



HOUSE RULES

1. INTRODUCTION

- 1.1 The prime objective of the Midstream Hill Home Owners Association (hereafter referred to as MHHOA) is to promote, enhance and protect the communal interests of its members. To achieve 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 (previously known as the Articles of Association) and are applicable and binding upon all the owners of stands (henceforth referred to as members), their successors in title, or assignees, lessees, and all residents of MHHOA. The house rules must be read in conjunction with all other existing rules such as the business activity guidelines and rules, table of fees and penalties, architectural and aesthetical rules, owners, and contractors code of conduct (including alterations, additions of swimming pools annexure), and the extended development of a stand owners garden into an open space area.
 - 1.2.1 It is the sole responsibility of the members to familiarise themselves with the stipulations of the MOI of the MHHOA and furthermore to ensure that these rules are communicated with their entire households, employees, visitors, friends, family, and contractors that they will comply with the rules. Owners must also ensure that tenants receive a copy of the house rules before their date of occupation.
 - 1.2.2 General consideration by all residents for the rules and each other will greatly assist in assuring peaceful coexistence in the Estate.

2. MEMBERSHIP

- 2.1 As also inscribed in the Title Deed of every property, membership of the MHHOA is established automatically on date of registration of a stand situated in Midstream Hill extensions 50, 51, 52 and 53 in a person(s) and/or legal entity's name.
- 2.2 Membership of the MHHOA is terminated as soon as the member ceases to be a registered owner of a stand in extensions 50, 51, 52 and 53 of the estate.
- 2.3 Each registered owner shall on the transfer of his property to a new owner ensure that the new owner complete and sign the MHHOA membership form, which must be completed and signed by the new owner before a clearance certificate is issued for the property. The registered owner of a stand may not resign as a member of the MHHOA.
- 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 MHHOA, and;
 - 2.4.2 strictly comply with all rules made by the MHHOA.

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.

6. USE OF STANDS/LIVING UNITS

- 6.1 A stand may only be used for residential purposes by the Member, his family, or tenants with 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 security access control system of the Estate.
- 6.2 A Member is not allowed to rezone, subdivide or in any way change the utilization of his stand/unit without the written approval from the MHHOA. No duets or other community housing schemes are to be developed on Residential 1 stands.
- 6.3 Only authorised business activities may be conducted on any stand. Refer to the business activity guideline and rules "Annexure E". No industrial equipment of any nature may be installed on any stand.
- 6.4 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, or in any public place or common area. This includes hobbies such as operating any type of radio-controlled crafts, 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, any gathering or meeting of people for purposes other than social.
- 6.5 No property may be utilised as a commune in any way or form. No person may occupy a caravan and or any temporary structure on any stand. The use of any property, or part thereof, for purposes of occasional accommodation such as a hotel, Air B&B, hostel or bed and breakfast accommodation is strictly forbidden.
- 6.6 These conditions will, amongst others, include that the parking of vehicles will only be allowed on hard surfaces at 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 or any temporary structure on any stand.
- 6.7 Any portion of a member's property may only be utilised for the purpose as indicated for on the approved building plans. One granny flat per dwelling will be allowed provided that it is approved as such on the building plans by the Aesthetical 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. A copy of the lease agreement must be handed to the MHHOA which will also be used to register the occupants on the security access control system for the duration of the lease term. For the added occupancy of the property, the MHHOA 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 within the boundaries of MHHOA have been zoned as private roads and fall under the jurisdiction of the MHHOA. Each owner of the MHHOA agrees to comply with the house rules, which includes the road safety rules and further agrees to ensure that all persons residing on or for whatever reason visits the stand comply with these road safety rules and should he/she or any such person be found to contravene these rules a penalty will be issued to such a person. All such persons, which include any member of the public, who enters the boundaries of the estate do so on condition that they subject themselves to these rules.
- 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, shall be used as a guide when enforcing the House Rules relating to Road Safety violations.
- 7.3 The following rules apply to all road users within the boundaries of the estate, which includes all members, residents, tenants, visitors, contractors, and delivery vehicles, etc;
 - (a) Road users are not allowed to act in any way that may pose a danger to themselves and / or any other road user(s). Road users include, but are not limited to, any person on foot, bicycles, motorcycles, trucks, delivery vans, busses, or cars.
 - (b) The speed limit is restricted to 30km per hour (30 km/h) and may not be exceeded.
 - (c) All traffic signs on the roads (for example stop signs, yield signs, pedestrian crossings) must be adhered to.
 - (d) Parking on any non-designated parking area, which includes paved walkways, pavements and parks is prohibited.
 - (e) The use of any motorised vehicle with a noisy exhaust system is prohibited.
 - (f) No motorcycles or any other motorised vehicles are allowed on walkways or jogging paths.

Directors: G S Burgers, H Draht, K Kleyn, J C Pretorius, X G Z Mvoko, J P van Wyk, J A v T Zeederberg

- (g) Only persons having a valid driver's license may drive or operate an engine powered vehicle in the estate. Engine powered vehicles e.g. cars and motorcycles are permitted to drive on the streets of the estate only. Parks and pavements are off-limits. (This excludes gardening equipment operated by authorised and trained employees of the MHHOA while performing their duties).
- (h) Only persons having legal learner's driver's cards may drive or operate an engine powered vehicle in the estate on condition that such persons are accompanied by a person having legal driver's licences. Engine powered vehicles e.g. cars and motorcycles are permitted to drive on the streets of the estate only. Parks and pavements are off-limits. (This excludes gardening equipment operated by authorised and trained employees of the MHHOA while performing their duties).
- (i) Only valid licensed motorcycles and motorised vehicles may be driven in the estate.
- (j) Driving of any vehicle without a helmet when the wearing of such a helmet is compulsory, is prohibited.
- (k) Nobody is not allowed to sit on the lap of a driver whilst the driver is driving a vehicle.
- (l) Children are not allowed to protrude out of any window or sunroof of a vehicle whilst the vehicle is in motion.
- (m) Driving any motorised vehicle in a reckless or negligent manner is prohibited.
- (n) It is prohibited to damage any property of whatever nature intentionally or negligently within the estate whilst operating any type of vehicle.
- (o) It is prohibited to operate a motorised vehicle whilst under the influence of any intoxicating substance.
- (p) Parents must oversee the safety of their children in the streets of the estate. Parents remain responsible to ensure that their children are made aware of these rules as well as the dangers related to the use of streets and must take full responsibility for their children's safety.
- (q) No person may place any object (i.e. cement balls) on the cement curb directly next to the road surface as it poses danger to pedestrians and other road users. The MHHOA reserves the right to remove such objects without obtaining permission from the Owner. The MHHOA will not be held liable for any injuries or damages caused by such objects.
- (r) Any motor vehicle that is found parked on any prohibited area mentioned in this rule can be clamped and will only be released after the prescribed fine has been paid during office hours at the estate office.

7.4 The MHHOA 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. GENERATORS

Installation and use of Generators:

- a) Generators must be indicated on plan by the owner.
- b) All generator installations are subject to Aesthetical Committee (AC) & MES approval under the following conditions.

Aesthetic Requirements:

- c) All generators that are permanently installed may not be visible from the street or the natural ground level of neighbouring stands.
- d) All generator screens or elements to be painted or screened in materials or colours that compliments the design.
- e) All generators must be installed with a sound reduction enclosure.

Position:

- f) All generator positions are to be indicated on the plans and approved by the AC.
- g) Permanent generators are to comply with all building line and servitude restrictions.
- h) Portable generators are to be operated only in the approved position by the AC.
- i) Proximity to the ripple boxes is preferred.
- j) Approved operating position is subject to consideration of adjacent structures.

Noise:

- k) Generators must be operated in such a way to not be a nuisance to neighbours and in accordance with the house rules for good neighbourliness.
- l) Operating hours must be restricted by a timer device from 07:00 - 21:00 irrespective of power outages.
- m) The sound emanating from a generator may not be more than 65dB.
- n) The indoor noise within an adjacent property may not measure more than 25dB.

Pollution:

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

MES/Technical Requirements:

- p) All generator installations are to be done in line with SANS Regulations by a qualified electrician who have registered with MES.
- q) Fuel storage as per City of Ekurhuleni by Laws.

9. GOOD NEIGHBOURLINESS

9.1 The conduct of members must in all respects and at all times adhere to and advance the objectives and goals of the MHHOA.

- a) 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.
- b) 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 (e.g. inconvenience) or disturbance to neighbours.
- c) 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:

Monday to Thursday - From 22:00 through to 07:00 the next morning.

Friday - From 23:00 through to 07:00 Saturday morning.

Saturday - From 23:00 through to 07:00 Monday morning.

No loud music or noise related activities will be allowed on Sundays.

- d) Owners are responsible to ensure that all their visitors and tenants adhere to the House Rules.

- e) Non-compliance of this rule may result in the issuing of a penalty.

9.2 Washing lines must be suitably screened from neighbouring properties and street view.

9.3 Refuse bins (except on official collection days) may not be placed on the pavement. With the exception of recyclable containers/bags, all refuse must be placed inside bins. No refuse other than recyclable bags outside of bins will be collected by the service provider/s. Recyclables and refuse bins may be placed outside either the evening before or early in the morning on the day of collection.

9.4 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.

9.5 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. Other than assisting to enforce the rules, neither the MHHOA, nor the Estate Manager, personnel and or any of the security personnel will get involved with any non HOA related issues and or domestic violence.

9.6 Electric power tools, lawnmowers, edge cutters or similar may only be used between 07:00 and 18:00 on weekdays and 07:00 to 17:00 on Saturdays. No noisy activities are allowed on Sundays or Public holidays.

9.7 Noise emanating from building and maintenance activities is limited to the hours stipulated in the owners and contractors code of conduct. No construction work is allowed on Sundays or after 18:00 on weekdays or after 15:00 on Saturdays. Noise emanating from building and maintenance activities is limited to the hours stipulated in the owners and contractors code of conduct. Only a contractor / workers will however be allowed after hours to attend to emergency repairs such as water leakages, sewage repairs and electricity issues.

9.8 Owners must ensure that solar equipment, antennas, satellite dishes, geysers, air conditioners or any other apparatus or item installed on or outside of their houses are installed according to the guidelines of the aesthetical rules and relevant municipal bylaw. Radio masts are strictly prohibited.

9.9 No person is allowed to burn any material such as garden refuse on either their property or any common property within the estate.

10. ENSURING A PLEASING STREETSCAPE

- 10.1 Members are responsible for maintaining the areas between the curb and the boundary of his/her property in a clean and pleasing condition. The MHHOA can compel a member or tenant to improve the aesthetic appearance of this area when deemed necessary, at the cost of the Member.
- 10.1.1 Should an owner need to protect the lawn on his sidewalk, concrete spheres can be used to keep vehicles off the lawn, on condition the concrete spheres do not obstruct pedestrian movement. Bricks, rocks, and other material will not be allowed and can be removed by the MHHOA. The MHHOA will not be held liable for any injuries or damages caused by such objects.
- 10.1.2 No person may dump any building rubble, garden refuse, rubbish, dirt, muck, garbage, refuse, paper, waste or any likewise article in the street, on pavements, in parks or in green areas.
- 10.2 Garden fences and/or walls and outbuildings forming part of the streetscape must be regularly maintained and painted where necessary. The MHHOA has the right to effect repairs at the cost of the owner should it be considered necessary if the owner neglects to respond to a written request by the estate manager to do so. Sidewalks and parks form part of the property of the MHHOA. Owners may not erect any personal structures like a fountain or wall on the sidewalk or parks.
- 10.3 No trees, plants, lawns, or pathways planted or developed by the MHHOA on sidewalks may be damaged or removed without the permission of the MHHOA.
- 10.4 Plants / trees / shrubs may not interfere with pedestrian traffic or obscure the vision of motorists. The MHHOA has the right to cut, prune or remove any such plants / trees / shrubs at the owner's cost without prior notification.
- 10.5 No "Wendy Houses / Zozo Houses" or similar types of structures may be erected. If a member refuses to remove such structures, the MHHOA may remove such structures at the cost of a member.
- 10.6 Caravans, quadbikes, golf carts, 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.
- 10.7 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 for a period no longer than two hours per day.
- 10.8 No rainwater storage tank shall be installed unless prior written permission has been granted by the MHHOA subject to the following conditions:
- a) The owner must apply in writing for permission from the MHHOA to install a tank.
 - b) 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.
 - c) The tank must form an integral part of the complete structural and aesthetical design elements of the house, complementing its design and identity.
 - d) 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.
 - e) 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.
 - f) The water flow to the tank (i.e. via rain water down pipes) must be indicated on the drawings.
 - g) 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.
- 10.9 No doll's house shall be erected unless prior written permission has been granted by the MHHOA, subject to the following conditions:
- a) The member must apply in writing for permission from the MHHOA to erect a structure for the exclusive use as a doll's house. A payment of R1 000-00 is payable on approval of such doll house. In addition, the MHHOA may conduct 2 (two) yearly inspection at a cost of R250-00 per inspection (non-refundable). This inspection cost will be levied against the member's levy account.
 - b) Permission from the MHHOA 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 or tool shed.
 - c) The total floor area of the doll's house may not exceed 6m², measured externally and the maximum height at the highest point may not exceed 1.8m.

- d) 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.
- e) If the doll's house is visible from a neighbour, permission must be obtained from the particular neighbour or neighbours.
- f) The floor of the doll's house must not be more than 10cm above ground level and may not be elevated by means of poles or placed in trees.
- g) The roof of the structure may not be unpainted corrugated iron.
- h) The doll's house will be maintained throughout its life to the standard as originally approved by the MHHOA. The MHHOA may from time to time inspect the doll's house to ascertain whether the doll's house complies with the set conditions.
- i) It is a pre-requisite of issuing a clearance certificate for transfer of a residence that the structure must be removed.
- j) 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.
- k) If the transgression is not corrected or the structure is not removed within a period of three months a legal process will be initiated to correct the transgression or remove the structure, and the owner will be liable for all legal costs.
- l) The doll house must be removed when the property is sold.

11. ENVIRONMENTAL MANAGEMENT

- 11.1 Building material and / or rubble and / or refuse may under no circumstances be dumped or discarded in any public area, including the conservation areas, parks, streets, sidewalks, storm water canals, water streams, or vacant stands.
- 11.2 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. Residents are encouraged to pick up and dispose of any litter encountered in public areas.
- 11.3 Picnicking will only be permitted in designated areas. An application for the approval to hold a function in a designated area must be lodged with the MHHOA on the prescribed form and the payment of such fee and the deposit as may be determined by the MHHOA must be made prior to the event.
 - a) The area must be cleaned after the event. Failure to do so shall result in penalties. No open fires are permitted in other public areas.
 - b) The noise levels of any social activities within the parks must be limited not to cause any inconvenience to any other person using the park or nearby residents.
 - c) Social activities in parks will only be allowed between the hours of 08:00 and 21:00.
 - d) Prior permission from the MHHOA must be obtained to erect a gazebo larger than 18m².
 - e) Maximum of 40 visitors and a maximum of 20 vehicles are allowed with venue bookings which must not exceed the capacity of the available amenities on that particular park.
- 11.4 Flora may not be damaged or removed from any public area.
- 11.5 Fauna of any nature may not be chased, trapped, or killed in any area of the estate. No objects may be thrown at any fauna and dogs may not be allowed to chase any fauna. Where necessary the MHHOA 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.
- 11.6 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 must be submitted to the HOA.
- 11.7 Residents should ensure that declared noxious and alien flora species are not allowed to grow anywhere in their gardens.
- 11.8 Floodlights must be adequately screened so as not to cause discomfort to neighbours.
- 11.9 The use of open space areas is entirely at own risk. The MHHOA, 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.
- 11.10 Pets are not allowed to swim in any public swimming pool and or water streams. No foreign substances and or objects may be dumped into any part of the water streams or systems.

- 11.11 No fireworks or any similar types of explosives are allowed to be discharged within the estate. No person may discharge a firearm, or use an airgun, slingshot, paintball gun, whips, or any related item anywhere inside the estate.
- 11.13 Members may not develop gardens, place garden furniture, pot plants or any other objects in the Owl/ Jungle/ Himalayas Park area and other common areas without prior approval of the MHHOA.
- 11.14 Parks and swimming pools are solely for relaxation and entertainment for members and their families. Swimming pools will be locked between the hours of 21:00 and 08:00.
 - a) No alcohol or smoking is allowed in any public area of the estate.
 - b) The use or possession of any illegal substances in any public area of the estate is strictly forbidden.
 - c) Except for the purpose of exercising, no person may use the parks between the hours of 20:00 to 06:00.
 - d) Any person found loitering, abusing, or damaging any fauna and flora or property in the parks and the swimming pools will be severely acted against.

12. SECURITY

- 12.1 Security protocol at the access gates must be adhered to at all times. Any person entering the estate may only do so by either using the security access system or on permission of the security manager at a manned security control point (Police officer, Sheriff, bad-finger cardholder, and Ambulance). Under no circumstances are residents or any person other than the security personnel, staff members, directors or maintenance personnel allowed into the gate house and security perimeter.
- 12.2 The MHHOA 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 employment. Under no circumstance may any unauthorised person (e.g. visitor, domestic, contractors, delivery, courier company and or gardener) be driven into the estate by any owner or tenant.
 - a) All persons entering or leaving the estate on a regular basis must be registered on the MHHOA's access control system in accordance with the standard operating procedures (SOP) at the time.
 - b) 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.
 - c) With the exclusion of limited amounts of food and or beverages, nobody is allowed to give any cash, alcohol, gifts, household items, clothing, bicycles, or any related items to any member of the personnel. A person wishing to make a donation of any nature may approach the estate manager who will deal with the matter appropriately.
 - d) 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.
 - e) 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.
- 12.3 All visitors must adhere to the security protocol and all security personnel must be treated with respect at all times.
 - a) When visitors arrive at any access gate, they shall produce a valid identification document, workers permit, asylums and driver's license to gain access into the estate. The no ID no ACCESS rule will apply. 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 security access system to access the gate.
 - b) When visitors exit the gate, they must use the access control system to exit the Estate.
 - c) Where owners, tenants and visitors misbehave in any way, the MHHOA will act again any such person without delay. Not limited to a penalty, the MHHOA may open a case with SAPS for further investigation and prosecution.
 - d) It is the duty of any affected Member to inform the MHHOA 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 12.2.
- 12.4 All members must ensure that contractors, delivery companies and their workers, in their employ adhere specifically to the security stipulations of the contractor's code of conduct.
 - a) To gain access to the estate all "ad hoc" visitors, contractors and delivery staff must present a valid South African Identity document or valid driver's licence.
 - b) The MHHOA 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 employment.

- c) No workers conducting any work, including construction work, or non-live-in gardeners or domestics will be allowed to enter the estate after 18:00 on weekdays and after 15:00 on Saturdays. A contractor or their workers will however be allowed after hours to attend to emergency repairs such as water leakages, sewerage repairs and electricity issues.
 - d) No building related activities will be allowed within the estate on Sundays and or any declared public holiday.
 - e) No workers are allowed to sleep over in the estate, except those domestic workers and gardeners who are specifically registered on a stand to sleep over.
 - f) It is the duty of any affected member to inform the MHHOA 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 12.2.
 - g) No furniture removal truck or vehicle may remove or deliver any furniture to or from the estate unless the applicable notice is handed in at the MHHOA.
 - h) Deliveries are allowed between the following hours:
 - Monday to Friday 06:30 to 18:00 and Saturdays 06:30 to 15:00.
 - Sundays and Public holidays will only be allowed if prior arrangements have been made with the MHHOA in advance.
 - Fast foods, home deliveries, chain store deliveries such as household appliances, courier, etc will be allowed between the time frame of 06:30 and 22:00, Monday to Sunday.
 - i) All workers and drivers entering the estate will be required to register.
- 12.5 Any attempts at burglary or instances of fence jumping must immediately be reported to the security gate house or a security guard.
- 12.6 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.
- 12.7 Arrival and announcement of visitors:
- 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 security access system to access the gate.
 - b) When visitors exit the gate, the visitor must use the security access control system to exit the Estate
 - c) To gain access to the estate all "ad hoc" visitors, contractors and delivery staff must present a valid South African Identity document or valid driver's licence. The no ID no ACCESS rule will apply.
- 12.8 New occupants (members/tenants) must register at the MHHOA's Office during office hours
- a) All new owners, tenants and workers must immediately register on the security data base the day they move into the estate. It remains the responsibility of the registered owner or legal tenant to keep the MHHOA offices informed of all the members and workers of their household that needs to be added or removed from the security system.
 - b) A change in the telephone number or e-mail address or other contact details must be reported to the MHHOA offices in writing within 48 hours of such change. Inactive workers must be removed from the data base without delay.
 - c) New tenants must provide the MHHOA with a copy of the lease contract before they will be registered on the security and speed dial data bases.
 - d) All residents and members of their households, including domestic workers, gardeners, and au-pairs, must be registered on the security access system for the particular stand.
 - e) No owner or resident may assist or allow a domestic worker, gardener, casual worker, or contractor to enter the estate without being registered on the security access control system.
 - f) Deliveries are allowed between the following hours:
 - Monday to Friday 06:00 to 18:00 and Saturdays 06:30 to 15:00
 - Sundays and Public holidays will only be allowed if prior arrangements have been made with the MHHOA in advance.
 - Fast foods, home deliveries, chain store deliveries such as household appliances, courier, etc. will be allowed between the time frame of 06:30 and 22:00, Monday to Sunday.
 - g) All workers and drivers entering the estate will be required to register for access.
- 12.9 No property may be secured with an electrical fence, razor wire or similar fencing during or after the construction period.
- 12.10 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 MHHOA will clear such overgrowth at the cost of the member.

- 12.11 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.
- 12.12 No one except for a Security manager or Estate manager is allowed to give instructions to security officers or to get involved in an altercation with security officers and any complaints about them or any related matter must be referred to the MHHOA management for their attention.
- 12.13 No parcels or packages are allowed to be delivered at the gates or to be kept by security for residents.

13. TENANTS, VISITORS, CONTRACTORS AND EMPLOYEES

- 13.1 Members shall notify the MHHOA in advance when letting a property and shall furnish the necessary information regarding his/her tenants to the MHHOA. It is the member's obligation to ensure that his tenant registers at the estate office prior to occupation.
- 13.2 When renting out his/her house the contractual obligations that the home owner has with the MHHOA remains in effect and may not be ceded to the tenant in any way or under any circumstances. The home owner therefore remains fully liable for his/her tenant's behaviour as well as any outstanding liabilities towards the MHHOA incurred by the tenant while renting the house from the home owner.

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 it is a member's responsibility to ensure that all these parties receive a copy of the house rules and all annexures.

- 13.3 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.
- 13.4 The member of a property within the estate is liable for the conduct of his/her tenant(s), visitor(s), delivery, courier company, contractor(s) and employees and must ensure that such parties adhere to the house rules. It's the 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. Should a contractor or visitor fail to pay such a penalty within 21 days, their vehicle(s) access shall be suspended until the penalty is paid in full.

- 13.5 The following number of vehicles and visitors are allowed per stand per day:

Maximum of 20 visitors and a maximum of 10 vehicles per stand with the additional requirement that the number of individual visitors on a single stand must not exceed the capacity of the available amenities on that particular stand.

14. PETS

- 14.1 The local Authority by-laws relating to pets will be used as a guide in addition to the House Rules.
- 14.2 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 type of dog they want to acquire as keeping large breed dogs place additional responsibilities on owners.
 - a) 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.
 - b) Owners must prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid.
 - c) Dog kennels must not be visible from either the street or adjacent neighbours.
 - d) Dogs must always be kept behind a proper fence and must not be able to bridge such fence in any way.
 - e) Dogs may under no circumstances be allowed to chase after any other dogs, guinea fowls, birds, ducks, and the like.
 - f) The breeding of dogs inside the estate is strictly prohibited.
 - g) Dogs left behind when owners go on leave must be well taken care of. Any dog found to be neglected by its owner

- h) or caretaker will be handed over to the nearest SPCA and any related costs will be for the owner's account.
- i) Pet owners will be responsible to arrange for the access of persons who will be taking care of their pets.
- i) Owners must take firm measures in preventing their dogs of becoming a nuisance to their neighbours or the neighbourhood in any way.

Refer to "Annexure F" relating to the cat and dog ruling in respect of pets within Midstream Hill.

- 14.3 Poultry, aviaries, cats, wild animals, or livestock may not be kept on the estate.
- 14.4 Slaughtering of any animal is strictly prohibited.
- 14.5 No pets are permitted to roam the streets and dogs must be kept on a leash in all public and common areas at all times.
- 14.6 Should animal excrement be deposited in a public area the pet owner shall be responsible for the immediate removal thereof.
- 14.7 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.
- 14.8 "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 MHHOA reserves the right to hand same over to the local pet shop or to relocate it, whichever will be the most appropriate manner.
- 14.9 The MHHOA reserves the rights to instruct a member to remove his/her pet should it become a nuisance. The MHHOA shall not be responsible for any damages or injuries caused by any dog to any person, animal, or property.

15. UNDEVELOPED STANDS (INCLUDING STAND WITH UNCOMPLETED HOMES)

Uncontrolled growth of vegetation creates fire and security risks as well as a breeding ground for rodents and snakes. Members of unoccupied / undeveloped stands are requested to cut such grass/trees on a regular basis to avoid any annoyance, inconvenience, or loss in this regard. Stands will be inspected from time to time and grass on all stands which are regarded as a potential problem, will be cut by either a contractor or the MHHOA and a pro-rata amount pertaining to the costs will be recovered from owners of relevant stands seven days after a proper notice has been served on the owner.

16. SCREEN BOUNDARY WALLS AND FENCES

- 16.1 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.
- 16.2 All screen and boundary walls, fences, hedges, and pavements must always be maintained in a neat and tidy state. No alternative barriers may be placed on boundary walls. Nothing may be attached to the security perimeter fence or wall of the estate without prior written consent from the MHHOA. No person is allowed to either block or obstruct the holes in perimeter walls that provides for the drainage of natural water flow.
- 16.3 Members shall take the necessary steps to ensure that the security fence and wall surrounding the estate is not damaged and or removed.
- 16.4 No member may substitute or alter the existing fence or wall surrounding the estate.
- 16.5 No signboards (for advertisements, show houses, businesses, or any other signboards) are allowed to be fixed against or on top of the security wall or fence or displayed on any perimeter fence. All other signboards within the boundaries of the estate are to be displayed only according to the rules determined by the MHHOA.
- 16.6 Building Regulations

The MHHOA's Building Regulations relate to the control measures regarding access and building activities of contractors (and their suppliers). Owners of stands are obliged to bring the house rules and building regulations to the attention of their building contractors (and their suppliers) since the stand owners are to be held responsible for any contravention of the house rules, aesthetic rules or building regulations involving contractor's activities on the particular stand.

Contractors must comply with the following if any building work is to be done:
Documentation to be completed (contractor compliance & project pack)

- a) Contractor's code of conduct must be completed and handed in at the MHHOA.
- b) Prove that the prescribed building deposit was paid.
- c) Prove that the contractor was made aware of the house rules.
- d) Approved plans.

Access Control:

- e) Obtain written consent from owner on MHHOA access form.
- f) Registration of main contractor and sub-contractors.
- g) Registration of construction workers.

Building Activities:

Main contractor to arrange:

- h) Specifying and obey by construction times.
- i) Coordinate delivery times for delivery of building materials.
- j) Ensure that building material gets delivered at the correct address.
- k) Provide toilet facilities for workers.
- l) Comply with the guidelines on advertising signboards on building sites.
- m) Arrange and manage skips for refuse removal.

Fees payable by the owner before building can commence:

Building deposit:

As from the 1st of April 2019, a refundable building performance deposit will be payable for any building projects including the building of a swimming pool. All additions must be approved by the Midstream Hill Home Owners Association Aesthetics Committee.

- n) This deposit will be free of interest. Work can only commence once the deposit has been paid in full and all the documents in the MHHOA building project pack have been completed, signed off and submitted to the MHHOA.
- o) The owner will be refunded immediately after the necessary compliance certificates have been issued.

Fees payable by the owner in cases of non-conformance:

Non-conformance:

- p) Should a house not be completed during the building period as stipulated in the COC, penalties will apply.
- q) This arrangement will also apply to any alterations and/or additions approved in future by the Aesthetics Committee whereby the agreed project timeline has not been met.

The MHHOA will regard the completion date as the date on which a compliance certificate has been issued by the Aesthetics Committee and the Ekurhuleni Metropolitan Municipality.

17. LETTING AND THE RESALE OF PROPERTY

The concept of this estate imposes certain restrictions on the manner in which estate agents may operate therein. To ensure that the rules applicable to MHHOA which regulate property ownership and occupation of premises on the estate are made known to new residents the following rules relating to the re-sale or letting of property shall apply.

- 17.1 The member who wants to sell/lease his/her property must ensure that the buyer/lessee obtains a copy of the house rules of the MHHOA along with all Annexures.

- a) The member must ensure that the sales/lease contract contains the following clause: The buyer/lessee admits that he is aware that it is compulsory that he (if he is a buyer) becomes a member of the MHHOA upon registration of the property in his/her name, and that he/she agrees to become a member subject to the conditions and stipulations contained in the MOI, and the rules of the MHHOA. Should he/she merely be a lessee/occupant of the property, he undertakes to adhere to the stipulations of the said documents and accepts that it is in all respects applicable to him.

- b) No registration or transfer of a stand shall be registered until the new owner commits himself/herself in writing to the MHHOA to become a member and to adhere to the Memorandum of Incorporation and rules of the MHHOA as stated in the addendum to purchase agreement available at the estate's office, and once the estate manager of the MHHOA have issued a clearance certificate in which it is stated that the requirements of the MOI and rules have been complied with. A member subject to the conditions and stipulations contained in the MOI and the rules of the association. Should he/she merely be a lessee/occupant of the property, he/she undertakes to adhere to the stipulations of the said documents and accepts that it is in all respects applicable to him/her.
 - c) Although the MHHOA performs pre-sale inspections of houses during the selling process, it will remain the sole responsibility of the seller and buyer to ensure that there are no deviations from the council's approved plans. The MHHOA will therefore take no responsibility for any unapproved deviations. Clearance certificate will not be issued if any unapproved deviations has not been rectified to the satisfaction of the MHHOA.
- 17.2 The seller shall only appoint an accredited estate/lease agent within the estate to manage the sale or lease of a property unless he/she does it in his/her private capacity.
- 17.3 The seller/member must obtain a clearance certificate from the MHHOA before registration of any transfer which certifies that:
 - a) The member does not owe any money to the MHHOA with regards to any contributions or payments due to the MHHOA.
 - b) The written sales contract between the member and the buyer has been submitted to the estate manager and that he/she is satisfied that the required clauses referred to in 17.4 is included in the agreement or the MHHOA addendum has been signed.
 - c) The member is not in default with regards to any of his/her obligations, including alterations made and or installations done at the particular house, including maintenance issues on the house, which arise from the stipulations of these rules or the Memorandum of Incorporation.
- 17.4 The MHHOA shall issue a clearance certificate once:
 - a) The rules and conditions as well as the regulations of the MOI of the MHHOA have been complied with by the member.
 - b) The new member has signed a MHHOA membership form agreeing to become a member of the MHHOA on the date of transfer of property in his/her name and to be bound by the MHHOA's house rules and MOI.
 - c) All levies, duties, penalties and amounts due to the MHHOA have been settled in full and paid in advance for a period of at least 3 (THREE) months.
 - d) 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 at least 3 (THREE) months.
 - e) Pre-sale inspection has been done by the MHHOA and no contravention has been found on additions or maintenance.
- 17.5 If a dwelling, as contemplated in the Title Deed, has not been erected within the prescribed period the MHHOA is entitled to withhold and refuse the issuing of a clearance certificate unless:
 - a) 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;
 - b) 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.

18. DISTRIBUTION AND DISPLAY OF MARKETING MATERIAL

- 18.1 The door-to-door distribution of leaflets, brochures or any marketing material is prohibited in the estate. Furthermore, said material may also not be distributed at the entrance gate. The MHHOA reserves the right to distribute communiqués and or newsletters to residents on a door to door/sms/or email basis provided it is of general interest to all residents.
- 18.2 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 MHHOA. A maximum of two "For Sale" / "To Rent" boards in cases where it is not a sole mandate sale or rental. All "To Rent" boards must be removed immediately after a rental agreement has been finalized. All "For Sale" boards must be removed within three days after the sale has been finalized. All boards must be neatly printed on a correx or cromadec type board which may not exceed the maximum size of 450mm x 600mm.

19. CONFLICT BETWEEN HOUSE RULES AND THE MOI

The MHHOA 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 MHHOA will be obliged to amend the house rules in order to align it with the MOI.

20. PROCEDURES ON PENALTIES

- 20.1 Any person(s) contravening a provision of the MHHOA house rules may be liable to a penalty as determined by the Board of Directors of the MHHOA 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 MHHOA must publish such penalties on the website www.midstream.co.za on a regular basis. The list of penalties is attached hereto.
- 20.2 3rd Party definition, and fines relating to 3rd party appeals:
- a) Any person(s) not residing within Midstream Hill is defined as a third party. Such person(s) is liable for this penalty and access shall be restricted after 21 days if the penalty has not been settled in full or has been revised by the penalty appeals committee. Access into the estate will be re-instated once the penalty is paid in full or on advice from the penalty appeals committee.
 - b) Penalties paid within 14 days of receiving the penalty will qualify for 50% discount.
 - c) Parties wishing to appeal the penalty will forfeit the 50% discount as indicated in paragraph 20.2 (b).
- 20.3 A penalty must be paid within 21 working days to prevent suspension of access into the estate. Penalties paid within 14 days of receiving the penalty will qualify for 50% discount. Penalty amounts are based on a percentage of the monthly levy which automatically increases annually as of 1 July 2021.
- 20.4 Any member and or his/her registered family member(s) penalty that has not been paid within 21 working days shall automatically be debited to that member's monthly levy account and it will be due and payable on the first day of the next month in which the penalty was imposed.
- 20.5 A person who is aggrieved by the penalty may within 21 working days of the date upon which the penalty was issued, lodge his/her grievance with the MHHOA. The dispute resolution form may be completed and mailed to MHHOA: mshfinance@midstream.co.za who will review the appeal document. Should the MHHOA staff not reach an agreement it will then be referred to the penalty and appeal committee for their consideration.
- 20.6 The Board of Directors shall establish a penalty appeal committee (PAC) to consider the representations of the aggrieved person, and that committee may confirm, reduce, or retract the penalty.
- 20.7 A person who is not satisfied with the decision of the penalty appeal committee may appeal in writing to the Board of Directors, within 7 working days. If the aggrieved is not satisfied with the Boards decision it may then be referred to the Ombudsman (CSOS).
- 20.8 The Board of Directors may appoint officers to enforce the house rules and issue penalties in upholding the house rules, aesthetic rules and/or the owners and contractors code of conduct.
- 20.9 These rules also apply to contractors, delivery companies and or visitors that enter the estate.
- 20.10 A contractor who fails to pay a penalty within 21 days after receipt thereof shall be denied access into the estate until such penalty is paid in full.
- 20.11 3rd Party person(s) who fails to pay the penalty within 21 days after receipt thereof shall be denied access into the estate until such penalty is paid in full.

21. 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.
- House Rule Annexure E Business Activity Guidelines and Rules
- House Rule Annexure F Proposed ruling in respect with pets within Midstream Hill

Issued in terms of the Memorandum of Incorporation of the MIDSTREAM HILL Homeowners Association.

Chairperson:



Date:

23/11/2021

Effective Date:

23/11/21.

