

SCHEDULE

GASSON MARINA BODY CORPORATE

CONDUCT RULES

1. KEEPING OF ANIMALS, REPTILES AND BIRDS

- 1.1 The owner or occupier of a section must not, without the Trustees' written consent of which must not be unreasonably withheld, keep an animal, reptile or bird in a section or on the common property. There will be no exception for any animals deemed as dangerous, this will be determined by the Trustees of the Body Corporate.
- 1.2 The Owner will need written consent from the Trustees, to bring any animal onto the Property, and no pets are to be on the common property.
- 1.3 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.
- 1.4 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. The owner will be fully responsible for damage or injury caused by such animal, reptile or bird.
- 1.5 The Trustees may withdraw any consent if the owner or occupier of a section breaches any condition imposed in terms of sub-rule (3).

2. REFUSE AND WASTE DISPOSAL

- 2.1.1 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.
- 2.2.2 Refuse is not to be placed on common property, pathway leading from the common or any area outside the front of the unit before the morning of refuse collection. If there is a requirement to remove refuse prior to the day of refuse collection refuses cages are provided for next to the mailboxes
- 2.2.3 Refuse, on collection day, is to be placed at the end of the unit's pathway
- 2.3 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, and is not to be placed on the common property in a position that may cause an obstruction in any way.
- 2.4 The owner or occupier of a section must:
 - (a) move the refuse receptacle referred to in sub-rule (2) to places designated by the Trustees for collection purposes at the times designated by the Trustees and promptly retrieve it from these places; and
 - (b) 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.

3. VEHICLES

3.1 The owner or occupier of a section must not, except in a case of emergency, park a vehicle or allow a vehicle to stand or permit a visitor to park or stand a vehicle on any part of the common property that would cause and obstruction to driveways or garages. Should there be an emergency the Trustees or the managing agent should be notified.

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 (2) in good order and repair.

5. APPEARANCE FROM OUTSIDE

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—
(a) erect washing lines on the common property;
(b) hang washing, laundry or other items in a section or any exclusive use area allocated to it if the articles are visible from another section or the common property, or from outside the scheme; or
(c) 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 Each unit owner is liable to maintain the appearance of their own unit in terms of tidiness.

5.4 Any Maintenance Issues or damages related to the common property must be reported immediately to the Managing Agent or the Trustees, by means of an email or in any other form of writing.

5.5 Any damage on the inside of an owner's unit that is found to be a direct result of maintenance needed to be done on the Common Property, is to be reported immediately to the Managing agent or the Trustees, by means of an email or in any other form of writing for further attention or action.

6. STORAGE OF FLAMMABLE MATERIALS

6.1 Subject to sub-rule (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—
(a) the fuel tank of a vehicle, boat, generator or engine; or
(b) a fuel tank or gas cylinder kept for domestic purposes.

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 From a Sunday to a Thursday there should be no noise or loud music from 9pm until 6am the next morning and from a Friday to a Saturday – no loud music or noise between 10pm and 6am the next morning.

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 authorized 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 (2) from the owner of the section.
- 8.4 The Body Corporate will pay for Fumigation of all units once a year, a months' notice will be given as to when the fumigation will take place. If the owner is unable to make time available for the first set of fumigations, they will need to avail themselves for the second set. However, should the unit owner not arrange for the necessary access on the 2 available dates, the owner will be held liable to do the fumigation at their own cost, using the appointed fumigation service as provided by the Body Corporate and the owner is to provide the proof to the Managing Agents that they have had their unit Fumigated, this can be done by means of emailing the Invoice and Proof of payment to the Managing Agent.

9. 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. No owner shall allow any tenant or other person to occupy a unit unless such potential occupier has first signed an undertaking in favor of the Body Corporate to honor these conduct rules.

10. OFFENSIVE BEHAVIOUR

- 10.1 No form of rowdiness, disorder, noisiness, intoxication, violence or other offensive or scandalous behavior on the Common Property or within units will be acceptable.
- 10.1.1 No Smoking or Consumption of Alcohol or any intoxicating substances are permitted on the common property.
- 10.2 Without derogating from the generality of rule 10.1 above –
 - 10.2.1 No musical instruments or other sound producing noise emitting devices shall at any time be played or used in any unit or on the Common Property at levels which may give offence to others. The written consent of the Trustees is required in the event that an activity is likely to transgress this rule, which approval may not be unreasonably withheld.
 - 10.2.2 No hammering, drilling, sawing or other such work shall be conducted before 09H00 and after 17H00 on any day, unless an emergency situation whereby the Trustees must be notified.
 - 10.2.3 No owner or occupier of a section shall use any portion of the common property, an exclusive use area or a section for purposes of prostitution or for persons to visit for the purpose of having unlawful carnal intercourse or for any other lewd or indecent purpose.

11. FINES

- 11.1 Should any owners, or their tenants, or their visitors, contravene any Body Corporate conduct or management rules the following procedures will be followed:

1st offence:

Written warning letter will be sent to the owner

2nd offence

A second letter will be sent to the owner and a fine equaling 50% of the monthly Admin levy will be loaded onto the levy account

3rd Offence a fine equaling 90% of the monthly Admin levy will be raised

When a letter/fine is sent/imposed, a fee is also payable for the administrative costs incurred.

The Trustees shall have the power to fine owners who transgress these rules with the applicable fine. Owners are reminded that all correspondence is sent per post to either their registered domicilium and or email address and shall be deemed to have been received after 7 working days, if sent by ordinary registered mail or the day after the date of dispatch, if emailed. Owners are further reminded that they are responsible for the transgressions of their tenants and where necessary, should take the appropriate action.

- 11.2 The imposition of any penalty in terms hereof shall not affect and shall be in addition to any other rights available to the Body Corporate at law, and in particular its right to apply for an order compelling any Owner to comply with the provisions of these rules or desist from infringing same.
- 11.3 If the Body Corporate or the Trustees instructs a firm of Attorneys in connection with or arising out of any infringement by any Owner of any of the provisions of these rules, or any failure to comply therewith, such Owner shall be liable to reimburse the Body Corporate on demand for all its legal costs incurred in respect thereof on an attorney and client basis.

12. ENFORCEMENT OF AMOUNTS PAYABLE

Any amounts payable by an Owner to the Body Corporate in terms of these rules shall be deemed to be an additional levy in respect of such Owner's unit, and the payment thereof shall be enforceable as provided in rule 16 below.

13. PAYMENT OF LEVY, ETC

13.1 If payment in full (including outstanding fines) has not been received by the end of the second month, all services to the unit concerned will be suspended and the account will be handed over for collection without further notice. Interest at the rate of 2% (two percent) per month will be charged on the outstanding amount.

14. ENTRANCE AND EXIT TO THE COMPLEX

14.1 No owner or occupier of a section or their guests shall be permitted to enter or leave the complex by any way other than through the main entrance gate. All entries must remain closed at all times.

14.2 All guests / Visitors are to be let onto and let out of the property by the person who they are visiting. Domestic workers should be provided with Keys or be given access by the employer.

14.3 Once a year a Clean-up will be done on our Gate Keeper System, where the Managing Agent will email all owners a week in advance as to when the clean-up will be done; this is when all contact numbers will be removed and updated for access to the Gate. This is for security purposes.

15. OVERCROWDING OF THE BUILDINGS

No owner or occupier of a section shall be permitted to accommodate more persons in their dwelling beyond the reasonable number anticipated in the design of the apartment, i.e. 4 (four) in a two-bedroom unit and 6 in a 3 Bedroom unit, therefore it is only allowed for 2 persons per bedroom of each unit.

16. FIRE Extinguishers

No owner or occupier of a section shall be permitted to use the fire extinguishers for any purpose other than fighting fires should these occur at any time.

17. DEBT COLLECTION ON LEVY ACCOUNT

- 17.1 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.
- 17.2 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.
- 17.3 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.
- 17.4 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.

In the event that you are selling your unit or would like to sell your unit, please notify the Managing Agent of same, so that we are aware of the sale.

Please provide the managing agent with the contact information of the new unit owner for communication purposes.

TRUSTEE

TRUSTEE

DATE

DATE

Annexure A: The Common Property



Annexure B:

In the event that you are selling your unit or would like to sell your unit, please notify the managing agent of same, so that they are aware of the sale.

Please provide the managing agent with the contact information of the new unit owner if you have this information.

Contact Name of New Owner	
Contact Number	
Email Address	
Date of Sale	

SCHEDULE

GASSON MARINA BODY CORPORATE

CONDUCT RULES

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only on a Tuesday morning for collection by the BODY CORPORATE employee on that morning for removal by the Municipality on that same day.

5. NOT conduct any business of any kind from the COMPLEX excepting that which can be conducted over telephone lines or Internet notwithstanding that any Local Authority may permit said business. The COMPLEX shall be used only for residential purposes.
6. NOT overload any electrical circuit, nor store any hazardous substance; nor do anything which may increase the risk of fire and/or increase the fire insurance premium of the Gasson Marina Vista COMPLEX. Or breach any regulatory ordinance or bylaw with suspect to safety.
7. NOT commence with any major construction or alteration to his unit without prior consent of the BODY CORPORATE who will give the appropriate guidance. The OWNER shall ensure that any work carried out complies with existing Municipal regulations.
8. NOT cause to be done any actions which will disrupt harmonious relations with other OWNERS or tenants of the units in Gasson Marina Vista, nor disturb the peace by rowdy, unruly or drunken behavior, nor cause excessive noise by the excessive use of and operation of any vehicle, vacuum cleaner, floor polisher, tools, and appliances, music systems, television, musical instruments, or other apparatus. This shall apply at all times with particular consideration given to the period between 2pm and 6pm daily. Reduced noise level is required between 11pm and 7am, New Years Eve excepted. Any work to be done to the units by outside contractors is to take place only on weekdays between 8am and 4.30 pm. No work is to be done over weekends. Hoisting, except in an emergency, is not necessary within the complex.
9. NOT, within reason, allow the conduct of their children or those of their guests, visitors and/or tenants to disturb the other occupants of the COMPLEX. Unfortunately the design of the COMPLEX does not cater for designated play areas for children and parents are earnestly requested to monitor the behavior of such children in the interests of their safety and with due consideration towards other residents. Further towards the safety of the children and elderly residents and possible damage to property and/or parked vehicles, no motorised "toys" such as quad-bikes, scooters or motorbikes are allowed. The speed of bicycles ridden within the COMPLEX by children must be monitored and noisy skate boards or roller skates are discouraged. Children are not allowed to climb on boundary/retaining walls nor on roofs.
10. NOT bring onto the COMPLEX any creature or animal nor keep a pet on the COMPLEX without the permission of the BODY CORPORATE. This permission will not be unreasonably refused but is confined to small dogs, cats, birds in standard indoor cages and small aquariums. Certain conditions will be attached. Aviaries will only be permitted if, in the sole opinion of the BODY CORPORATE, there is enough space, the aviary does not present a health hazard and the birds do not create excessive noise.

11. NOT feed nor attract pigeons or roof nesting birds. Where a unit has a suitable garden area, bird feeders which do not attract pigeons or roof nesting birds, will be allowed.
12. NOT undertake any repair, tuning, overhaul, servicing, painting or maintenance of any vehicle, trailer, motorcycle, caravan boat, internal combustion engines, electrical motors or similar items on the premises. Hobbyists may approach the BODY CORPORATE for permission, which will not be reasonably refused but certain conditions will apply.
13. NOT, without BODY CORPORATE consent, allow visitors, guests or tenants to sleep overnight in the unit except where such visitors, guests or tenants each sleep in a bed and not on the floor (whether or not in sleeping bags) and further that the visitors or guests will not be resident in a unit for a period longer than three weeks.
14. NOT allow more than SIX persons to be resident in any of the units of Gasson Marina Vista except with the prior permission of the BODY CORPORATE.

The BODY CORPORATE or Agent of the BODY CORPORATE might require entry to the OWNER's unit for inspection purposes at any time. However, the OWNER will be given 24 hours notice of such inspection and will be required to provide an access key or preferably be present at the time of the inspection. This action will only be enforced when complaints are received that an infringement of the CONDUCT RULES is taking place.

B. SECURITY

1. The Gasson Marina Vista complex has access control. The OWNER can purchase one or more remote access controls from the BODY CORPORATE at the ruling price for his own and family use. The access control system is intended to keep all unwanted persons out of the complex. And the OWNER is earnestly requested to allow entry only of persons known to him, such as the OWNER's visitors or servant or when necessary another OWNER or tenant when recognized. Please ensure that the access gate is properly closed behind you whenever you enter or leave the complex.
2. The OWNER must ensure that any visitors guests requiring access whilst temporary resident in the OWNER's unit, are provided with a remote access control and that such remote control is returned to the OWNER when the visitor or guest is no longer in temporary residence. The OWNER must advise such visitors or guests NOT to press the buttons of OTHER units and request entry as other OWNERS and tenants are instructed NOT TO ALLOW ACCESS TO STRANGERS. Security is the responsibility of all residents.

C. VEHICLE CONTROL AND PARKING

1. The speed limit in the driveways is 10kph and pedestrians have right of way.

- 2. Unfortunately Gasson Marina Vista was designed 37 years ago when it was not common for a family to have more than 2 vehicles. Thus OWNERS are restricted to 2 vehicles utilizing the garage and the carport for parking purposes. The demarcated parking areas are for visitors only. Any excess vehicles are to be parked outside the COMPLEX. Due to security concerns, limited tolerance will be exercised over busy periods where the norms of courtesy and consideration for fellow residents apply regarding the parking of vehicles within the complex. Blatant disregard of these norms will be addressed with the OWNER concerned by the BODY CORPORATE.
- 3. No unlicensed or derelict vehicles may be parked within the complex. A derelict is one which is un-roadworthy or is unsightly in the sole opinion of the BODY CORPORATE.

D. GENERAL

- 1. All tenants or other persons granted rights of occupancy by any OWNER are obliged to comply with these conduct rules, notwithstanding any conditions to the contrary contained in any lease or any grant of rights of occupancy.
- 2. In the event that any paved area of the common area may be soiled by the leaking or spilling of oil or other fluids from any vehicle or container then such paved area shall be cleaned or if necessary replaced at the sole expense of the OWNER responsible directly or indirectly for said spilling.
- 3. Air-conditioning units may only be installed if the air-conditioning unit and it's method of installation conform strictly to the requirements laid down by the BODY CORPORATE. Generally these requirements are for silent operation, installation such that the unit or it's air access grill cannot be seen from the street, and for the piping of condensed water to the internal draining of the flat.
- 4. Care must be taken by the owner not to allow infestation of the COMPLEX by pests. The OWNER shall regularly inspect his unit/s and take suitable steps to eradicate pests, including fumigation of the unit/s, failing which the BODY CORPORATE shall do so and recover the cost from the OWNER.
- 5. In all cases where "prior consent" for any action is required from the BODY CORPORATE, such consent must be applied for in writing and will only apply to the specific instance. Repetitions of the instance will require written application each time. The BODY CORPORATE shall reply in writing.

PLEASE
NOTE

GASSON MARINA VISTA

APPLICABLE RULES

1. Section 35(2) of the Sectional Titles Act No. 95 of 1986 provides that the Management Rules and Conduct Rules as contained in Annexure 8 of the Act applies to all sectional title schemes.
2. Section 60(8) of the Act provides that all Rules in force under the repealed Sectional Titles Act No. 66 of 1971 would remain in force except to the extent that any such rules may be irreconcilable with any prescribed Management Rule contained in the 1986 Act.
3. In the case of Gasson Marina Vista, the Rules contained in the current Sectional Titles Act No. 95 of 1986 would apply. If other Rules were registered with the Registrar of Deeds, King William's Town, under the 1971 Act, these would only apply provided they were not contrary to the 1986 Act Rules.
- 4.1 Management Rules deal with the administration of the buildings and cover the Body Corporate, Trustees and the holding of meetings etc.
- 4.2 The Conduct Rules deal with occupiers of the units and govern their day to day living requirements.
5. These Rules may be amended :-
 - 5.1 Management Rules require a unanimous resolution of the Body Corporate;
 - 5.2 Conduct Rules require a special resolution of the Body Corporate.
- 6.1 Unanimous resolution means a resolution passed at a general meeting of the Body Corporate of which at least 30 days notice has been given, specifying the proposed unanimous resolution, and at which at least 80% of all the members (reckoned in number and in value) are present or a resolution agreed to in writing by all the members of the Body Corporate;
- 6.2 A special resolution means a resolution passed by a majority of not less than three-fourths of the votes (reckoned in value and in number) of members of the Body Corporate passed at a general meeting of which at least 30 days written notice has been given specifying the proposed resolution.
7. The 1986 Rules provide that :
 - 7.1 An annual general meeting must be held each year within 4 months of the end of each financial year;
 - 7.2 At least 14 days notice of every general meeting must be given;
 - 7.3 The owners must elect Trustees (they may set the number of Trustees that they require from time to time);
 - 7.4 The Trustees at their first meeting after the annual general meeting would elect a Chairman;

- 7.5 Each Trustee shall have one vote;
- 7.6 At a general meeting each owner would have one vote unless a poll was demanded prior to the declaration of the result. On a poll, each owner's vote will be in accordance with the Participation Quota.
- 8. If the Rules are added to or amended the Body Corporate shall lodge with the Registrar of Deeds, King William's Town, a notification in the prescribed form of such addition or amendment.

**THE GASSON MARINA VISTA BODY CORPORATE
HOUSE RULES**

1. As per Government Gazette section 35 on Sectional Title.
2. Not more than 6 persons per unit as per the Buffalo City Municipality's zoning scheme.
3. No servants to sleep on complex/in garages.
4. Pets on written permission of trustees only.
5. No commercial vehicles, boats or caravans to be parked on complex.
6. Gardens to be kept up. If not, after written warning, garden service to do same and owner debited.
7. R10,00 penalty on levies not paid by 7th of month.
8. Entrance and exits to be used as such.
9. No building on common ground/property without written permission of the trustees.
10. Key (MR6H) for servants' toilet to be purchased by owner. Toilet paper, soap etc. to be supplied by owner/tenant.
11. Skate boards and bicycles used at owners risk. Parents to see that use of these items by their children do not infringe the rights of others and that owners and tenants' are considered at all times.
12. No ball practice on walls in complex.
13. Parents to ensure that their children are well behaved.
14. Owners/tenants to ensure that their letterboxes are locked at all times.
15. All repairs or work to be done for the account of the Body Corporate must be authorised by the trustees prior to the work being carried out. All repairs/work not authorised by the trustees will be for the account of the owner/tenant requesting the work.
16. Black bags containing household refuse must be placed outside each unit on Tuesday mornings for collection by the cleaners. Under no circumstances should refuse bags be placed outside your unit or at the rear gate other than on Tuesday mornings. Bags should also not be placed on the pavements.
17. The premises are to be used solely for residential purposes.
18. No excessive levels of noise will be tolerated. Television and musical instruments are to be played at low sound levels. Our complex is compact and sound does travel. Please respect the peace and comfort of your neighbours.
19. Each unit has one garage and a parking space. Vehicles are only to park in these areas. Additional cars are to park in the street. Cars are to be driven at low speed within the complex. Please make sure, when entering or leaving, that the electric gate has completely closed before driving off. Take note of the one-way entrance and exit route. No excessive hooting of vehicles within the complex.
20. Please note that the Body Corporate will not be held liable for personal losses, damages or injuries sustained (e.g. theft out of vehicle).
21. Laundry is to be hung in the designated area only and not over the balcony or in front of units 1 to 11.
22. Please report any damage or defects to the common property to the trustees.
23. Please dispose of cigarette butts in the correct manner.

NB The trustees expect all owners and tenants to comply with the above house rules which have been drafted in the interest of all concerned. Owners of rented units are expected to inform their tenants of these rules and to ensure that the rules are complied with by tenants.