

FOREST GLEN BODY CORPORATE
REGISTRATION NO : SS 75/95

BY LAWS AND REGULATIONS

1. APPLICATION AND INTERPRETATION OF BY LAWS AND REGULATIONS

These by laws and regulations shall bind every member and their family, their tenants and occupiers of the premises at Forest Glen situated on sub 78 of 46 of the farm Waterfall No. 978 at No 2 Niagara Road.

The term owner shall include any one of the parties referred to in 1.1.

the term common property shall mean property owned or controlled by the Body Corporate

2. PETS

With written consent of the trustees of the body corporate, domestic pets may be kept (Consent may be granted subject to certain conditions as the trustees may specify) not more than two pets may be kept. This consent may be withdrawn on written notice by the trustees.

In the event of such written consent being granted. The pets shall be kept confined to the owners section and shall not be allowed to cause nuisance by way of noise or otherwise.

Dogs must be leashed and properly controlled when on common property and shall not be allowed to cause nuisance by way of noise, fouling or other wise

Cats may **NOT** be kept on the property.

No aviaries, kennels, or other like accommodation for pets, may be sighted at any place where it may be viewed from the common property.

The removal of excrement left on any property by the pets shall be the responsibility of the owner of the pet.

No domestic pets shall be left unattended by the owners for periods of more than 24 hours. Owners leaving their properties in excess of 24 hours are required to place their pets in kennels or make other suitable arrangements which will not include leaving the animals on their properties to be attended to by itinerant persons. Pets may only be on the property if another owner accepts full responsibility for the pets left. The owner shall leave a written undertaking by the other owner.

The trustees may at any time call upon the owners of dogs to produce a certificate to the effect that such animals are innoculated against any illness or viruses that if contracted may in the opinion of the trustees render them harmful or dangerous.

3. MOTOR VEHICLES, PARKING AND DRIVEWAYS

All movement of vehicles shall be confirmed to the tarmacadamised areas.

No parking of any vehicle is permitted on any grassed area of common property.

All road signs on the property are to be obeyed and the speed limit of 20kpm in the common property is to be strictly adhered to.

The washing of owners or tenants vehicles may take place outside a resident's garage provided that the flow of traffic is not obstructed and that no mud, soap suds or other unsightly residue is left after the washing.

All tarmacadamised areas shall only be used for parking, vehicle access and egress. No recreation shall take place on the tarmacadamised areas, more specifically, no skate boarding, cycling or children's play.

Repairs or reconditioning of vehicles is not permitted on the common property.

Written consent to park boats or trailers shall be directed to the trustees who may grant permission subject to certain conditions; these include causing lack of amenity to others or being unsightly.

Oil marks on Tar macadam surfaces to be cleaned by the owner.

Residents are to ensure that when parking on the driveways they do not obstruct the free flow of traffic. Residents are also responsible to ensure that their visitors observe these regulations.

Motorcycles may only be used for commuting in and out of the village with the noise factor being held to a minimum and the speed limit within Forest Glen to be observed.

Quad bikes MAY NOT be driven on the property.

Unlicensed drivers are not permitted.

4. REFUSE

- 4.1. All refuse is to be placed outside individual houses before 08h00 on the collection day nominated by the trustees.
- 4.2. All owners shall provide their own blue plastic bags for garden refuse.
- 4.3. The Body Corporate shall not be responsible for any refuse containers or lids that may be damaged, stolen or lost.
- 4.4. No litter or rubbish of any kind may be deposited upon the common property.

5. AWNINGS, BURGLAR GUARDS AND CARPORTS ETC

- 5.1. All burglar guards shall be placed only inside the glazed areas and shall be of a pattern which shall conform to those specified by the trustees.
- 5.2. No awning blinds or similar exterior fittings shall be erected without the prior written consent of the trustees. They may specify details of the quality, size, colours and position thereof as preconditions of this consent.
- 5.3. For carports rule 15.1 applies

6. AIRCONDITIONING

- 6.1. Air conditioner requiring external fittings must not be installed without the prior written consent of the trustees. This unit should not be sited in such a position that is unsightly to any other property or common property.

Furthermore any member wishing to install an air conditioner must obtain written approval from their adjacent neighbors

7. WASHING

- 7.1. No washing or any other items for drying shall be hung out or be put in any place other than the specified drying yard set aside for this purpose in each individual residence. Garden tools and other equipment must be kept out of sight from common property, roads and adjoining property.

8. GARDENS

- 8.1. No trees which may cause material nuisance to occupants neighbor or driveways shall be planted on the property
- 8.2. Gardening of the common property by members adjacent to their property is subject to approval by the trustees (excluding gardening on behalf of the body corporate). Removal of any existing trees, shrubs etc is forbidden unless written consent has been received from the trustees.
- 8.3. Trees may not be planted up against any perimeter fence.

9. DOMESTIC SERVANTS, TRADESMAN, WORKMEN, VISITORS

- 9.1. The occupant shall be responsible for the proper behavior of domestic servants and their visitors whilst in Forest Glen. Owners/tenants must keep a record of their employee's details, id number, etc for inspection by the trustees at anytime. No domestic, gardener or other category of servant may reside in any unit.
- 9.2. Tradesman, workmen, and visitors are to make arrangements with the resident concerned for access to the village and the resident is to ensure that they observe the Body Corporate rules. UNDER NO CIRCUMSTANCES SHALL THE CODE FOR THE MAIN GATE BE GIVEN TO DOMESTIC EMPLOYEES, GARDENER OR TRADESMAN.

10. SILENCE

- 10.1. Hooters may not be used on common property
- 10.2. Radios, musical instruments, record players, and television sets must be used with due consideration for the adjoining neighbors.

11. GENERAL PROHIBITIONS

- 11.1. Use the premises for other than residential purposes. Any exception needs written approval from the trustees. No trading or the like will be permitted. Buildings

may only be used for the purposes as described in the as built drawings lodged with Ethekwini Municipality.

- 11.2. Failure to repair within a reasonable time any damage caused to the property by the owner or any other person for whom he is responsible to the normal accepted standards. If in the opinion of the Trustees the repairs do not measure to the required standard, the trustees shall have the right to rectify the matter at the expense of the owner concerned.
- 11.3. Permit anything that in the opinion of the trustees, be reasonably construed to constitute a nuisance or to be unreasonable invasion of the privacy the other occupants of the village.
- 11.4. Accommodate more than two people in each bedroom in the dwelling. In the event of holiday visitors, the bylaws may be waived for a short period of time.
- 11.5. No resident or owner shall do or permit to be done in his unit or on the common property anything including the storage of inflammable or other goods, which in any way may prejudice insurance policies held by the Body Corporate of Forest Glen or increase premiums payable thereon.

12. LEVIES

- 12.1. All levies payable by the owner shall be payable to the Board of Trustees on or before the 5th day of each and every month, without deduction or demand. Levies should be paid into the corporate bank account by the owner.
- 12.2. In the event of any owner failing to punctually pay on due date any levy or contribution as and when the same shall become due. The outstanding balance PLUS INTEREST thereon at the legal rate and legal costs as between attorney and client including collection commission shall be considered as legally claimable and due immediately, without notice.
- 12.3. Any extensions of time for the making of any payment or other indulgence made by the Board of Trustees to the owner, shall not prejudice the right of the Board of Trustees to immediately claim payment.
- 12.4. A certificate from the Board of Trustees setting out the amount of the indebtedness by the owner to the Body Corporate for levies, and the fact that the same is due for payment shall, until the contrary is proved, be sufficient and satisfactory proof for the purpose of obtaining provisional sentence, summary judgment or default judgment.

13. ACCESS CONTROL

- 13.1. The main gate is to be used only for vehicular traffic and NOT FOR PEDESTRIANS. Except for residents, friends, relations.

- 13.2. The main or motorized gate is operated electronically by remote control or by punching a specific code into the entrance or exist keypads situated on either side of the gate. The code will be changed periodically for security reasons. **THIS CODE MUST NOT BE GIVEN TO DOMESTIC, GARDEN EMPLOYEES OR CONTRACT WORKERS.** Refer to item 9.2 in the Rules.
There is a battery back up system and all residents are requested to report any faults to any member of the Board of Trustees.

14. **FURNITURE DELIVERY & REMOVAL**

- 14.1. Occupants moving into or out of the village should make arrangements with the removal company to park large vans outside the main gate and use a small vehicle (max 3 tons) to transport goods from the house to the gate and vice versa. Any damage to the common property including the gate and access control system will be the responsibility of the person moving into or out of the village.

15. **BUILDING OPERATIONS**

- 15.1. Any member wishing to carry out building operations shall submit their request in writing together with appropriate plans to the Trustees for approval. These plans must be signed by the neighbors on either side of the property undergoing alterations. Work may not commence before the trustees have been furnished with written proof that the plans have been approved by the relevant planning authority. Occupation may only take place once the work is completed to the satisfaction of the Trustees.
- 15.2. Any alterations which change the elevation or include extensions to the building must be approved by the Trustees and also submitted to the relevant municipal authority for approval. Members attention is drawn to the fact that any building operations should be carried with due consideration to all members of the village. This applies specifically to the generation of noise and also the off loading of building materials on any part of the common property. It is to be clearly accepted that it is the member's responsibility to ensure that the persons carrying out the building work are aware of the requirements of these by-laws in regard to both the access into the village through the access control gate and also in respect of the use of the common property.
- 15.3. Vehicles should not be parked in a way that will inconvenience neighbors. The dumping of materials is forbidden. Specifically members attention is drawn to the fact that mixing cement and concrete on macademised areas is strictly prohibited. Should any spillage occur from the building operations, the member is responsible for ensuring that any areas damaged in this manner is washed down with water should this fail then with spirits of salts.
- 15.4. In the event of the macadamized area being badly damaged and repairs are necessary, these shall be to the account of the member concerned.

16. TV AERIALS

- 16.1. All television aerial and satellite dishes may only be erected with the written permission of the trustees. Such aerial and not to be erected in a position that is unsightly and must be erected safely, securely and mustn't be unsightly.

17. SALE OF PROPERTY

A member who has decided to sell his/her property shall :

- 17.1. notify the Board of Trustees advising when the property is to be offered for sale
17.2. Obtain the Board's approval to hold a show house and ensure that a responsible agent will be present during the times for the show house to operate the access control system and to conduct the public through the house and onto the common property. Members of the public may not be allowed to wander about on their own.
17.3. Any owner wishing to sell his unit is required to advise the Body Corporate and the prospective purchaser of the by-laws and the sale agreement is to include the Body Corporate house rules

The agent appointed to handle the sale may erect a "For Sale" BOARD AT THE ENTRANCE OF THE PROPERTY AND MAY ERECT A BOARD AT THE Forest Glen gates advertising a show house. Signs to be removed, reasonably soon after the sale of the property.

18. LETTING OF PROPERTY

- 18.1. An owner wishing to let his property is required to have his prospective tenant approved by the Body Corporate. In this regard he must submit the tenants full name, ID number, occupation, references, and number of proposed occupants of the unit to the Chairman and Trustees of the Body Corporate. All lease agreements shall include a copy of the house rules and these shall form part of such agreement.
18.2. Prior to occupation of the unit an acknowledgement from the tenant shall be lodged with the Trustees that he is aware of the rules and agrees to abide by them.
18.3. Subject to the above conditions being fulfilled permission to let will not be unreasonable withheld.
18.4. The owner must make known to their tenant that any breach of the aforesaid regulations could result in termination of the said lease.
18.5. The owner does not let his unit for a period of less than six (6) months.

19. BREACH

In order to provide for the enforcement of any of the provisions hereof or any other rules or regulations made by the Trustees, the Trustees may:

- 19.1. Do all things as they may consider reasonably necessary to remedy the breach of these by-laws and regulations of which the owner may be guilty and debit the cost thereof to the member concerned. These costs shall, upon written notice from the Trustees, be deemed to be an enforceable debit then due and payable.
- 19.2. Immediately proceed to obtain appropriate relief from any Court in the name of the Body Corporate without notice. In such an event the Board of Trustees may appoint such attorneys and legal counsel as it deems fit and the attorney and own client costs including those of Counsel incurred will be recoverable from the member concerned only in the event of that member being found to be in default.
- 19.3. recover a fine or other penalty from the member in respect of any transgression provided that any such fine shall first be reviewed and confirmed at a general meeting of the Body Corporate.
- 19.4. For as long as any owner remains in breach of the provisions hereof, the owner shall not be entitled to exercise his/her vote at any meeting of the Forest Glen Body Corporate provided that the Board of Trustees has, prior to such meeting, notified the owner of such breach.
- 19.5. The Trustees shall notify the owner of the said breach in writing. If the owner has not remedied the said breach within a reasonable period of time, then the foregoing clauses will be enforced.

20. EMPLOYMENT OF STAFF

- 20.1. The Board of Trustees shall adhere strictly to all conditions laid down from time to time by the authorities. The Board of Trustees may at its discretion recommend honoraria or grant relief from levies in return for certain services rendered by member of the Body Corporate.
- 20.2. The approval of payment of honoraria needs the sanction of the members at an Annual General Meeting.

21. HAWKERS AND CANVASERS & UNAUTHORISED VISITORS

- 21.1. The presence of hawkers on the property is considered undesirable and their visits not permitted.
- 21.2. An owner who provides access to the property to any person shall be liable for any damages, theft or other loss caused by such person to any other owner or to the common property.

22. SLAUGHTERING OF ANIMALS

The killing of animals or birds on the property is expressly prohibited.