:

- a) Residents may not keep materials or liquids that are inflammable, of a poisonous or dangerous nature, or constitute a nuisance to other residents of HD, in their flats, on the common property, in the parking areas, in their vehicles or anywhere else in any section of the building.
- b) The keeping of such materials or liquids contravenes the By-Laws of the Durban municipality and residents leave themselves open to prosecution by such actions.
- c) The keeping of such materials or liquids may also render void, insurance taken out by the trustees of the HD body corporate.
- d) The keeping of such materials or liquids could result in the increase in the rate of such insurance.

4.1 Common Property and Use of Common Property:

- a) Common property at HD includes all areas of the building except the areas within individual flats registered under sectional title in the name of an owner.

b) Residents may not use the common property to store, house, stand or place any possession or object including refuse or rubbish whatsoever.

4.2 Maintenance of Flats:

A) Flat owners are responsible for the proper maintenance of security gates, front doors and front door frames at the entrance to their flats.

b) Security gates are to be kept in a rust free condition, front doors and front door frames regularly painted and maintained.

c) Residents are warned never to flush rubbish down the toilets. Such items block the sewerage pipes and costs thousands of Rands to have them unblocked. Condoms, papers, marbles, sanitary pads, underpants, old mops, stones, chicken bones, flowers, plastic containers etc must be placed in refuse bags and deposited in the refuse bins in the ground floor refuse area. Residents are asked to ensure that their children also follow this procedure.

d) Internal maintenance of the flat is entirely the responsibility of the flat owner.

e) Residents are reminded that they are liable for the full payment to the plumber called to unblock toilets and sewerage pipes within the confines of any flat.

f) Owners are also reminded that they are liable for the payment of the excess for any insurance claim resulting from blocked toilets or sewerage pipes.

g) For insurance purpose, owners must ensure that they have a recent electrical compliance certificate for their flat. Failure to comply renders the insurance for fire damage caused by an electrical fault in their flat null and void.

h) In the event of a fire caused by an electrical fault in an owner's flat and the owner not being in possession of a recent electrical compliance certificate, such owner is liable for all costs to repair all damage to other flats and the common property in HD.

4.3 Domestic workers:

a) Residents employing domestic workers are responsible for the domestic worker's behaviour and conduct at all times while in HD.

b) Residents are also responsible for ensuring that their domestic workers are fully aware of the HD body corporate house rules.

4.4 Animals/Pets:

a) No animals or pets may be kept in the flats or in the common property unless expressly permitted in writing by the HD body corporate.

b) Where permission has been granted, guide dogs must be kept on a leash at all times while on the common property of HD.

4.5 Control of Children:

a) An appeal is made to parents to prevent children from making excessive noise and jumping around in flats causing a disturbance to other residents.

b) Running, shouting, playing and causing a disturbance in all areas of the common property, in particular the front entrance, verandahs, passages will not be tolerated.

c) Parents are reminded that they are responsible for the behaviour and conduct of their children at all times while in HD.

d) Parents are also reminded that the trustees are not employed to look after and control their children.

e) The HD body corporate shall be entitled to recommend to the owner to give written notice to the tenant to vacate the flat within a time limit specified in a written notice if their children are continuously in breach of the house rules.

4.8 Air-Conditioning:

a) When air-conditioning units have been installed on windows, owners must ensure that no condensation runs onto the windows of flats below them.

b) Air-conditioning units may not extend beyond the median line of any window.

c) When air-conditioning units are to be installed, owners must get approval from the HD body corporate prior to the installation of the unit.

4.9 Noise and Disturbance:

a) No Resident shall cause or permit such conduct or behaviour of whatsoever nature within HD, whether inside their flat or in the common property, which constitute a noise, nuisance or disturbance to other Residents or staff of HD.

b) Residents may not play any musical instrument, or operate any television, radio, record player or high fidelity sound system too loudly or otherwise, and more particularly between the hours of 22h00 and 06h00.

5.0 Signs and Notices:

- a) No Owner, Resident, commercial business, charity, association or any individual shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property of HD without the written consent of the HD body corporate.

6.0 Levy Payment:

- a) Levy payments are due and payable in advance before 7th of every month.
- b) Should any owner fail to pay the levy due after seven (7) day of each month such owner shall be liable to pay:
 - i) All legal costs in recovering overdue amounts.
 - ii) All administrative costs in recovering overdue amounts.
 - iii) All interest charged on such overdue amounts.
 - iv) All costs incurred by the managing agent in recovering overdue amount
 - v) It is in the sole discretion of the trustees to take any remedial action necessary against any owner for the enforcement of any right, duty or obligations owed by any owner to the Scheme for the payment of any levy, administrative fee or any other charge that may become due in the enforcement of the Act, the Rules or any other obligation owed.
 - vi) All members of the Body Corporate agree, in terms of Prescribed Management Rule 25(4), that any legal fee that complies with the legislated court tariff, or administrative fees of a supplier pursuant to a valid agreement, incurred in the collection of any arrear contribution owed, or in enforcing compliance of the rules of the scheme as against an errant owner, can and should be debited to the members account immediately. The members of the Body Corporate acknowledge and agree that debiting of a legal fee does not void the right of any owner to have any legal fee taxed or assessed by any competent authority in terms national legislation, which finding shall be binding on the parties involved in the dispute.
 - vii) All members of the Body Corporate agree that all debt collection charges, as amended from time to time in the Act, which may be incurred by the Body Corporate when employing the services of a registered debt collector as defined in the Debt Collectors Act of 1998, can and should be debited to the errant members account.

We hereby certify that these are the rules for substitution/addition in schedule 2 (Section 27 (2)(a)(ii)) which were duly submitted to an extraordinary general meeting of the body corporate known as

7. Parking – There is dedicated parking for visitors. No visitor shall park anywhere accept at dedicated visitors or at parking allocated for that particular.

8. Drinking alcohol at parking lot while outside the car is prohibited. Drinking on common property is also prohibited.

9. No smoking in common property. Illegal use of drugs while in the building or on common property is prohibited.

HAMPSHIRE DOWNS BODY CORPORATE