

PERSPECTIVES BODY CORPORATE
(SS 302 /2004; 28/2005; 351/2005)

Policy on the use of common property at Perspectives

Purpose:

To regulate the use of common property in such a way as to prevent nuisance, need for - and cost of - additional cleaning and repairs caused by certain activities

Defined terms:

- **"OHSA"** : Occupational Health and Safety Act (85 of 1993)
- **"STSMA"** : Sectional Titles Schemes Management Act (8 of 2011)
- **"RMR"** : Regulation Management Rule
- **"RCR"** : Regulation Conduct Rule
- **"PCR"**: Perspectives Conduct Rule as approved at the 2021 AGM/SGM
- **"common property"** : any areas of the Perspectives building, including external surfaces of sections
- **"use"** : any activity which entails the use of any common property in a way which amounts to more than ordinary transit of persons
- **"user"**: a person who uses the common property for an activity which amounts to more than ordinary transit
- **"removals"** : the moving of household / furnishing items in and out of sections and exclusive use areas
- **"works"** : any activity aimed at improving, maintaining or repairing any section or exclusive use area
- **"heavy and/or bulky articles"**: articles of such a weight and/or size that they cannot be carried by one unassisted person.
- **"extra-large articles"**: articles that are too large to fit into the goods lifts or to be carried via the fire escape stairs.

Context:

- Insufficient control has been exercised over the use of common property by users conducting such activities as removals, transport of heavy and/or bulky articles, transport of extra-large articles, and/or conduct of works within the building.
- The results of this insufficiency of control have ranged from (1) inconvenience caused by obstruction (2) an increased need for cleaning and (3) damage to common property.
- General inconvenience needs to be avoided, in particular where it may lead to conflict.
- The cost of additional cleaning and/or repairs required as a result of the activities of users must be attributed to, and recovered from, those concerned as opposed to being carried all by owners in accordance with their participation quota.
- This policy replaces any previously adopted procedures and practices in respect of the use of common property at Perspectives.

Principles:

The convenience of some needs to be balanced as against the convenience of all others; and the cost of cleaning and/or repairs occasioned by some must not be carried by all.

The following legislation needs to be considered:

- OHSA: the applicable / relevant provisions
- STSMA section 13(1)(d): use of common property
- STSMA section 13(1)(f): change of ownership or occupancy
- STSMA RMR 30(b): use of common property
- STSMA RCR 2: refuse and waste disposal
- STSMA RCR 4(1): damage to common property
- STSMA RCR 7: behaviour on common property

The following rules need to be considered:

- PCR 2.2 on disposal of extra-ordinary waste
- PCR 4 on damage to and obstructions on the common property, in particular owner liability (4.4), obstructions (4.5), transgression penalties (4.8) and procedures & ordinary working hours (4.9)
- PCR 5.2 on objects left on common property
- PCR 8.2 on letting and leases and 8.5 on use of common property 'with diligent care'
- PCR 10 on 'security', together with directives issued by trustees
- PCR 12 on visitors, guests & employees
- PCR 17.1 & 2 on 'behaviour'
- PCR 19 on 'use of lifts'

Policy:

General:

- Only lifts which are suitably protected with side-wall covers and mats may be used for removals, transport of heavy and/or bulky articles and conduct of works.
- No removals, transport of heavy and/or bulky articles or transport of extra-large articles will be allowed via any of the entrances in Roeland Street.
- A condition of use shall be that the user cleans up as soon as the activity being conducted has caused the need for clean-up, in particular if a hazard is created.
- Inspection of the condition of the common property involved shall take place in each instance, daily - once at the commencement of the activity concerned and once at its completion. In the case of any damage, the building manager should be notified to verify. In the case where the building manager is not on site, then the site senior security guard on duty to physically inspect and verify. The building manager to email owner in the case of a damage issue and supply quotations to have repairs carried out.
- Should any cleaning by Perspectives' contractors be required as a result of a user failing to clean up immediately after being required to do so, the sum of R 250.00 shall be charged.
- Trustees may use their discretion to refuse, approve or approve subject to conditions an application for use of the common property.
- Trustees shall keep in mind the relevant legislative framework, rules, directives and overall requirements of the scheme as a whole in the reasonable exercise of their discretion.
- A condition that a sum of money is paid as a damage deposit shall be a reasonable condition and the amount of the deposit for activities other than the conduct of works

(which in terms of PCR 4.9 shall be a minimum of R 5000.00) will be determined by the anticipated impact of the activity.

- No application may be unreasonably refused.

Removals:

- Removals, being an activity scheduled well in advance, shall require notice of not less than 10 working days to be given.
- No more than 3 removals per day may take place.
- Removals may take place only between the hours of 08h00 and 17h00 Monday to Friday.
- Removals may take place only between the hours of 09h00 and 16h00 Weekends and Public Holidays.
- Removals cannot take place during load shedding. The load shedding schedule should be checked prior to removal taking place to ensure that an alternative time can be arranged if needed.
- A damage deposit of R 1500.00 will be required.
- A lift use fee of R 200.00 shall be charged as a contribution towards the cleaning of lift side-wall covers and replacement of mats. This fee shall be taken from the deposit that has been paid.

Works:

- Unless there is a demonstrable emergency, all use of common property for the purposes of conducting works at Perspectives must be arranged in advance on reasonable notice and may not take place on days when removals are scheduled.
- The reasonableness of notice in respect of works will depend on the amount of nuisance and / or burden the intended use of common property is likely to cause.
- A damage deposit of R5000 will be required as per PCR 4.9.
- A lift use fee of R 200.00 shall be charged as a contribution towards the cleaning of lift side-wall covers and replacement of mats. This fee shall be taken from the deposit that has been paid.

Transport of heavy and/or bulky articles:

- Must be reported to security prior to the item being delivered or collected.

Transport of extra-large articles:

- Must be approved by trustees prior to the date of transport of the item.
- Confirmation that the extra-large article cannot be disassembled and transported in sections will be required.
- An extra-large article which requires hoisting can only be hoisted from two locations: (1) the 2nd level open parking garage floor which faces Commercial Street or (2) from Roeland Street itself. Please note that for option (2), additional permission from the City of Cape Town may be required.
- Under no circumstances are any contractors allowed to walk on or work from the IBR roofing that covers the parking areas.
- The contractor contracted to transport the extra-large article must have expertise in this type of transport and be able to supply proof thereof. Please note that evidence

of compliance with the requirements of OHSA and its regulations to the satisfaction of trustees will be required.

- The contractor must meet with the building manager prior to the written application to the trustees being submitted and explain the intended methodology so that any possible issues can be addressed before trustees consider the application.
- Should the location of the apartment be such that there is no access from either (1) the parking deck floor or (2) Roeland Street, the transport will not be permitted.
- Should permission be granted by the trustees, two conditions will apply, namely (1) no balcony railings may be used to anchor any ropes or straps which may be required for the transport and (b) the owner of the apartment concerned must accept liability in the event of any damage to any external aspects of the building.
- A damage deposit of R1500 will be required.

Procedure:

Removals:

- Approval should be requested via email to the building manager prior to the date of moving in/out.
- On the day of moving in/out, the person who is moving (owner or tenant) to report to security in order for arrangements to be made for pre-inspection, handover of lift mat & security supervision as required.
- The R1500 damage deposit for removals must be paid to security in cash on the day. A receipt will be issued by security. The refund (less the lift use fee) can be collected from security after an inspection has been completed.
- CP1 form will be handed to security by the building manager. Security will use this form to complete pre & post inspection of common property and note any damage and/or additional cleaning requirements.
- Doors into the basement lift lobby may not be wedged open.
- Residents/owners and persons assisting in the move must adhere to all instructions and directions given by the security guards. If these instructions are not followed security may stop the process and call the building manager to intervene.
- Removals may only be done via the Commercial Street sliding gate entrance.
- Vehicles which exceed the 2.3m height restriction at the entrance to the Perspectives parking area may not enter. These vehicles may park in the Commercial Street driveway outside the gate and along the fence of the neighbouring parking area.
- Vehicles which are lower than 2.3m in height may enter and may park in the 'loading bay' near the gate provided permission for the use of this bay has been obtained.
- The gate must be operated by a security guard.
- Common property must remain as unobstructed as possible during the removal.
- To this end, offloading of items will be controlled in the following manner: (1) all large items which can obstruct common property merely because of their size must be moved from the vehicle directly into the apartment and (2) smaller items may be stacked neatly in the designated 'staging area' near the gate and the designated 'staging area' basement lift lobby before being moved to the apartment via the 'goods lift/s'.
- Loading up will be controlled in reverse order, i.e. (1) large items to be moved from the apartment directly to the vehicle and (2) smaller items may be stacked neatly in the two designated 'staging areas' already mentioned

- The 'goods lift/s' must be operated by a security guard

Works:

- Approval must be requested via email to the building manager a reasonable time prior to works commencing. The building manager will present the request to trustees for approval.
- The R5000 deposit for works is required before commencement of works and is refundable within 30 days as per PCR 4.9 (less the lift use fee).
- On the day of start of works, the owner or the owner's duly authorised representative is to report to security in order for arrangements to be made for pre-inspection, handover of lift mat & security supervision as required.
- CP1 form will be handed to security by the building manager. Security will use this form to complete pre & post inspection of common property and note any damage and/or additional cleaning requirements.
- To minimise the transfer of dust into the passageway & neighbouring apartments, please ensure that the front door is closed throughout the duration of the works being completed. Contractors should also make use of a mat when exiting the apartment to further minimise dust transfer.

Transport of heavy and/or bulky articles:

- Report to security prior to delivery or collection taking place.
- Use of the 'loading bay' to be arranged with security.

Transport of extra-large articles:

- Approval must be requested via email to the building manager a reasonable time prior to the intended transport. The building manager will present the request to trustees for approval.
- The R1500 damage deposit for moving of extra-large articles must be paid to security in cash on the day. A receipt will be issued by security. The refund can be collected from security after an inspection has been completed.
- The building manager or a security guard must be present to oversee the transport of any extra-large article.

Annexures:

Application form "CP1"

PLEASE NOTE

In the event of REMOVALS, additional compliance with STSMA section 13(1)(f) is required and in the event of any WORKS involving alterations, construction / building operations and related activities, compliance with the remainder of PCR 4.9 is required (ie. approval of the works themselves).

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Policy on the use of common property at Perspectives building
ANNEXURE “CP1”

**APPLICATION FOR APPROVAL OF A WORKS, REMOVALS AND TRANSPORT OF
HEAVY AND/OR BULKY ARTICLES**
To be read together with policy document

APARTMENT NUMBER:	
NAME OF CONTACT PERSON:	
CONTACT NUMBER:	
TYPE OF ACTIVITY:	WORKS / REMOVALS / TRANSPORT OF HEAVY AND/OR BULKY ARTICLES
START DATE:	
END DATE:	
EMAIL REQUEST RECEIVED FROM OWNER	YES / NO
DEPOSIT RECEIVED (APPLICABLE TO WORKS & REMOVALS ONLY)	YES / NO

TIME IN:		OB NUMBER:	
TIME OUT:		OB NUMBER:	
			COMMENTS
	APARTMENT REPRESENTATIVE SIGNATURE	SECURITY SIGNATURE	Note any damages or defects Prior to offloading and transporting Goods/ furniture

INSPECTION OF LIFT AND PASSAGES TO APARTMENT <u>PRIOR</u> TO MOVEMENT OF GOODS/ FURNITURE			
INSPECTION OF LIFT AND PASSAGES TO APARTMENT <u>AFTER</u> MOVEMENT OF GOODS/ FURNITURE AND LIFT PROTECTION MAT RETURNED (only applicable			

			COMMENTS
DATE / TIME IN:		OB NUMBER:	
DATE/ TIME OUT:		OB NUMBER:	
DATE / TIME IN:		OB NUMBER:	
DATE / TIME OUT:		OB NUMBER:	