

CVPOA PENALTY PROCEDURES AND PENALTIES w.r.t. PROPERTY MAINTENANCE

INTRODUCTION

The primary objective of the CVPOA is to enlist the full co-operation of all Members and their tenants to promote, enhance and protect our communal interests through the continuous upkeep of property.

In terms of the CVPOA Constitution, certain Rules and Regulations for property maintenance were adopted with a view to attaining the above goal. In addition, appropriate measures were put in place to notify owners in writing of such failures in maintenance that warranted their immediate attention. After the period of notification, varying in duration from 24 hours to 30 days depending on severity, the failure both to respond in writing and to affect the required maintenance or compliance, a penalty or penalties would be imposed in keeping with those formally approved at a general meeting and currently on the published schedule.

Every owner of an Erf automatically becomes a member of the CVPOA upon registration of the said Erf. All Members, and their successors in title or assignees, are bound by the provisions of the Constitution, and the Rules and Regulations emanating therefrom.

It is every Member's obligation, and that of his lessees or tenants, to familiarise themselves with the said Constitution, Rules and Regulations, and Penalty Procedures and Penalties. It is only with genuine respect and consideration on the part of all residents of Century View, for all fellow residents, that harmonious living will be achieved, and the precinct kept in a pristine condition.

The Penalty Procedures and Penalties will be reviewed, as and when necessary, to ensure that they remain relevant and continue to serve the communal interests of the members of the CVPOA. A Member wishing to receive clarification and or guidance on any aspect of the Penalty Procedures and Penalties, should request such clarification or guidance from the CVPOA.

The definitions and interpretations contained in the Constitution shall apply equally to these Penalty Procedures and Penalties unless otherwise specified.

1. Objectives of the Penalty Procedures and Penalties

- 1.1 The primary objective of the Penalty Procedures and Penalties are to ensure that Members are following the CVPOA Constitution and Rules and Regulations, to ensure a harmonious relationship between and among all residents of the estate and to ensure that property value is maintained through the continuous and adequate maintenance of every owner's property.
- 1.2 The amount of the penalties or fines will be set by the Trustees of the CVPOA and upon approval at a general meeting will come into effect.

2. Penalties

Any Member and any person(s) he/she is responsible for, who contravenes the CVPOA Constitution and any Rules and Regulations promulgated for property maintenance by the CVPOA may be liable for a penalty after an initial warning. The penalty so levied will be consistently applied and in a just and fair manner. Note that:

- The CVPOA Trustees will from time to time look at the reasonableness of the fines and place a schedule before a general meeting for adoption.

CENTURY VIEW PROPERTY OWNERS ASSOCIATION

TRUSTEES: E. LEE PAN [CHAIRMAN] | R. RUGHUBAR [VICE – CHAIRMAN] | F. GRUNEWALD | D. GROVES | R. JORDAAN |
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- Non-receipt by a Member of the list of penalties shall not invalidate his liability arising from the imposition by the CVPOA of any penalty included in the list of penalties.
- A penalty must be paid within 21 (twenty-one) working days of it being issued.
- Failure to pay a penalty within the period prescribed will result in interest and other charges accruing.
- The payment of all legal fees and costs incurred by the CVPOA to enforce violations or collect fines shall be borne by the Member.
- It is the Member's responsibility to inform his/her tenant/s of the Rules and Regulations and penalties. Note that the Member is responsible for any common area damage caused by the tenants and is responsible for the payment of the fine.
- The penalties will always be applied in an objective procedurally fair manner.
- No spot fine will be imposed and each fine that is imposed will follow the process set out below.

3. Procedure for levying a Fine or Penalty

Members to acknowledge receipt of all courtesy and formal letters of notification.

3.1 First Violation:

A courtesy letter from the Managing Agent citing the specific violation(s) and requesting correction of said violation(s). If possible, photo(s) will be attached to the courtesy letter or letter of notification. Under certain conditions a verbal request for urgent action may be issued but that will be followed up by a courtesy warning letter.

3.2 Second Violation:

A formal letter be sent from Managing Agent's office requesting the Member to address maintenance breach within a specified period. The letter will identify the nature of the maintenance violation(s) and provide the date and time. If possible, photo(s) attached to the formal letter. If the Member fails to address the breach within the specified period, a monetary penalty will then be imposed against the Member. The Trustees will notify the Member, in writing, of its decision.

3.3 Ongoing Violation*:

The Trustees may impose an ongoing monetary penalty, assessed on a bi-weekly basis, with additional formal notice, until the breach or violation has been remedied.

*(*An ongoing violation is a violation of a continuing nature which has not been corrected)*

3.4 Repeat Violation:

A repeat violation occurs when a person violates the same provision of the CVPOA's governing document more than once in a calendar year and has already been given the appropriate warnings. A repeated violation will result in an immediate doubling of fines.

3.5 There may be a repeat, ongoing violation, in which case fines (which have been doubled) will be assessed on a bi-weekly basis until the violation is corrected.

4. Complaint and/or Objection Process

4.1 Complaints and/or objections can be lodged in writing with the Managing Agent.

4.2 The Trustees of the CVPOA will consider the complaint and/or objection.

4.3 The Trustees must consider any representations received or made by the Member. The Member and/or tenant will be notified in writing on the decision taken.

4.4 An aggrieved Member not satisfied with the decision of the Trustees may then lodge a dispute in terms of the CVPOA Constitution.