



SECTIONAL TITLES SCHEMES MANAGEMENT ACT, 2011 (ACT NO 8 OF 2011)

CERTIFICATE IN TERMS OF SECTION 10(5)(c)

For office use:

Scheme Registration Number: CSOS/GovDoc/19/GP/001836

1. I, the undersigned, Ndivhuo Rabuli, in my capacity as the Acting Chief Ombud, acting in terms of section 10(5) (c), of the Sectional Titles Schemes Management Act, 2011 (Act No 9 of 2011), hereby certify that: -
2. At a meeting held on 23<sup>RD</sup> May 2019, the scheme passed a Special Resolution approving the amendments of the Conduct Rules.
3. The amendments to the Conduct Rules in terms of section 10(5)(a), of the Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011), have been approved.
4. The Conduct Rules are for the regulation and management of the following Community Scheme:

AVIGNON

5. The amendments will become effective on the date of signature hereof.

Signed and dated at .....**SANDTON**..... on the ...**14<sup>TH</sup>**... day of .....**JUNE**..... 2019

  
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Ms Ndivhuo Rabuli: Acting Chief Ombud

Seal / Stamp

# **AVIGNON BODY CORPORATE CONDUCT RULES**

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### 1. Animals, reptiles and birds

- (1) An owner or occupier of a section shall not, without the consent in writing of the trustees, which approval may not unreasonably be withheld, keep any animal, reptile or bird in a section or on the common property.
- (2) When granting such approval, the trustees may prescribe any reasonable condition.
- (3) The trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule (2).

### 2. Refuse disposal

An owner or occupier of a section shall-

- (a) maintain in an hygienic and dry condition, a receptacle for refuse within his section, his exclusive use area or on such part of the common property as may be authorised by the trustees in writing;
- (b) ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained;
- (c) for the purpose of having the refuse collected, place such receptacle within the area and at the times designated by the trustees;
- (d) when the refuse has been collected, promptly return such receptacle to his section or other area referred to in paragraph (a).

### 3. Vehicles

- (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.
- (2) 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 without the trustees' consent.
- (3) Owners and occupiers of sections shall ensure that their vehicles, and the vehicles of their visitors and guests, do not drip oil or brake fluid on to the common property or in any other way deface the common property.
- (4) No owner or occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, an exclusive use or in a section.

### 4. Damage alterations or additions to the common property

- (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 first obtaining the written consent of the trustees.
- (2) Notwithstanding sub rule (1), 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 its installation.

#### 5. Appearance from outside

The owner or occupier of a section used for residential purposes shall not place or do anything on any part of the common property, including balconies, patios, stoeps, and gardens which, in the discretion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.

#### 6. Signs and notices

No owner or occupier of a section, used for residential purposes, 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.

#### 7. Littering

An owner or occupier of a section shall not deposit, throw, or permit or allow to be deposited or thrown, on the common property any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever.

#### 8. Laundry

An owner or occupier of a section shall not, without the consent in writing of the trustees, erect his own washing lines, nor 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 buildings or from any other sections.

#### 9. Storage of inflammatory material and other dangerous acts

An owner or occupier shall not store any material, or do or permit or allow to be done, any other dangerous act in the building 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. Letting of units

All tenants of units and other persons granted rights of occupancy by any 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.

## 11. Eradication of pests

An owner shall keep his section free of 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 upon 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 any such pests as may be found within the 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. COLLECTIONS FEES AND CHARGES

### **Addition 1:**

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.

### **Addition 2:**

All members of the Body Corporate agree that any legal, or administrative fees incurred by the Scheme, pursuant to a valid agreement with any supplier, in the prosecution of any obligation owed, or the enforcement of the rules as against an errant owner, can and should be debited to the members account.

### **Addition 3:**

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.

### **Addition 4:**

All members of the Body Corporate agree and confirm that any owner who enters into a lease agreement, or allows possession, use and or 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.

### **Addition 5:**

The trustees have the right to impose fines against transgressors where any of the rules as stipulated by the HOA from time to time have been broken or infringed. Such fines will form part of the levy and shall become due and payable on the due date of payment of the levy

Penalties will be issued on the following scale:

- Tampering with electricity meter: as per Tshwane prescribed penalty fees
- Tampering with water meter - Matter to be referred to municipality legal dept
  
- Reckless driving / wheel spinning / speeding:  
*First offence: Written Warning*  
*Second offence: R50 // Third offence: R100 // Fourth offence: R500*
  
- Loud voices or music from unit; motor vehicle; unnecessary car revving  
*First offence: Written Warning*  
*Second offence: R50 // Third offence: R100 // Fourth offence: R500*
  
- Illegal parking.  
*First offence: Written Warning*  
*Second offence: R50 // Third offence: R100 // Fourth offence: R500*
  
- Littering and dumping of waste, refuse; construction rubble; gardening rubble inside the estate or outside its perimeter fencing wall  
*First offence: Written Warning*  
*Second offence: R50 // Third offence: R100 // Fourth offence: R500*
  
- Appearance from outside, hanging washing or laundry on areas not designated for hanging washing. For instance, balcony; walls; inside garages etc.  
*First offence: Written Warning*  
*Second offence: R50 // Third offence: R100 // Fourth offence: R500*
  
- Other offences: at the discretion of the trustees.
  
- Building with a paint colour not approved by the HOA shall attract a fine of R1000 together with an order to repaint.

The trustees reserve the right to adjust the fines at their discretion, depending on mitigating, extenuating or aggravating circumstances submitted and proved by both sides. The owner has an opportunity to be heard before a fine is imposed. Further, if the owner is not satisfied by the decision of the Trustees, he has a right to lodge dispute with CSOS. If an order is issued against the owner, then a penalty can be levied against the owner (unless if the owners has not filled a dispute, then the penalty can be levied after the decision by the decision by the trustees.