



HOUSE RULES

1. INTRODUCTION

- 1.1 The prime objective of the MIDLANDS Estate Home Owners Association (hereafter referred to as MHOA) is to promote, enhance and protect the communal interests of its Members. To obtain this goal, the residences and related facilities are managed by means of an appropriate set of house rules.
- 1.2 The House Rules have been formulated in terms of the Memorandum of Incorporation (hereafter referred to as MOI) of the MHOA and are binding upon all the Owners of stands (henceforth referred to as Members) and their successors in title, or assignees.
 - 1.2.1 It is the sole responsibility of the Members to familiarize themselves with the stipulations of the MOI of the MHOA and furthermore to ensure that their tenants, lessees, visitors, friends and their contractors and employees comply with the Rules.
 - 1.2.2 General consideration by all residents for the rules and each other will greatly assist in assuring peaceful coexistence in the estate.
 - 1.2.3 In line with the current POPI regulation, all members, their tenants, lessees, visitors, friends
Consent in terms of POPI (PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013) and herewith give consent in terms of section 11 of above-mentioned Act that the Midlands Home Owners Association (Hereinafter referred to as the "MHOA") may collect and process all data I have furnished them for the purpose of Security and Protection including, but not limited to access control by means of any electronic device such as biometric finger printing, Number Plate Recognition and Facial recognition access control systems and CCTV monitoring.

Furthermore, that the MHOA may collect and process all data furnished by myself for the purpose the MHOA deemed fit for any administration process in terms of the Companies Act 71 of 2008 to comply with the MHOA's Memorandum of Incorporation (MOI) and relevant rules proclaimed in terms of this MOI.

In order to regulate and enforce these rules, it will be necessary to do physical inspection of members properties in order to ensure that these rules, as set out in this document is adhere to. This will entail the collection of data via physical inspection and or camera footages where an infringement is noted. This will be stored in line with the MHOA retention police

2. MEMBERSHIP

- 2.1 Membership is established automatically on date of registration of a stand/unit in a person(s) / legal entity's name.
- 2.2 Membership of the MHOA is terminated as soon as the Member ceases to be a registered Owner of a stand or unit in the estate.
- 2.3 The registered Owner of a stand or unit may not resign as a Member of the MHOA.
- 2.4 The rights and obligations of a Member are not transferable independently from the transfer of his property rights, and each Member shall:

- 2.4.1. to the best of his/her ability promote the interest and aims of the MHOA, and strictly comply with all rules made by the MHOA.

3. DIRECTORS

- 3.1 The Board of Directors consist of a minimum of 4 (four) and a maximum of 7 (seven) Directors.
- 3.2 The Board must fulfil all its obligations and may exercise all its rights in terms of MOI and the House Rules, which may be amended or changed by means of a resolution by the Board of Directors. No new or amended House Rule shall invalidate any preceding act of the Board.
- 3.3 The Board has the right to co-opt any person or persons designated by it on any committee which the Board may convene and under such conditions as the Board may from time to time prescribe
- 3.4 The Board may not make rules which are contrary to the MOI of the MHOA. The Board may, over and above the aspect mentioned in paragraph 5 of Article 5 of the Memorandum of Incorporation (MOI), also makes rules pertaining to any subject in promoting the objects of the MHOA, including the appointment of committees.

4. LEVIES AND ADMINISTRATION

- 4.1 The MHOA has the authority to collect levies from its Members to pay for expenditures made by the MHOA or expenditures which the Board may within reason anticipate the MHOA will need to incur in future, with regard to maintenance, repairs, improvements or upkeep of any of the common properties (for example the boundary wall, entrance gate, open areas, fencing, roads and storm water systems, etc.), and in general for the payment of all expenses reasonably, or by necessity, incurred in terms of the management of the MHOA, and/or pursuant to its main objective as it was set out in the MOI.
- 4.2 In terms of MOI, Members are obliged to pay levies as determined by the Board of Directors. The levies shall be as follows:
- | | | | |
|---|-------------|---|-----------|
| - | Res I stand | : | Full levy |
|---|-------------|---|-----------|
- 4.3 The Financial Committee of the Board shall, in accordance with the MOI, budget for an amount required by the MHOA to pay for expenses to be incurred during the forthcoming financial year.
- 4.4 All levies are due and payable in advance on the first day of each and every month.
- 4.5 A Member agrees and undertakes to pay interest on any outstanding amount(s) at a rate as determined by the Board of Directors of the MHOA from time to time, which rate shall not contravene the maximum current prescribed rate as determined by the national Credit Act (NCA) Act 34 of 2005.
- 4.6 Further penalties or legal action, to be determined from time to time, will be imposed on Members with accounts in arrears. Where Members levy account is in arrears by 30 calendar days (1 calendar month) the MHOA shall hand such accounts over for collection. The MHOA shall be entitled to recover all legal costs incurred on an attorney client scale.
- 4.7 Should approved additions to a house/property not be completed within the agreed time period as per the CoC or Special projects agreement, a double levy (as per the CoC) will be levied on that stand until the MHOA issues an Aesthetical Compliance Certificate for the approved addition on that stand.
- 4.8 It is and remains the responsibility of the Member to book a final inspection with the MHOA on completion of the approved addition. An Aesthetical Compliance Certificate will only be issued once the MHOA has done a final inspection and all work has been completed as per the approved plans
- 4.9 The Board has the right to penalise transgressors where any of the rules as stipulated by the MHOA from time to time have been broken or infringed upon. Should the owner still fail to comply with the rule in question the MHOA will hand the matter over to its lawyers to obtain a court order to compel the owner to comply with the rule in question, at the cost of the owner. See house rule Annexure A, B, C and D for reference.
- 4.10 A Member agrees and undertakes to pay all damages/losses caused directly and or indirectly by themselves, their family, visitors or Contractors as determined by the MHOA. Repair and or replacement cost will be levied directly to a member's levy account. The MHOA will not negotiate with a Members insurance company or a third party in order to settle claims. Members acknowledge that they are responsible for any damages/losses caused by their Visitors and or Contractors.

5. MEETING OF MEMBERS

- 5.1 The MHOA will conduct General and Special Meetings as required in the MOI and relevant notification will accordingly be given to all Members.
- 5.2 A General Meeting will be convened annually, within a six-month period after the financial year end.
- 5.3 Whenever a vote is taken at MHOA meetings, every Member is entitled to one vote per stand/unit provided the Member's levies have been paid in full.

6. USE OF STANDS/LIVING UNITS

- 6.1 A stand may be used solely for residential purposes by the Member himself, his family or tenants, and a maximum of two domestic workers per dwelling. All persons above the age of twelve years residing at the property, whether temporary or permanently, must be registered on the biometric access control system of the Estate.
- 6.2 No behaviour which is a disturbance or dangerous or which poses any form of a security risk to other residents or the Estate in general may be conducted on any stand, in any unit or in any public place or common area. This includes hobbies such as operating any type of radio control craft, jumble or garage sales, the keeping of bees, the keeping of hazardous materials, discarding of hazardous materials or its containers, openly transacting with large amounts of cash, the keeping of jewellery or other items of high value for trading purposes, any gathering or meeting of people for purposes other than social. The receipt, dispatch or storage of any large number of goods of whatever nature for purposes other than normal domestic use by the resident's household. No household may practice or participate in any activity outside of its normal household activities which may place additional strain on the personnel or infrastructure of the Estate
- 6.3 No property may be utilised as a commune in any way or form without the permission of the HOA. Such permission will only be granted subject to specific conditions which will be at the sole discretion of the HOA. These conditions will amongst others include that the parking of vehicles will only be allowed on hard surfaces on the premises and that a maximum of only one occupant per bedroom will be allowed. Only bedrooms originally approved as such by the Aesthetical Committee on the original building plans will be regarded as bedrooms. No person may occupy a caravan and or any temporary structure on any particular stand. The use of any property, or part thereof, for purposes of occasional accommodation such as a hotel, hostel or bed and breakfast accommodation is strictly forbidden.
- 6.4 Any portion of a Member's property may only be utilized for the purpose as indicated on the approved building plans. One granny flat per dwelling will be allowed provided it is approved as such on the building plans by the Aesthetics Committee. Only stand owners are allowed to rent out granny flats. The number of occupants may not exceed two, with a lease agreement term of not less than six months, this includes the main dwelling. A copy of the lease agreement must be handed to the HOA which will also be used to register the occupants on the security system for the duration of the lease term. For the added occupancy of the property, the HOA may collect an additional levy amount from the owner which is equal to 25% of the normal monthly levy amount of that particular stand.

7. ROAD SAFETY RULES

- 7.1 The streets inside the Estate are private streets and fall under the jurisdiction of the MHOA. Speed is enforced as a house rule. All RSO's is equipped with bodycam vest and all interactions with members, visitors or contractors is recorder in line with the POPI act.
- 7.2 The National Road Traffic Act, 1996 (Act No. 93 of 1996), as amended from time to time and the Regulations made there under, as well as the by-laws of Ekurhuleni Metropolitan Municipality, may be used as a guide when enforcing the House Rules relating to Road Safety violations.
- 7.3 The following are some of the rules applicable to the streets in the Estate:
 - (a) The streets are for the use of all residents of the Estate, their visitors, contractors and emergency vehicles.

- (b) The speed limit is restricted to 30km per hour (30 km/h).
- (c) All traffic signs on the roads and instructions of road safety officers must be adhered to.
- (d) Parking on paved walkways, pavements and parks are prohibited.
- (e) The use of any motor vehicle or motor cycle with noisy exhaust systems or without a helmet is prohibited.
- (f) No motor cycles or any other motorised vehicles are allowed on walkways or jogging paths.
- (g) Pedestrians must cross streets at designated crossings on the Estate and they have the right of way at such crossings.
- (h) Only licensed persons may drive an engine powered vehicle in the Estate.
- (i) Only licensed motor cycles and motorised vehicles may be driven in the Estate. All motorcyclist shall wear an appropriate helmet whilst driving on the roads.
- (j) Parents must oversee the safety of their children on the streets of the Estate.

7.4 The MHOA may add other violations to the list as mentioned in paragraph 7.3 after the Board of Directors has approved it. Additions will be announced to members prior to new regulation being implemented.

8. GOOD NEIGHBOURLINESS

- 8.1 The conduct of Members must in all respects and at all times adhere to and advance the objectives and goals of the MHOA.
- 8.1.1 Domestic activities must at all times be conducted in a spirit of consideration and respect towards neighbours, the neighbourhood and the Estate as a whole.
- 8.1.2 The volume of music, musical instruments, partying, social events and general domestic activities of Members must at all times be kept at a level so as not to create a nuisance or disturbance to neighbours.
- 8.1.3 Subject to Rule 8.1.2, no loud music, party related noise or any other noise related activities that may cause a nuisance or disturbance will be allowed between the times stipulated below:
 - i. Monday to Thursday - From 22H00 through to 07H00 the next morning;
 - ii. Friday - From 23H59 through to 07H00 Saturday morning;
 - iii. Saturday - From 23H59 through to 07H00 Monday morning.
 - iv. Sunday - No loud music or noise related activities will be allowed.
- 8.1.4 Non-compliance with this rule may result in the issuing of a penalty.
- 8.1.5 Owners are responsible to ensure that all their visitors and tenants adhere to sub-rules 8.1.1 to 8.1.4
- 8.2 Washing lines must be suitably screened from neighbouring properties. To be regarded as sufficient, any screen or structure other than a brick wall or solid gate must be approved by the Aesthetics Committee
- 8.3 Refuse, refuse bins (except on official collection days) and garden refuse bags may not be placed on the pavement. Garden refuse must be removed on the same day.
- 8.4 Members must ensure that employees and contractors do not loiter in the Estate, and specifically not at any prominent places such as gates, road circles, streets, parks, etc. Members utilizing garden services must make provisions for employees, contractors and domestic workers to await pick-up within the stand walls and not on sidewalks.
- 8.5 In the event of complaints, the parties involved should attempt as far as possible to settle the matter between themselves, exercising due tolerance, fairness and consideration.
- 8.6 Electric power tools, lawnmowers, edge cutters or similar may only be used between 08:00 and 18:00 on weekdays and 07:00 to 15:00 on Saturdays. No noisy activities are allowed on Sundays or Public holidays.

- 8.7 Noise emanating from building and maintenance activities is limited to the hours stipulated in the Owners and Contractors Code of Conduct.

8.8 Installation and use of Generators

All generator installations, including Wind Turbines are subject to Aesthetical Committee & MES approval under the following conditions;

Aesthetic Requirements

- 8.8.1 Only permanently installed generators will be allowed and may not be visible from the street or the natural ground level of neighbouring stands.
- 8.8.2 All generator screens or elements to be painted or screened in materials or colours that compliments the design of the property. Approval needs to be obtained by the Aesthetical Committee prior to installation.
- 8.8.3 All generators shall be enclosed in a sound proof enclosure to reduce operation noise to be within 65dB
- 8.8.4 Temporary and or portable generators will not be allowed for domestic or stand-by use, other than for construction purposes for which prior approval is required. No Wind Turbine installations will be allowed, owners are urged to consider alternative energy generation like Solar installations.

Position

- 8.8.5 All generator positions are to be indicated on the house plans and approved by the AC after site inspection has been completed by the Aesthetical Committee.
- 8.8.6 Generators are to comply with all building lines and servitude restrictions and may not be placed near the entertainment area or bedrooms of the adjacent stands.
- 8.8.7 Generators may not be moved from the approved position without formal approval from the Midlands HOA.
- 8.8.8 Approved operating position is subject to consideration of adjacent structures.
- 8.8.9 No generator shall be placed next to a boundary wall nor shall the boundary wall be used to partially screen such generator.
- 8.8.10 The Midlands HOA may request the owner to obtain his/her neighbors' approval to place a generator should the Midlands HOA deem it necessary.

Noise

- 8.8.11 Generators must be operated in such a way to not be a nuisance to neighbours and in accordance with the House Rules for Good Neighborliness.
- 8.8.12 Operating hours must be restricted by a timer device to **7:00 - 22:00** irrespective of power outages. Where this is not possible, approval must be obtained from the HOA before installation is affected. **(No generator will be allowed to operate between 22:01 and 06H59)**
- 8.8.13 The sound emanating from a generator may not be more than 65dB.
- 8.8.14 Only SABS approved generators will be approved by the HOA. An operator's instruction shall be provided to the HOA prior to approval, indicating SABS approval as well as sound emission of generator not exceeding 65dB.
- 8.8.15 All generators shall be fitted with a proper manufactured approved sound muffler in order to reduce noise and air pollution.

Pollution

- 8.8.16 Exhaust fumes must be discharged in such a way to not cause fume concentrations.
- 8.8.17 Exhaust fumes must be directed towards the street or larger open area on the stand and not the neighbouring properties.

MES/Technical Requirements

- 8.8.18 Apart for the Midlands HOA approval, approval must be obtained from MES before installation is done.
- 8.8.19 All generator installations are to be done in line with SANS Regulations by a qualified Electrician whom have registered with MES.
- 8.8.20 Fuel storage as per City of Ekurhuleni By-Laws.

SLAUGHTERING OF ANIMALS FOR CULTURAL OR RELIGIOUS

- 8.9 Slaughtering of animals for religious and/or cultural purposes shall only be permitted within the confines of a section or in the exclusive use area allocated to the person requiring consent to slaughter (and not under any circumstances on any other common property) subject strictly to the following conditions:
- 8.9.1 At least two weeks written notice of the intended religious or cultural event requiring such slaughter must be given to the Midlands HOA, specifying:
- i) The date and time of the proposed slaughter;
 - ii) The type of animal to be slaughtered;
 - iii) The name of the person who will carry out the slaughter and the number of times he/she has carried out a slaughtering of this nature;
 - iv) Confirmation that the animal will be brought onto the premises on the day of intended slaughter and that the carcass and all remains of the animal, will be removed immediately from the premises after the act of ritual slaughter;
 - v) A notice/permit from the local authority must accompany the above notice confirming that all by-laws with regard to the ritual slaughter have been/will be complied with;
 - vi) A notice from the health department must accompany the above notice confirming that health department specifications with regard to the ritual slaughter have been complied with;
 - vii) A certificate from the Society for the Prevention of Cruelty to Animals (SPCA) must accompany the above notice confirming that an official from the SPCA will be present at the proposed event to ensure that the animal to be slaughtered will not endure unnecessary pain and suffering during such slaughter.
 - viii) A written undertaking shall be provided to the Midlands HOA one week prior to the slaughter, that the carcass of the animal will be removed, and the area thoroughly cleaned and sanitised as soon as the ritual is completed.
- 8.9.2 A period of one week's notice must also be given to all adjacent stands by the applicant of the date and time of the proposed slaughter.
- 8.9.3 Failure to comply with the above requirements shall entitle the Midlands HOA to prevent the act of ritual slaughter from taking place on the premises and debiting the stand owner(s) concerned with any costs incurred.

Functions exceeding 30 guest and 10 vehicles:

(This refers to but not limited to: Weddings, Engagements, Birthdays, Anniversaries, house warming.....ect)

- 8.10 At least two weeks written notice of the intended function/event must be given to the Midlands HOA, specifying:
- 1. Type of function/event planned
 - 2. Date of planned function/event
 - 3. Total of guest invited (Refer house rule 12.5)
- 8.10.1 At least two working days written notice must be given to all neighboring owners informing them of the planned function/event (The MHOA will assist in this regard) once written approval has been received from the MHOA
- 8.10.2 The following clauses as set out within the Midlands HOA House rules must be strictly adhere to:
- Clause 7.1 through to Clause 7.4
 - Clause 8.1 through to Clause 8.1.5
 - Clause 8.9 through to Clause 8.9.3 (Slaughtering of Animals)
 - Clause 11.1 through to Clause 11.3.(a)
 - Clause 11.7(a) and (b)
 - Clause 11.16
 - Clause 12.4 and 12.5
- 8.10.3 No marquee tents and or similar structures will be allowed to be erected within any stand. Functions / events must be

accommodated with the boundaries of the dwelling/house

- 8.10.4 The member is responsible to ensure that his/her guests do not;
- 8.10.4. a loiter in the street
- 8.10.4. b interferes in any way or form with any other member and or his/her family or visitors
- 8.10.4.c use alcohol outside of his/her stand
- 8.10.5 No caravan, campervans, tents or any other similar temporary accommodation with be allowed on the stand. All guest must be accommodated within the dwelling/house
- 8.10.6 The MHOA reserves to right to stop such function from taking place where the MHOA did not approve such function/event in writing, or where any of the suspensive clause has not been met.
The MHOA reserves the right to levy a maximum penalty against the member

Funerals exceeding 30 guest and 10 vehicles:

Midlands HOA embraces and respect all its members believes, religion and cultural traditions and has a responsibility towards all its members to ensure that its members are accommodate within the confinements of the house rules, By-Laws and Laws of the country. Similarly, the MHOA has a responsibility towards all its members to ensure that the rights of all its members is not jeopardized and or infringe on. In order to facilitate funerals within the estate the following rules must be adhere to:

- 8.11 Written approval must be obtained from the MHOA prior of the planned funeral and is subject to;
- 8.11.a A minimum of 3 working days (Three working days) written notice must be given to the MHOA informing the MHOA of such a planned funeral
- 8.11. b The following clauses as set out within the Midlands HOA House rules must be strictly adhere to:
- Clause 7.1 through to Clause 7.4
 - Clause 8.1 through to Clause 8.1.5
 - Clause 8.9 through to Clause 8.9.3 (Slaughtering of Animals)
 - Clause 11.1 through to Clause 11.3.(a)
 - Clause 11.7(a) and (b)
 - Clause 11.16
 - Clause 12.4 and 12.5
- 8.12 The MHOA reserves to right to stop such funeral from taking place where the MHOA did not approve such a funeral in writing, or where any of the suspensive clause has not been met.
The MHOA reserves the right to levy a maximum penalty against the member

9. ENSURING A PLEASING STREETSCAPE

- 9.1 Members are responsible for maintaining the areas between the curb and the boundary of his/her property in a clean and pleasing condition. The MHOA can compel a Member or tenant to improve the aesthetic appearance of this area when deemed necessary, at the cost of the Member.
- Should an Owner need to protect the lawn on his sidewalk, concrete spheres can be used to keep vehicles off the lawn. Bricks, rocks and other material will not be allowed and can be removed by the HOA.
- 9.2 Garden fences and/or walls and outbuildings forming part of the streetscape must be regularly maintained and painted where necessary.
- 9.3 No trees, plants, lawns or pathways planted or developed by the MHOA on sidewalks may be damaged or removed without the permission of the MHOA. Sidewalks and parks form part of the property of the MHOA. Owners may not erect any personal structures like a fountain or wall on the sidewalk or parks.
- 9.4 Plants/trees/shrubs may not interfere with pedestrian traffic or obscure the vision of motorists. The MHOA has the right to cut, prune or remove any such plants/trees/shrubs at the members cost without prior notification. Where trees cause structural damages to sidewalks or roads, such repair cost will be recovered from and levied to the responsible member.
- 9.5 No "Wendy Houses/Zozo Houses" or similar types of structures may be erected. If a member refuses to remove such

structures, the MHOA may remove such structures at the cost of a member.

- 9.6 (a) Caravans, trailers, boats, equipment, tools, engine and vehicle parts, as well as accommodation for pets should not be visible from ground level from neighbouring properties or street(s). To be regarded as sufficient, any screen or structure other than a brick wall or solid gate must be approved by the Aesthetics Committee.
- 9.6 (b) No person may park any ground moving equipment, industrial vehicles, or any commercial vehicle with a capacity larger than 2.5 tons on their premises or anywhere else inside the Estate.
- 9.7 No doll's house shall be erected unless prior written permission has been granted by the HOA, subject to the following conditions:
- 9.7.1 The Member must apply in writing for permission from the MHOA to erect a structure for the exclusive use as a doll's house. A payment of R 1 000-00 is payable on approval of such doll house. In addition, a 2 (two) yearly inspection by the HOA will be conducted at a cost of R250.00 per inspection (non-refundable) this inspection cost will be levied against the house owner or tenants levy account.
- 9.7.2 Permission from the MHOA will be in writing and will only be for the use of the structure as a doll's house. The doll's house may not be used for accommodation, an office or garden/tool shed.
- 9.7.3 The floor area of the doll's house may not exceed 6m², measured externally;
- 9.7.4 In the event of the doll's house being visible from a street or an open area (park), the application for said permission for the doll's house will only be considered if the position has been approved by the aesthetics committee. This will require the submission of a layout plan indicating the position of the doll's house as well as all other structures and boundary walls on the property;
- 9.7.5 The floor of the doll's house must be on ground level and may not be elevated by means of poles or placed in trees.
- 9.7.6 The roof of the structure may not be unpainted corrugated iron.
- 9.7.7 The doll's house will be maintained throughout its life to the standard as originally approved by the MHOA
- 9.7.8 The MHOA may from time to time inspect doll's house to ascertain whether the doll's house complies with the set conditions.
- 9.7.9 It is a pre-requisite of issuing a clearance certificate for transfer of a residence that the structure must be removed;
- 9.7.10 In the event of a doll's house not complying with any of the above the penalty for the transgression of an aesthetical rule will be charged monthly until the transgression has been corrected or the structure has been removed.
- 9.7.11 No rainwater storage tank shall be installed unless prior written permission has been granted by the MHOA subject to the following conditions:
- The owner must apply in writing for permission from the HOA to install a tank.
 - The application must be accompanied by drawings of the tank indicating the position, size, material and screening thereof. If a pamphlet of the tank is available it must be attached to the drawings.
 - The tank must form an integral part of the complete structural and aesthetical design elements of the house, complementing its design and identity.
 - In the event of the tank being installed on ground level, it must be adequately enclosed, screened and concealed from the street and neighbour's natural ground level
 - In the event of the tank being installed underground, a structurally sound and proper accessible underground chamber must be constructed where the tank will be placed.
 - The water flow to the tank (i.e. via rain water down pipes) must be indicated on the drawings.
 - The application must be considered by the Aesthetical Committee and the Committee may require that the installation must comply with such national or local requirement that is applicable to water tanks.

10. ENVIRONMENTAL MANAGEMENT

- 10.1 Building material and/or rubble/filling and/or refuse may under no circumstances be dumped or discarded in any public area, including the conservation areas, parks, streets, sidewalks, dams or vacant stands.
- 10.2 Members and/or their guests and tenants must keep public spaces, playgrounds, parks etc. in a clean and tidy manner after using it. Littering is strictly prohibited.
- 10.3 (a) Picnicking will only be permitted in designated areas. Social activities in open parks will only be allowed between the hours of 08:00 to 21:00. No marquees, tents or gazebos larger than 12sq meters are allowed.
- 10.3 (b) Parks and swimming pools are solely for relaxation and entertainment by family members. Swimming pools will be locked between the hours of 21:00 and 06:00. The consumption of alcohol is strictly forbidden in all the parks.
- 10.4 Flora may not be damaged or removed from any public area. No foreign substances and or object may be dumped into any part of the water streams or systems.
- 10.5 Fauna of any nature may not be chased, trapped or killed in any area of the Estate. Where necessary, the MHOA will request a professional person to trap and remove any animal that might cause damage to flora or be a threat to members, tenants or visitors.
- 10.6 Members shall maintain a high standard of garden and exterior finishes as well as externally visible interior finishes of their houses; including but not limited to burglar bars and gates, window covers, swimming pools, garden equipment, storage space etc. Prior written approval from the Aesthetical Committee must be obtained before a member repaints his/her house. The colour sample together with the building plans must be submitted prior of painting.
- 10.7 No declared noxious flora is allowed to grow anywhere on the Estate. Members may not plant any trees on sidewalks without prior approval from the MHOA. Where necessary, the MHOA may request a member to remove trees at their cost. Where members do not comply, the MHOA will appoint an appropriate contractor to remove such trees and the cost will be levied to the members levy account. Where trees have caused damages to HOA property, the owners may be held responsible for said damages.
- 10.8 Floodlights must be adequately screened so as not to cause discomfort to neighbours.
- 10.9 The use of open space areas is entirely at own risk. The MHOA, its directors, employees, officers, trustees and agents or any third party are not liable for any claims, demands, actions and causes of action whatsoever arising out of or related to any loss; property damage; personal injury, including death, that may be sustained by Members, visitors, contractors or servants whilst being on the Estate.
- 10.10 (a) No bathing and/or boating in the dams are allowed, nor are dogs allowed to swim therein.
- 10.10 (b) No dogs or animals are allowed to swim in any swimming pool on the Estate.

10.11 Fireworks or any similar types of explosives intended for religious, cultural and or personal events will only be allowed to be discharged within Midlands Estate subject strictly to the following conditions:

- 10.11. i At least two weeks written notice of the intended religious, cultural and or personal events to discharge fireworks and or similar explosives must be given to the Midlands HOA, specifying;
- 10.11. ii The date and time of the proposed discharge of fireworks and or similar explosives;
- 10.11.iii The type of fireworks and or similar explosives to be discharges;
- 10.11. iv The first name, last name, Identity number, residential address and telephone number of the person who will be in charge of the intended fireworks display to be carried out and the number of times he/she has carried out such events (discharging of fireworks/similar explosives);
- 10.11. v A notice/permit from the local authority confirming that all by-laws with regard to the discharge of fireworks and or similar explosives have been/will be complied with;

- 10.11.vi A notice/permit from the South African Police confirming that all provisions within the explosives act with regard to the discharge of fireworks and or similar explosives have been/will be complied with and that approval has been granted by the South African Police for the discharging of fireworks and or similar explosives;
- 10.11.vii A permit from the Fire department must accompany the above notice/permit confirming that the Fire departments specifications with regard to the discharge of fireworks and or similar explosives have been/will be complied with and that approval has been granted by the Fire department;
- 10.11. viii A period of one week's notice must also be given to all adjacent stands by the applicant of the date and time of the proposed discharge of fireworks and or similar explosives;
- 10.11. ix A certificate from the Society for the Prevention of Cruelty to Animals (SPCA) must accompany the above notice confirming approval for the discharge of fireworks and or similar explosives from the SPCA to ensure that no animal will suffer unduly from the discharge of fireworks and or similar explosives.
- 10.11.x The owner(s) of the stand will be held responsible for any damage caused as a direct/indirect result of the discharging of fireworks and or similar explosives to any person, animal and or property.
- 10.11. xi No fireworks and or similar explosives maybe discharge within any park, open spaces and or communal property within Midlands Estate.
- 10.12 Failure to comply with the above requirements shall entitle the Midlands HOA to prevent the discharge of fireworks and or similar explosives within Midlands Estate for religious, cultural and or personal events and debiting the stand owner(s) concerned with any costs incurred.
- 10.13 Any person(s) not adhering to the said rules by discharging fireworks and or similar explosives within Midlands Estate will be penalised and a charge for the unlawful discharging of fireworks and or similar explosives will be laid at the South African Police against such owner(s) and or person(s).

11. SECURITY

- 11.1 Security protocol at the gate must be adhered to at all times. Under no circumstances may residents or any person other than the security personnel, directors or maintenance personnel be allowed into the Gate House and Security perimeter.
- 11.2 The MHOA security identification system for permanent workers, temporary workers and contractor representatives must be conscientiously enforced by every owner with respect to people in his/her employ. Under no circumstance may any unauthorised person be driven into the Estate by any owner/ Tenant.
 - 11.2.1 All persons entering or leaving the Estate on a regular basis must be registered on the MHOA's biometric fingerprint (access control) system in accordance with the Standard Operating Procedures at the time.
 - 11.2.2 Bypassing the access control system or attempting to do so or assisting someone in doing so is illegal and will lead to prosecution and/or a penalty.
- 11.3
 - (a) When visitors arrive at any access gate, they must be able to produce a valid identification document or driver's license. Security Officers on duty will confirm that the particular visitor may proceed to a particular stand. After confirmation the visitor must be registered on the visitor access system where-after he or she must use the biometric reader to access the gate.
 - (b) To gain access to the estate via the booms all "ad hoc" visitors, contractors and delivery staff must present a valid South African Driver's licence. To gain access via the turnstiles a valid South African Identity document or Valid Drivers License will be required. The **no ID no ACCESS** rule will apply.
 - (c) It is the duty of any affected Member to inform the MHOA immediately when the registration of a person (s) under his/her control and or employment must be cancelled. Failure to do so will be deemed to be in contravention under clause 11.2.2.
- 11.4 All Members must ensure that contractors, and their workers, in their employ adhere specifically to the security stipulations of the Contractors Code of Conduct. No building related activities will be allowed within the estate on Sundays and or any

declared Christian holidays.

- 11.5 Any attempts at burglary or instances of fence jumping must immediately be reported to the Security Gate House or a security guard.
- 11.6 Should a Member purchases a burglar alarm system for his/her residence, it may be linked to the security control room if it is compatible with the electronics of the Estate's security system. No external burglar bars and or doors, including but not limited to trellidoors, and steel burglar gates, is not permitted.
- 11.7 Arrival and announcement of visitors:
- (a) Should a pre-announcement system be available, Residents are requested to use the system to advise the gatehouse in advance of Visitors arriving. The system is available on the Estate's website at www.midstream.co.za. Residents must log into the database with the login credentials provided to them by the MHOA to make use of this system. Details of vehicle registration numbers and the stand to be visited must be provided. Members is not permitted to register visitor on fellow members stands.
- (b) Residents are urged to register their visitors on the estate's web-based pre-announcement system in accordance with the "Daily Visitors Limit" as per Clause 12.5.
- 11.8 (a) New occupants (Members/tenants) must register at the MHOA's Office during office hours.
- (b) A change in telephone numbers or other contact details must be reported to the MHOA by means of an email within 48 hours thereof.
- 11.9 No property may be secured with an electrical fence, razor wire or similar fencing during or after the construction period.
- 11.10 Members next to the perimeter wall are responsible for keeping overgrowth at least 1 meter clear of the electrified fence. Should this not be adhered to, the MHOA will clear such overgrowth at the cost of the Member.
- 11.11 Members next to the electrified perimeter fence must advise their visitor(s) of the dangers pertaining thereto. No structure, jungle gym, trampolines, etc. may be placed closer than 2 meters to the Estate's security perimeter fence. Storage of any kind within 2 meters of the perimeter fence is strictly prohibited.
- 11.12 No-one except for a Security Manager or Estate Manager in charge may give instructions to security guards.
- 11.13 No parcels or packages are allowed to be delivered at the gates or to be kept by security for residents.
- 11.14 The Security Officers on duty have the right to search any person, vehicle, parcel, container or bag in possession of a person when entering or exiting the Estate, provided it is done within the guidelines of all legal requirements.
- 11.15 No clothing, household items, computer equipment, liquor, cell phones, power tools, vehicles of any nature and or bicycles may be removed from the Estate by visitors, workers and or contractors, without the written notification from the Member or tenant.
- 11.16 Every person interacting with security personnel as well as Midlands HOA personnel is requested to always treat the security personnel in a respectful manner. Where owners, tenants and visitors misbehave in any way, the Midlands HOA will take action against any such person without delay. Not limited to a penalty, the MHOA might open a case with SAPS for further investigation. All interaction with staff members and RSO's may be recorded at the MHOA's discretion.
- 11.17 Apart from registered shuttles transporting residents and or school children, no taxi will be allowed into the Estate to either visit or conduct business.
- 11.18 Deliveries are allowed between the following hours:
- | | |
|------------------------|----------------|
| Monday to Friday | 06H00 to 18H00 |
| Saturdays | 06H30 to 15H00 |
| Sundays (eg. Takealot) | 06H30 to 22H00 |

Sundays and Public holidays will only be allowed if prior arrangements have been made with the Estate Management, in advance. Fast foods, home deliveries, chain store deliveries such as household appliances, courier, etc. will be allowed

between the time frame of 06H30 and 22H00, Monday to Sunday.

All workers and drivers entering the estate will be required to register as per clause 11.1; 11.2.2 and 11.3(a) and 11.3(b)

12. TENANTS, VISITORS, CONTRACTORS AND EMPLOYEES

- 12.1 Should any owner let his property, he/she shall notify the MHOA by handing over a copy of the lease agreement to the MHOA before the occupation date. The contract must state the name and contact details of the tenant as well as the term of such lease.
- 12.2 The Tenant acknowledges that, upon occupation of the leased premises, he/she and his/her family, visitors and servants shall adhere to all rules and regulations as contained in this document. As stipulated above, owners must ensure that a copy of the Rules is handed to a tenant.
- 12.3 Where tenants continuously breach rules of the Estate the Member(s) can be requested to immediately terminate the lease agreement and/or be held liable for the maximum penalty allowed under these rules. This clause must be written into the lease agreement.
- 12.4 The Member of a property within the Estate is liable for the conduct of his/her tenant(s); visitor(s); contractor(s) and employees and must ensure that such parties adhere to the House Rules. It is a Member's responsibility to ensure that all these parties receive a copy of the House Rules.
- Furthermore, should any of his/her tenant(s); visitor(s); contractor(s) or employees transgress any of these House Rules, a penalty will be issued against such a person. The member will be responsible for such a penalty should their tenant(s); visitor(s); contractor(s) or employees fail to pay such a penalty. An outstanding penalty will be levied to the member levy account.
- 12.5 The following number of vehicles and visitors are allowed per stand/ unit per day:
- Residential Stands: Maximum of 30 visitors and a maximum of 10 vehicles per stand is allowed.
Should this number of cars exceed the maximum allowed, members / tenants must approach the MHOA for alternative arrangements.

13. PETS

- 13.1 The local Authority by-laws relating to pets will be used as a guide in addition to the House Rules.
- 13.2 Members may not keep more than 2 (two) dogs on their property. Before acquiring a dog, residents must acquaint themselves with all the rules pertaining to dogs and must understand the impact and responsibilities of keeping a dog in an Estate. Serious consideration must be given to the breed of dog they want to acquire as keeping large breed dogs place additional responsibilities on owners.
- 13.3 Poultry, pigeons, aviaries, birds (other than those kept inside the house as pets), cats and wild animals or livestock may under no circumstances be brought into or kept in the Estate.
- 13.4 Pets are not permitted to roam the streets and dogs must be kept on a leash in all public/common areas at all times. Dogs must always be kept behind a proper fence/gate and must not be able to bridge such fence or gate in any way. Owners are to install a self-closing mechanism or lock on all gates that cannot be opened from outside the gate.
- 13.5 When walking a dog, the leash length may not exceed 2 meters and dogs should be walking next to persons handling such dog. The person handling the dog needs to be capable of controlling and constraining the dog (must be able to be in full control of the dog at all times). Dogs needs to be next to the person walking the dog and fellow pedestrians has right of way.
- 13.6 Should animal excrement be deposited in a public area the pet owner shall be responsible for the immediate removal thereof.
- 13.7 Every pet must be micro chipped, the chip indicating the name, contact numbers and address of its Owner. All pets must have proof of compulsory inoculations. Stray unidentifiable pets will be impounded and handed to the SPCA or other relevant authority.
- 13.8 The MHOA reserves the rights to instruct a Member to remove his/her pet should it become a nuisance. Should it be

necessary, the MHOA might request its attorneys to apply for a removal order. Such cost will be borne by the owner of the stand and will be levied directly to his/her levy account.

- 13.9 Dog owners must keep the area in which the dogs are kept in a clean and sanitary condition to prevent unpleasant smells and discomfort to the adjacent neighbours. All droppings and food scraps must be removed from any premises at adequate intervals.
- 13.10 Owners must prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid.
- 13.11 Dog kennels must not be visible from either the street or adjacent neighbours.
- 13.12 The breeding of dogs inside the Estate is not permissible.
- 13.13 Dogs left behind when owners go on leave must be well taken care of. Any dog found to be neglected by its owner or caretaker will be handed over to the nearest SPCA. Dog owners will be responsible to arrange for the access of persons who will be taking care of their pets in their absence.
- 13.14 The MHOA shall not be responsible for any damages or injuries caused by any dog to any person, animal or property.
- 13.15 Where any dog attacks any person or animal whilst outside of its property such dog shall be removed from the estate without delay by the dog's owner. Should it be necessary the Midlands HOA may apply for a removal order at the cost of the owner.
- 13.16 "Pocket pets" such as guinea pigs, rats, mice and rabbits may not be released or left unattended in any public area inside the Estate. In such cases the MHOA reserves the right to hand same over to the local Pet shop or to relocate it, whichever will be the most appropriate manner.

14. UNDEVELOPED STANDS (INCLUDING STAND WITH UNCOMPLETED HOMES)

Members of undeveloped stands are instructed to cut vegetation including veld grass, weeds and other vegetation on a regular basis to avoid any annoyance, inconvenience fire or health risks or loss in this regard.

Stands will be inspected on or about the 15th of January, 15th of March, 15th of May and 31st of October annually. Any rubble or debris will be removed and vegetation longer than 300 mm will be cut. The cost thereof will be for the Member(s). Prior notices will not be given.

15. SCREEN- BOUNDARY WALLS AND FENCES

- 15.1 Construction of screen- and boundary walls form an integral part of the construction work done on a stand, and is consequently subject to the approval by the Aesthetics Committee.
- 15.2 All screen- and boundary walls, fences, hedges and pavements must at all times be maintained in a neat and tidy state. No alternative barriers may be placed on palisade / boundary walls.
- 15.3 Members shall take the necessary steps to ensure that the security fence/wall surrounding the Estate is not damaged and/or removed. No person is allowed to either block or obstruct the holes in perimeter walls that provides for the drainage of natural water flow.
- 15.4 No Member may substitute or alter the existing fence/wall surrounding the Estate.
- 15.5 No signboards (for advertisements, show houses, businesses or any other signboards) are allowed to be fixed against or on top of the security wall/fence or displayed over it.

16. LETTING AND THE RESALE OF PROPERTY

In the event of a re-sale or letting of a property the following rules will apply:

- 16.1 A Seller/Lessor must ensure that the Purchaser/Lessee obtain a copy of the House Rules.

- 16.2 The Seller/Lessor may only appoint an accredited Estate/Lease Agent in the Estate to manage the sale or lease of a property.
- 16.3 A Pre-Sales Inspection (PSI) must be done by the Aesthetical department. The onus is on the owner of the property to book the PSI with the Aesthetical committee prior of the sale of his/her property. The MHOA will not issue Clearance figures unless an approved PSI valid for 3 (Three) months has been received.
- 16.4 The Transferor of a property in the Estate must obtain a clearance certificate from the MHOA before the registration of a property.
- 16.5 The MHOA shall issue a Clearance Certificate once:
- 16.4.1 The rules and conditions as well as the regulations of MOI of the MHOA have been complied with by the Member.
 - 16.4.2 The new Member has signed a MHOA Membership form, agreeing to become a member of the MHOA on date of transfer of property in his/her name and to be bound by the MHOA's rules and MOI.
 - 16.4.3 All levies, duties, penalties and amounts due to the MHOA have been settled in full and paid in advance for a period of 3 (THREE) months.
 - 16.4.4 All levies, duties, penalties and amounts due to the Midstream Electrical Supplies (MES) have been settled in full and paid in advance for a period of 3 (THREE) months.
 - 16.4.5 Pre-sale inspection has been done by the MHOA and no contravention has been found.
- 16.6 If a dwelling, as contemplated in the Title Deed, has not been erected within the prescribed period, the MHOA is entitled to withhold and refuse the issuing of a Clearance certificate, unless:
- 16.6.1 The new Member has applied for an extension of the building period and same has been approved by the Developer Bondev Midrand (Pty) Ltd or it's Successors in Title and;
 - 16.6.2 A penalty for non-compliance with the building period, as determined by the Developer, Bondev Midrand (Pty) Ltd or its Successors in Title has been paid or acceptable security given to Bondev Midrand (Pty) Ltd or its Successors in Title for payment of this penalty.
- 16.7 No person shall be allowed to move into or out of the estate without an approved Furniture Movement Notification from the MHOA.
- 16.8 No person shall be allowed to move into or out of the estate on Sundays and or any declared Christian holidays. Removal trucks will only be allowed between:
Mondays – Fridays 06H30 – 18H00
Saturdays 07H00 – 17H00
Sundays and declared Christian Public Holidays No trucks and or moving of furniture will be allowed.

17. DISTRIBUTION AND DISPLAY OF MARKETING MATERIAL

The door-to-door distribution of leaflets, brochures or any marketing material is not allowed in the Estate. Furthermore, said material may not be distributed at the entrance gate.

Estate agents and members are not permitted to erect any "for sale" or "show house" or "to let" signage boards without the permission of the MHOA. There is a limit of two sign boards per house, and no "sold" boards are allowed.

18. CONFLICT

The MHOA must ensure that the House Rules are not in conflict with the MOI of the Company and in the event of a conflict the MOI will have precedence. The MHOA will be obliged to amend the House Rules in order to align it with the MOI.

19. PROCEDURES ON PENALTIES

- 19.1 Any person contravening a provision of the MHOA House Rules may be liable to a penalty as determined by the Board of Directors of the MHOA from time to time. Such penalties shall be deemed to be part of the levies referred to in rule 4 of the House Rules. The MHOA must publish such penalties on the website www.midstream.co.za on a regular basis. The list of penalties is attached hereto.
- 19.2 A penalty must be paid within 21 working days to the MHOA via EFT as per banking details on the Penalty document.

- 19.3 Penalty(s) will be debited directly to a members levy account and it will be payable in the normal manner on the first day of the next month in which the penalty was imposed.
- 19.4 A person who is aggrieved by the penalty may within 21 working days of the date upon which the penalty was issued, lodge in writing his/her grievance with the MHOA. Alternatively, the dispute resolution form may be completed and mailed to Midlands HOA: midlandshoa@midstream.co.za who will forward the document to the dispute and resolution committee for their consideration. The dispute and resolution form is available on the Midlands web site: www.midstream.co.za
- 19.5 The Board of Directors shall establish a Dispute and Resolution Committee to consider the representations of the aggrieved person, and that committee may confirm, reduce or uphold the penalty.
- 19.6 A person who is not satisfied with the decision of the Dispute and Resolution Committee may appeal in writing to the Board of Directors, within 7 working days. The decision of the Board is final.
- 19.7 The Board of Directors may appoint officers to enforce the House Rules and issue penalties in upholding the House Rules, Aesthetic Rules, Security rules and/or the Owners and Contractors Code of Conduct.
- 19.8 These rules also apply to contractors and/or visitors that enter the Estate.
- 19.9 A contractor who fails to pay a penalty may have his or her registration and access to the Estate suspended.
- 19.10 A visitor who fails to pay the penalty may be refused access to the Estate.

20. HOUSE RULE ANNEXURES TO THIS DOCUMENT

- House rule Annexure A Table of Fees and Penalties
- House rule Annexure B Architectural and Aesthetical Rules
- House rule Annexure C Owners and Contractors Code of Conduct
- House rule Annexure D Application for development into green/conservation areas.

Issued in terms of the Memorandum of Incorporation of the MIDLANDS Home Owners Association.

Name & Surname: Mr. Rudie Froneman

Position: Chair Person – Midlands HOA Board of Directors

Signature:



Date: 21 May 2024

Effective Date: 10 June 2024