

Dolphin View Estate

Policy Governing Animals at Dolphin View Estate

Background

As per the constitution, animals will be allowed in the development based on permission being granted by the body corporate. The following section of the constitution applies:

“38. PETS

Will be the responsibility of the member and shall be permitted only on application to the Association whose discretion to permit pets shall be final and binding on the member concerned..

Note : a) These must not in any way inconvenience any other member.

b) No polluting of common areas.”

This however can lead to interpretation issues surrounding the granting of permission in certain cases. This policy is designed to clarify criteria both for the approval and management of animals (pets) within the development. The following sections deal with the following:

1. Identification of suitable animals in terms of breeds, number of animals and type of animals allowed on the development
2. Clarification of the permission process
3. Management of animals within the development pertaining to discipline of animals, nuisance, grievance processes and remedies available to householders and the board of directors.

Identification of Suitable Animals

The governing principle of the identification criteria is to ensure that animals are not a danger or a nuisance factor to residents of the development.

Identification of Animals not allowed in the development

The following lists of animals are animals identified by the policy as not being allowed in the development:

1. Cats other than domestic cats
2. Farm animals, including but limited to fowl, cattle, pigs, horses, waterfowl
3. Snakes
4. Game animals other than animals determined to be a nature that will add to the enjoyment of the living experience of the development. Examples of these would be indigenous wild birds, small buck etc.

Identification of animals and breeds allowed in the development

The following list of animals (and desirable breeds in the case of dogs) that will be permitted on the development and maximum number of animals per residence:

1. Dogs –
 - a. maximum number of dogs permissible will be two
 - b. Desirable breeds will include non aggressive and nuisance (in terms of barking) breeds which will include golden retrievers, Labrador retrievers, Rhodesian Ridgebacks
2. Cats-
 - a. Maximum number of domestic cats will be two
3. Birds-
 - a. maximum number of birds will be determined on a case by case basis
4. Other non impacting animals such as fish etc will be allowed

Clarification of the Permission Process

The following process must be followed by the resident in terms of obtaining permission from the board of directors:

1. A written application needs to be made to the board of directors identifying the type of animal, breed and age
2. A copy of the building plan identifying an area where the animals will be housed when the resident is away. This area must be at least an area of 40 square meters' with covered area and access to grass. (Court Yard)
3. Kennels may not be erected on the property.
4. A signed copy of the acknowledgement of responsibility (as attached to this policy)
5. A copy of the inoculation certificates
6. The applicant must introduce the board of directors to the animals and the board of directors must satisfy themselves to the nature of the animals which will be introduced to the development.

7. The board of directors must have a 75% consensus of opinion on the individual animal before granting permission for the animal to be allowed onto the development
8. Should the board not grant permission for the animal to be allowed onto the development, the applicant may not re-apply at any time in the future for the inclusion of the same animal.
9. This process must be followed by all residents wishing to replace or introduce new animals into the development

Management of Animals

The following general principles will be used to govern the management of animals on the development:

1. The owner is responsible for the behavior of the animals
2. The owner will be held accountable for the behavior of the animals and the any transgressions of the regulations
3. No breeding of animals will be allowed on in the development

The Owners Responsibility

The owner must take responsibility for the following:

1. Discipline of their animals
 - a. In terms of dogs:
 - i. Ensure that no pollution of common areas is caused by their animals
 - ii. That the animals do not bark/yap causing a nuisance to any other resident of the development
 - iii. That the dog does not intimidate or act aggressively toward other residents
 - iv. That the dog is well maintained
 - v. That the dog is inoculated
 - vi. That all dogs are neutered or sterilized
 - b. In terms of cats:
 - i. Do not allow the cat to interfere with local wildlife
 - ii. The cat is well maintained
 - iii. The cat does not wonder around excessively and cause nuisance for other residents
 - iv. That all cats need to sterilized
 - v. That all cats need to be inoculated

- c. In terms of birds
 - i. Are not a noise nuisance to the development
2. Following the receipt of a verbal or written complaint from the affected resident
 - a. Respond to the grievance immediately and implement corrective measures within 24 hours
3. Following the outcomes of a hearing based on a grievance lodged against the animal and owner by a resident
 - a. Implement fully the resolution of the board of directors within the specified timeframe set out in the official correspondence emanating from the board of directors

The Grievance Process

The complainant must follow the process described below:

1. Address the owner of the animal informally to establish if a resolution can be found. The owner needs to address the grievance directly.
2. If the grievance is not addressed within the prescribed time period set out above, the complainant must address a letter to the owner and the board of directors detailing the grievance and requesting a hearing with the board of directors to resolve the issue.
3. The board of directors will hold a meeting with the affected parties whereby representation will be made by the affected parties.
 - a. This meeting must be held within 72 hours of receipt of letter by the board of directors
 - b. The complainant will be allowed to have representation and witnesses at this meeting.
 - c. The owner will represent themselves
 - d. A minimum of 2 board members must be present
 - e. The matter will be presented for the board of directors to make a decision on the matter
4. The board of directors decision will be communicated in writing to the affected parties within 48 hours of the hearing
5. The board of directors have the discretion to implement the following actions:
 - a. Demand the immediate implementation of remedial action
 - b. Demand the removal of the offending animal from the development within 7 days of notification
 - c. Dismiss the action of aggrieved party
6. The documented recommendations by the board will be final and binding.

Annexure 1: Application Letter Template

Attention: Chairman

Dolphin View Estate

Kwelegha

East Coasts

Dear Sir

Application to permit pets to be brought into the New Four Seasons Development

In terms of the policy governing animals within the development I would like to make application for the following animals to be allowed to be brought onto the development:

Type of Animal	Breed	Age	Name

I have attached the following information to this application:

1. Certified copies of the inoculation certificates
2. Copy of the approved building plans identifying the required open space as identified in the policy

I have read the policy governing animals. I agree that the board has the rights to deny permission for my animals to be allowed onto the development. I agree to adhere to all responsibilities identified within the policy should the board of directors agree to allow my animals onto the development. I further undertake to implement all decisions of the board of directors in terms of management of animals on the development as it relates to the animals identified within this document.

I further understand that the decision of the board is binding and that I will implement the findings of the board in terms of a grievance against my animals within the specified timeframes. I further understand that following the decision of the board I do not have recourse to any other action in terms of a grievance against my animal/s.

Please can indicate a convenient time that I may present the animals identified above to the directors at the New Four Seasons Development for their review.

Yours Sincerely

Name:

Address:

Dolphin View Estate

Cell Number:

Email address: