

**ANNEXURE 2**  
**CONDUCT RULES**  
**PRELIMINARY**

The Conduct Rules for the scheme known as The Old Cape Quater are as prescribed in terms of section 10(2)(b) of the Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011) (the "STSM Act") (save as have been amended and/or extended by the Developer as indicated herein) in accordance with Annexure 2 of the regulations to the STSM Act.

**1 KEEPING OF ANIMALS, REPTILES AND BIRDS**

- 1.1 Subject to the provisions of sub-rule 1.2 the owner or occupier of a section must not, without the trustees' written consent, which must not be unreasonably withheld, keep an animal, reptile or bird in a section or on the common property.
- 1.2 An owner or occupier suffering from a disability and who reasonably requires a guide, hearing or assistance dog must be considered to have the trustees' consent to keep that animal in a section and to accompany it on the common property.
- 1.3 The trustees may provide for any reasonable condition in regard to the keeping of an animal, reptile or bird in a section or on the common property.
- 1.4 The trustees may withdraw any consent if the owner or occupier of a section breaches any condition imposed in terms of sub-rule 1.3.
- 1.5 When taking your pet from your unit to the outside or vice versa, they must be leashed or carried.
- 1.6 If you choose to keep a pet it is your responsibility to ensure it does not interfere with the safety, or enjoyment of other residents and that noise from the pet is restricted to acceptable levels.

**2 REFUSE AND WASTE DISPOSAL**

- 2.1 The owner or occupier of a section must not leave refuse or other materials on the common property in a way or place likely to interfere with the enjoyment of the common property by another owner or occupier.
- 2.2 Unless the body corporate provides some other way to dispose of refuse, the owner or occupier of a section must keep a receptacle for refuse of a type specified by the trustees in a clean and dry condition and adequately covered in the section, or on a part of the common property designated by the trustees for the purpose.
- 2.3 The owner or occupier of a section must —
  - 2.3.1 move the refuse receptacle referred to in sub-rule 2.2 to places designated by the trustees for collection purposes at the times designated by the trustees and promptly retrieve it from these places;
  - 2.3.2 ensure that the owner or occupier does not, in disposing of refuse, adversely affect the health, hygiene or comfort of the owners or occupiers of other sections;
  - 2.3.3 comply with any directives issued by the trustees from time to time regarding the disposal of refuse, and not dispose or allow the disposal of any refuse, waste, or rubbish in any manner other than as stipulated in this rule and directed herein.

- 2.4 In particular, an owner or occupier of a section may not throw any material or object or liquid over any balcony or out of any window.
- 2.5 Owners and occupiers, when clearing their post-boxes, must remove all items therefrom and may not dispose of any item or material on the common property. Such items and material must be deposited in the waste-bins of the relevant sections.

### **3 VEHICLES**

- 3.1 The owner or occupier of a section must not, except in a case of emergency, without the written consent of the trustees, park a vehicle, allow a vehicle to stand or permit a visitor to park or stand a vehicle on any part of the common property other than a parking bay allocated to that section or a parking bay allocated for visitors' parking.
- 3.2 A consent under sub-rule 3.1 must state the period for which it is given.
- 3.3 No vehicle other than a passenger or light delivery vehicle or motorcycle may park or stand on a regular basis in any designated parking bay.
- 3.4 Owners, occupiers and their visitors must at all times take care not to cause excessive noise with any vehicle and hooting is strictly prohibited.
- 3.5 Vehicles may only be washed in areas designated by the Trustees.
- 3.6 Owners or occupiers of a section shall ensure that any visitors park their vehicles in the designated visitor's areas if any. It shall be the responsibility of owners or occupiers to ensure compliance by their visitors.
- 3.7 Owners or occupiers of a section shall ensure that any visitors do not park their vehicles in front of the automatic gates leading to the parking areas or on loading zones designated for this purpose, and the Trustees may cause any such vehicles to be clamped pending payment of a release fee of R1,000.00.
- 3.8 No person may reside or sleep in any vehicle, trailer or caravan, or in a garage or carport, or on any part of the common property.
- 3.9 No owner or occupier may use or allow visitors' parking to be used other than for the temporary parking of vehicles.
- 3.10 No owner or occupier may store any household items such as broken fridges, any similar appliances or old furniture in their demarcated parking bay.
- 3.11 Notwithstanding the provisions of sub-rule 3.1, an owner or occupier who is in breach or non-compliance with the provisions of this rule, or any directives issued in terms thereof, shall be subject to the imposition of a penalty or penalties in terms of rule 14.
- 3.12 No skateboards, roller skates, roller blades, scooters or bicycles may be used on the common property.
- 3.13 Every owner, occupier and visitor shall comply with any directives issued by Trustees from time to time regarding the parking of vehicles.

### **4 DAMAGE TO COMMON PROPERTY**

- 4.1 The owner or occupier of a section must not, without the trustees' written consent, mark, paint, drive nails, screws or other objects into, or otherwise damage or deface a structure that forms part of the common property.

- 4.2 An owner or occupier of a section must be considered to have the trustees' consent to install a locking or safety device to protect the section against intruders, or a screen to prevent entry of animals or insects, if the device or screen is soundly built and is consistent with a design, colour, style and materials approved in writing by the trustees.
- 4.3 The owner or occupier of a section must keep a device installed under sub-rule 4.2 in good order and repair.
- 4.4 An owner shall be liable for any damage caused by themselves or the occupiers of their section, or their visitors, to the common property, including the lift and access control gates.
- 4.5 Owners or occupiers may not cause any obstructions to the free flow of pedestrian or vehicular traffic on any part of the common property. In particular, access to staircases, passages, landings, entrances and stairwells must be kept clear at all times.
- 4.6 Prior to the commencement of any alterations or renovations by an owner or occupier of whatsoever nature, an owner shall make written application to the Trustees for approval, and no work may commence before the trustees have approved such work in writing. For this purpose, the Trustees shall compile and issue a formal "Owners Application to Effect Alterations / Renovations" which may provide for conditions to be complied with by the owner, occupier, their architects, builders and the latter's employees and contractors.
- 4.7 A register of alterations / renovations shall be kept updated at all times by the managing agents and also the building supervisor who shall ensure strict compliance by the owner, occupier, architects, builders and employees with conditions of approval.
- 4.8 Damage to or interference with any common property including any plant, tree, sprinkler, security gate or any other fixture or fitting on or within the common property is strictly prohibited and any transgressor may be penalised or prosecuted. Owners shall be jointly responsible for any transgressions by their occupiers, visitors, employees and contractors.

## **5 APPEARANCE OF SECTION AND EXCLUSIVE USE AREA**

- 5.1 The owner or occupier of a section must not, without the trustees' written consent, make a change to the external appearance of the section or any exclusive use area allocated to it unless the change is minor and does not detract from the appearance of the section or the common property.
- 5.2 The owner or occupier of a section must not, without the trustees' written consent —
- 5.2.1 erect washing lines on the common property;
- 5.2.2 hang washing, laundry or other items in a section or any exclusive use area allocated to it or over balcony walls or in windows or corridors or any other place if the articles are visible from another section or the common property, or from outside the scheme; or
- 5.2.3 other than the owner of the commercial component and retail component and/or as provided for in the management rules, display a sign, notice, billboard or advertisement if the article is visible from another section or the common property, or from outside the scheme.
- 5.3 No owner or occupier shall be permitted to enclose or build upon any balcony, patio, or garden in any manner whatsoever and, upon the sale of any unit this restrictive condition shall be included by an owner in the sale agreement for future compliance by the purchaser of the unit.

## **6 STORAGE OF FLAMMABLE MATERIALS**

- 6.1 Subject to sub-rule 6.2, the owner or occupier of a section must not, without the trustees' written consent, store a flammable substance in a section or on the common property unless the substance is used or intended for use for domestic purposes.
- 6.2 This rule does not apply to the storage of fuel or gas in —
- 6.2.1 the fuel tank of a vehicle, boat, generator or engine;
- 6.2.2 a fuel tank or gas cylinder kept for domestic purposes; or
- 6.2.3 items for sale or stock in the retail component of the property.

## **7 BEHAVIOUR OF OCCUPIERS AND VISITORS IN SECTIONS AND ON COMMON PROPERTY**

- 7.1 The owner or occupier of a section must not create noise likely to interfere with the peaceful enjoyment of another section or another person's peaceful enjoyment of the common property.
- 7.2 The owner or occupier of a section must not obstruct the lawful use of the common property by any other person.
- 7.3 The owner or occupier of a section must take reasonable steps to ensure that the owner or occupier's visitors do not behave in a way likely to interfere with the peaceful enjoyment of another section or another person's peaceful enjoyment of the common property.
- 7.4 The owner or occupier of a section is obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any other grant of rights of occupancy.
- 7.5 The Trustees shall from time to time issue directions to be complied with by owners and occupiers in respect of access to the common property by potential purchasers, and to ensure that estate agents and owners incorporate into the sale agreement the restrictive special condition prohibiting the enclosure of any balcony or patio.
- 7.6 The owner or occupier of a section must not, without the trustees' written consent —
- 7.6.1 place, store or leave any object on any part of the common property, or allow or permit it to be so placed, stored, or left;
- 7.6.2 hold, or permit to be held, any auction sale in any portion of the premises or display any advertisement on or outside the building or any portion thereof, or on the common property or exclusive use area unless proper authority for the display has been obtained in the case of the commercial and retail sections
- 7.6.3 allow an estate agent advertising sign, notice or billboard to be erected on or outside the scheme;
- 7.6.4 store, or allow to be stored or left, any article or object in any part of common property;
- 7.6.5 remove any tree or plant on the common property;
- 7.6.6 remove or replace the lawn on an exclusive use area, except to provide for flowerbeds bordering such exclusive use area;
- 7.6.7 plant shrubs or trees which may obstruct the view from other sections, or whose root system may cause structural damage to any part of the property; and
- 7.6.8 erect any tent or other structure on the common property or exclusive use area.

## 8 ERADICATION OF PESTS

- 8.1 The owner of a section must keep the section free of wood-destroying insects, including white ants and borer beetles.
- 8.2 The owner or occupier of a section must allow the trustees, the managing agent, or their duly authorised representatives to enter the section on reasonable notice to inspect it and take any action reasonably necessary to eradicate any such pests and replace damaged woodwork and other materials.
- 8.3 The body corporate must recover the costs of the inspection and replacement referred to in sub-rule 8.2 from the owner of the section.

## 9 LETTING OF UNITS

- 9.1 All lessees 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, or the absence of provisions, in any lease or any grant of rights of occupancy. It is the responsibility of every owner to ensure that his/her lessees strictly comply with the conduct rules of the body corporate. Save for situations as provided for in sub-rule 9.2, each owner shall provide the lessee or occupier of their unit with a copy of these conduct rules and lodge a written acknowledgement of receipt thereof by the lessee or occupier with the trustees.
- 9.2 For periods of three months or shorter, an owner, lawfully entitled to do so, may —
  - 9.2.1 let his/her section;
  - 9.2.2 allow it to be occupied by persons other than the owner and his/her immediate family;
  - 9.2.3 allow any change in the occupancy thereof.
- 9.3 Owners as contemplated in sub-rule 9.2 shall be responsible for the conduct of the occupants of their section and shall be held responsible for any non-compliance with the management and conduct rules.
- 9.4 Subject to the conditions of this rule, an owner or occupier shall use his/her section for the purpose for which it is designated only and for no other purpose whatsoever without the prior written consent of the trustees. Owners or occupiers shall ensure that the use of his/her section does not cause a nuisance or danger to any other owner or occupier and these conditions shall be deemed to be conditions imposed by the trustees when granting consent. Consent may be withdrawn by the trustees should the owner or occupier repeatedly breach the aforesaid conditions after having been given due notice to comply and thereafter having failed to remedy such breach.
- 9.5 No area may be used for any industrial purpose whatsoever.
- 9.6 An owner shall notify the trustees forthwith in writing of any change of ownership in, or occupation of, his/her section, or of any change in membership/shareholding/beneficiaries of any close corporation/company/trust which is the registered owner, and of any other dealing affecting his/her section.
- 9.7 No person may reside in a section, exclusive use area or other part of the common property, other than a section intended for residential purposes.
- 9.8 No person may carry on business in a residential section, exclusive area or other part of the common property other than a section intended for retail or commercial purposes.

9.9 All owners and occupiers shall ensure that their visitors use the sections, exclusive use areas and the common property with diligent care, in accordance with these rules and the provisions of the STSM Act, and with respect and due consideration for other owners and residents.

9.10 No owner, lessee or occupier of a section may allow more than 2 persons for every bedroom or studio or 1 person per room partially used as a bedroom, contained in the section, to reside in the section at any time. With the prior written consent of the Trustees, which may not be unreasonably withheld, additional persons may be allowed to reside in a section temporarily, but not for a period exceeding 21 days at a time and not for an aggregate period of more than 45 days in any calendar year.

## 10 EMPLOYEES

10.1 The common property and all facilities, if any, shall be used by employees of owners or occupiers in such a manner and at such times as may be directed by the trustees from time to time.

10.2 An owner or occupier shall be responsible for the conduct of their employees, and for any person visiting them.

10.3 An owner or occupier shall ensure that his/her employee complies fully with the management and conduct rules, does not do anything which may constitute a nuisance or danger to any other person and that any facilities are only used for the purposes for which they are intended.

10.4 No employee may be housed on the property unless in an allocated staff unit (if any).

10.5 The Trustees may, in their sole discretion, require all employees employed on the property to be registered with the body corporate and may require such employees to carry or display a security disk.

## 11 SECURITY

11.1 Owners and occupiers must ensure that the security and safety of all owners and occupiers and their property are preserved at all times, and in particular must —

11.1.1 ensure that upon entering or leaving, all security doors and gates are properly closed; and

11.1.2 ensure that security doors and gates are never opened for persons other than their known visitors or those known by them to occupy a section or be employed by the Body Corporate.

11.2 Access security disks or biometrics will be issued to owners and occupiers only. Domestic employees and visitors will not be issued with these discs. All access discs issued will be registered and controlled by the building supervisor. Should any access disc be lost, new access discs will have to be obtained at the owner's or occupier's expense.

11.3 The Trustees may from time to time issue directives for the proper compliance with this Rule.

11.4 Owners and occupiers of the retail section must ensure that public access to the residential and commercial sections is restricted.

## 12 NOISE

12.1 All television, radio, and other appliances emitting sound, including musical instruments, must be kept at audio levels which are reasonable in the discretion of the trustees.

- 12.2 All noise which is undue in the discretion of the trustees or other owners must cease at 23h00 on Fridays and Saturdays and at 22h00 on all other evenings.
- 12.3 The use of power tools, hammers and other electrical equipment is restricted to: between 08h00 and 17h00 weekdays, 08h00 to 13h00 on Saturdays, and use thereof is not allowed on Sundays or Religious and Public Holidays. No noise is permitted after 21h00 on the common property.
- 12.4 Hooters of vehicles may not be sounded at any time on the common property, except as a warning of imminent danger in the case of an emergency.
- 12.5 No explosives, crackers, fireworks or items of similar nature may be activated, lit or operated at any time, in any sections or on any part of the common property.
- 12.6 No firearms may be discharged in a section or on any part of the common property, except under such circumstances which would legally justify the use of a firearm for self-defense purposes.
- 12.7 No games may be played on the common property other than in any area/s which is designated for this purpose.

### **13 RELAXATION OF RULES**

- 13.1 No indulgence or relaxation in respect of these rules shall constitute a waiver or consent or prevent their enforcement by the trustees at any time, unless given in pursuance of sub-rule 13.2.
- 13.2 The body corporate or trustees may in special circumstances grant an indulgence, waiver or relaxation of any conduct rule, which shall be given in writing, signed by 2 (two) trustees and which may be made subject to conditions stated therein and which may be rescinded by the trustees or body corporate at any time in their sole discretion.

### **14 PENALTIES**

- 14.1 If the conduct of an owner or occupier of a section or his/her visitors or his/her patrons constitutes a nuisance or danger in the opinion of the trustees, or if an owner, occupier or visitor or patron contravenes, breaches, disobeys, disregards a management or conduct rule, the trustees may give the owner and occupier written notice, which may in the discretion of the trustees be delivered by hand, emails or by registered post, specifying the conduct which constitutes a nuisance or danger and the rule allegedly contravened, and notifying the offender that if he/she persists in such conduct or contravention, a penalty or penalties will be imposed on the owner of the section in terms of rule.
- 14.2 If the owner or occupier nevertheless persists in the conduct complained of or in the contravention of the relevant rule, the trustees may convene a meeting of trustees to discuss and deal with the matter as set out below —
  - 14.2.1 A written notice, in which the relevant owner or occupier is informed of the purpose of the meeting and invited to attend, must be sent to the owner and occupier at least 7 days before the meeting is held. At the meeting the owner or occupier must be given the opportunity to present their case, but except as may be permitted by the chairperson, they may not participate in the decision making or voting at the meeting.
  - 14.2.2 After the owner or occupier has been given the opportunity to present their case, the trustees may, by way of a special resolution (75% of the trustees present at the meeting with a minimum of 3 trustees), impose an "initial penalty" for the first offence and a "subsequent penalty" for every identical offence thereafter, without derogating the rights in law of the trustees and body corporate to take further action.

14.3 Any fine imposed in terms of sub-rule 14.2, may if it is not paid within 14 days after the owner has been notified of the imposition thereof, be added to the contribution levy which the owner is obliged to pay.

14.4 The body corporate may, at a general meeting, from time to time, determine the amount of the "initial" and "subsequent" penalties, or in the absence of such a determination within the previous 2 years, the trustees shall determine such penalties.

## **15 TELEVISION AND OTHER INSTALLATIONS**

15.1 No awnings in any form or manner may be erected on the outside façade of a unit.

15.2 No owner or occupier may erect a solar heating system or a device for the reception or transmission of radio, television or other signals which is visible from outside their section.

15.3 No television antenna or dish may be erected or installed.

## **16 VISITORS**

16.1 An owner or occupier of a section is liable for the conduct of their visitors, guests, patrons and employees and must ensure their strict compliance with all the requirements of the STSM Act and the management and conduct rules.

## **17 CHILDREN AND GAMES**

17.1 Children, including visitors' children, may only play in any designated games area and are to be supervised at all times.

17.2 Children under the age of 12 must be supervised at all times if using the lift and the swimming pool.

17.3 No games or other recreational activities are allowed on the common property other than in any designated games area and the Trustees are authorised to impose further regulations should they consider it necessary.

## **18 AIR-CONDITIONERS**

18.1 Every residential and commercial section will be fitted with an HVAC system and no owner or occupier may modify, add to, remove or attach any other HVAC unit in their section.

18.2 Owners or occupiers in the retail section may install an HVAC unit in their section upon obtaining the prior written consent of the trustees.

## **19 FIRE-FIGHTING EQUIPMENT**

19.1 The owner or occupier of any section shall not tamper with or damage, or cause or permit to be tampered with or damaged, any firehouse, reel or extinguisher in any manner or for any purpose other than as permitted or prescribed by the fire regulations of the relevant local authority.

## **20 LOSS OR DAMAGE**

20.1 The Body Corporate shall not be responsible for any loss or damage whatsoever suffered by an owner or occupier or visitor which is caused by the Body Corporate or by any employee or agent of the Body Corporate from any clause whatsoever, and it shall be the owners responsibility to effect his/her own insurance in respect of household, movable contents and vehicles in his/her section, or on any part of the common property.

## **21 LATE PAYMENT OF LEVY**

- 21.1 Levies are due and payable in advance on the last day of each month and the managing agents shall send defaulting owners a letter of demand for any outstanding levies as from the 15th day of such month at the cost of the defaulting owner. Failure to remedy the payment of a levy account within a period of 14 (fourteen) days from date of letter of demand will result in the matter being handed over to the body corporate's attorneys, and all costs so arising will be for the account of the defaulting owner.
- 21.2 Outstanding levy payments will attract penalty interest on the outstanding balance commencing from the 7th day of each month at a rate of two percent above the prime bank rate, or as may be determined by the trustees.

## **22 ACCESS CONTROL**

- 22.1 Any owner or occupier of a section shall comply with the rules imposed by the trustees for the delivery or removal of goods or material from a section.
- 22.2 Owners and occupants of the retail section are to provide the trustees or the building supervisor with a list of regular deliveries that are to be made to the premises.
- 22.3 Notwithstanding sub-rule 22.4, before any furniture or heavy goods or materials are delivered or removed from any section, the trustees or the building supervisor must be notified to ensure that adequate precautions are in place.
- 22.4 No furniture trucks will be permitted inside the property higher than 2150mm when entering basement levels B1, B2 or B3 at the roller shutter; 1950mm when on the ramp on grid 3 or 1750mm on basement level B3 at the perimeters due to ducting along plenum; or with a gross vehicle weight of more than 2.5t in the basement and 16t in the Piazza for vehicles with a total number of 2 axles.
- 22.5 After any goods are delivered or removed from any section, the trustees or the building supervisor will be entitled to inspect the passageways, stairwells, lifts and any other part of the common property accessed by the movers, in order to assess any damage. Any damage noticed will be repaired at the expense of the owners or occupiers of the section concerned.
- 22.6 Owners, occupiers and visitors are prohibited from tampering with any lifts, automatic gates, automatic front sliding doors or any other part of the common property.

## **23 NON-SMOKING AREA**

- 23.1 The entire common building, including foyers and passages, is designated as a non-smoking area.

## **24 BALCONIES**

- 24.1 No climbing is permitted on or onto any of the balconies, onto any of the roofs, or over any gate, fence or wall.
- 24.2 No object or liquid is to be dropped, thrown or projected from the balcony or window of any section. The balcony should be vacuumed instead of swept.
- 24.3 No flower boxes are permitted on the outside railing.
- 24.4 No bicycle storage or storage of other items is permitted on balconies
- 24.5 Fire Regulations do not permit barbecues on the balcony or within any unit unless installed as part of the originally constructed apartment and/or terrace.

## **25 DELIVERY AND MOVING**

- 25.1 The manager must be notified of the delivery of furniture or appliances so that the necessary arrangements/preparations can be made insofar as the use of the lift.
- 25.2 Moves are permitted between 8am and 4pm Monday to Friday and Saturday between 8am and 12pm (midday). No moves are permitted on Sundays.

**26 CONSENT UNREASONABLY WITHHELD**

- 26.1 If there is a dispute between an owner or occupier as to whether the trustees or the body corporate have unreasonably withheld their/its consent or approval in any case where these conduct rules preclude the trustees or body corporate from withholding their/its consent unreasonably, the onus shall be on the owner or occupier to prove that the trustees or body corporate have/has withheld their/its consent or approval unreasonably.

**27 BUILDING ACTIVITIES**

- 27.1 Save where any section in the building has not been finally completed after date of registration of these rules and, whilst in no way derogating from the provisions of the STMS Act and regulations and the rights and obligations of owners as set forth therein, the following shall be applicable in relation to all building alterations and activities —
- 27.1.1 all structural alterations of whatever nature and any external and visible non-structural alterations shall require the prior written approval of the trustees, who at their discretion may set terms, conditions and guarantees (or cash deposits) as a prerequisite to the said written approval. The owner in question shall be required to lodge with the trustees, plans and details of the proposed alterations prior to lodgement with the necessary Local Authority (if applicable).
- 27.1.2 save with the prior written consent of the trustees no work shall be carried out on Saturdays, Sundays and Public Holidays, or before 07h30 or after 17h30 during weekdays.
- 27.1.3 common property electricity and water shall not be used without the prior written consent of the trustees, and if so used, shall be a cost to the owner.
- 27.1.4 the owner or occupier shall be responsible for any damage done caused to the common property, any sections or exclusive use areas during any building operations.