

ANNEXURE 2

CONDUCT RULES

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

1. Refuse removal:  
An owner or occupier of a section shall:
  - (a) maintain in an hygienic and dry condition, a receptacle/bin for refuse within his/her section, his/her exclusive use area or on such part of the common property as may be authorised by the trustees in writing;
  - (b) put refuse into plastic bags or similar containers which should then be placed into the said receptacle/bin;
  - (c) ensure that before refuse is placed in such plastic bags or similar containers, it is securely wrapped, or in the case of tins or other containers, completely drained;
  - (d) for the purpose of having the refuse collected, place the plastic bags or similar containers in the area and at the times designated by the trustees.
2. Vehicles:
  - (a) Except in designated parking areas, 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, for extended periods, without the consent of the trustees.
  - (b) The trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on the common property in areas not specifically provided for the parking of vehicles, without the trustees' written consent.
  - (c) Should any vehicle parked by an owner, occupier or visitor drip oil or brake fluid or otherwise damage or deface the common property, they will be held responsible for the cleaning up or repairing thereof.
  - (d) No owner or occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property.
  - (e) Caravans, trailers, boats and any other trailed vehicles shall not be permitted to be stored/parked on common property nor are residents permitted to store any vehicles for any other party on common property unless special permission from the trustees has been obtained.
3. Damage, alterations or additions to the common property
  - (a) An owner or occupier of a section shall not damage, deface or alter any part of the common property without first obtaining the consent of the trustees.
  - (b) Notwithstanding sub-rule (a), an owner or person authorised by him/her, may install:

(i) any locking device, safety gate, burglar bars or other safety device for the protection of his section; or

(ii) any screen or other device to prevent the entry of animals or insects; provided that the trustees have approved the nature and design thereof.

4. Appearance from outside  
The owner or occupier of a section used for residential purposes may not change in any way the outside of such section, or attach anything to such section, without the consent of the trustees first being had and obtained.
5. Signs and notices  
No owner or occupier 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 consent of the trustees first having been obtained.
6. Littering  
An owner or occupier of a section shall not litter on the common property.
7. Laundry  
An owner or occupier of a section may not hang any washing or laundry or any other items on any part of the building or the common property so as to be visible from outside the cottage or from any other section.
8. Letting of units  
All tenants of units and other persons granted rights of occupancy by any owner of the relevant units 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. Dangerous acts  
An owner or occupier shall not conduct any dangerous act, including the storage of inflammable material, in the section or on the common property which will or may increase the rate of the premium payable by the body corporate on any insurance policy.
10. Pets
  - (a) Cats and kittens are not allowed.
  - (b) Owners and occupiers are permitted to keep a neutered/spayed small dog (not exceeding 30cm in height at maturity) within the boundary of their section provided such dog is living with the owner/occupier at the time of their taking up residence in the complex. Should the dog die, it is not to be replaced.
  - (c) Any littering caused by the dog must be removed immediately. Dogs are to be controlled so as to prevent unnecessary barking which may disturb the peace of neighbours.
  - (d) Dogs are not allowed in the pool area or lounge/dining room area of the main building.
  - (e) Dogs must be kept on a leash whenever they are outside of the owner's/occupier's section.

- (f) Permission to keep other small pets, such as a canary or a hamster, may be allowed by the trustees under certain circumstances.
- 11. Pool  
The rules as displayed on the pool fence governing the use of the pool are to be strictly observed. Owners and occupiers are responsible for the behaviour of their guests.
- 12. Smoker room, lounge and dining room  
Children are prohibited from using the snooker table, the piano and any other facilities in the main building. These areas are out of bounds for children unless accompanied by their hosts.
- 13. Gardens  
After consultation with the garden trustee, owners and occupiers may, at their expense, establish gardens and plant trees and shrubs in the immediate vicinity of their section. Such gardens are to be kept tidy and under control by the owner/occupier.  
The trustees reserve the right to prune and cut any trees and shrubs and to re-grass any areas where required. This will be done after consultation with the owner/occupier.
- 14. Age restriction  
No section may be permanently occupied by a person under the age of forty-five years ("the stipulated age"). This rule does not prevent a person under the stipulated age from owning a section.
- 15. Quiet time  
Owners, occupiers, visitors and their children/grandchildren must not disturb residents when playing in the roads or gardens or when making a noise (including singing and the playing of loud music) between 13h00 and 15h00 and between 23h30 and 07h00.
- 16. Television aerials & dishes  
DS-TV dishes or TV aerials are to be sited and fitted in consultation with the trustees. The installation must be executed by a professional technician. The same rules apply to the installation of air-conditioning and solar heating.
- 17. Employment of private staff  
The employment of private staff is permissible. Such staff are to be in possession of proper means of identification at all times for security purposes.
- 18. Garden staff  
Owners and occupiers may not interfere by giving orders to the complex's garden staff. Any complaints about the garden staff must be lodged with any one of the trustees.
- 19. Alienation of unit
  - (a) In this rule 19 and in rule 20, "sell" includes alienation of any kind, including but not limited to sale, exchange, donation, grant or testamentary disposition and "sale" has a corresponding meaning.
  - (b) When a unit is sold, the owner shall submit a copy of the proposed agreement of sale to the trustees.
  - (c) The agreement of sale must include the following provisions:
    - 20. Levy Stabilisation Fund
      - (a) When a registered owner sells his or her unit, he or she shall be obliged to pay the body corporate for the credit of the levy stabilisation fund, 20% of the net profit realised on such sale.
      - (b) The net profit is calculated as being the price paid by the purchaser of the unit or the market value at the time of sale (whichever is the higher) less the price paid by the seller for the unit for the market value if no purchase price was paid) and transfer costs including transfer duty paid by the seller.

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- (i) The person acquiring the unit must acknowledge having received a copy of these Conduct Rules from the seller or the seller's estate agent;
- (ii) He or she must confirm that he or she has read the Conduct Rules;
- (iii) He/she must confirm that upon registration of transfer or upon taking occupation of the section (whichever occurs first) he/she will be bound by the Conduct Rules;
- (iv) He/she must confirm that he/she is aware that there is no medical or nursing care or any frail care facility at the Complex.
- (v) The sale must be stated as being subject to the trustees approving the purchase/transfer and approving the conditions of sale.
- (d) The unit may not be sold or transferred to the proposed purchaser/transferor if the trustees do not approve the purchase/transfer or if the agreement of sale does not comply with rule 19(c). In the case of a transaction where there is no agreement of sale or other contract between the owner and the prospective transferee (eg inheritance), the transferee must sign an undertaking incorporating the provisions of rule 19(c).
- (e) The trustees shall be entitled to interview prospective transferees and units may not be sold or transferred to a person who is not approved by the trustees on any of the following grounds:
  - (i) such person is frail, infirm, terminally ill and/or requires physical assistance;
  - (ii) such person has failed to provide the trustees with an undertaking signed by a person acceptable to the trustees in which that person undertakes that in the event of the prospective transferee becoming incapable of caring for himself or herself, that person will take responsibility for making suitable alternative arrangements for the accommodation and care of the prospective transferee;
  - (iii) such person is for any good and sufficient reason deemed, in the opinion of the trustees, to be unacceptable as an owner or resident at the Complex.

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(c) It is emphasised that neither sales commission in respect of the sale of a unit nor the cost of any improvements to the unit made by the seller shall be deducted for the purpose of calculating the net profit. The payment in terms of rule 20(a) shall be suspended for the lifetime of a surviving spouse who has acquired a unit or the remaining share therein by operation of law or by way of succession. In any other circumstances the trustees may on good cause shown and by majority vote, in writing, suspend any such payment until a date stipulated by them; provided that if the period of such suspension extends beyond the next annual general meeting, the suspension beyond that date shall be subject to ratification by the body corporate at a general meeting.

(e) The trustees may require that the resale price or market value referred to in rule 20(b) be proved to their reasonable satisfaction.

21. Limitation of occupants per section

- (a) No more than two persons may occupy a section used for residential purposes on a permanent basis. Visitors or guests will be entitled to stay for a maximum of 30 days in any one calendar year, unless the occupier/owner has requested the trustees to extend this period, which may be extended by the trustees for a further reasonable period of time, subject to good cause being shown.
- (b) Temporary total occupancy of a section at any one time shall not exceed three persons per number of bedrooms in that section.
- (c) Visitors or guests will not be entitled to stay, unless the owner/occupier is also present, alternatively, unless a written application has been made to the trustees, who may waive this requirement for a reasonable period of time, in their discretion.
- (d) Should nursing/caring assistance be required by a resident, then a doctor's certificate should be submitted to the trustees. The trustees shall then have the discretion to grant approval (which approval shall not be unreasonably withheld) for a person, in addition to the numbers of persons stipulated in paragraph (a) above, to reside in that unit for a period longer than 30 days, or for such length of time as deemed necessary, to render the said nursing/caring assistance.

22. Change of address  
In the event of any owner changing his address he/she shall immediately advise the trustees in writing of such change.

23. Occupation of units  
This being registered as a retirement village, it is desirable that all units in the complex be permanently occupied. This is recommended to strengthen the security within the complex and also to ensure that inter-community care between neighbours is present at all times. Vacant cottages have been found to be vulnerable and accordingly weaken the total security of the complex.

24. Amendment of Conduct Rules  
These Conduct Rules may be substituted, added to, amended or repealed from time to time by a special resolution of the body corporate in terms of the provisions of the Sectional Titles Act.