

# **Annexure “D”**

## **MEYERSDAL VIEW HOME OWNERS ASSOCIATION NPC ENFORCEMENT OF RULES AND APPEAL PROCESS**

1. The Directors have the Authority to impose Fines and Penalties on Members or Residents who transgress or breach any Rules.
2. In terms thereof this document and its schedule form part of the Rules as if incorporated therein and should be read so accordingly.
3. Members/Residents must be notified by way of a formal written notice of the infringement by way of email or hand delivery. This notice shall notify the Owner of the date, time, place and nature of the transgression and shall notify the Resident of the Fine or Penalty payable.
4. Fines and Penalties shall be loaded onto the Residents levy account and shall be payable in the month in which the levy account is payable.
5. All Fines and Penalties will be considered as part of the levy account and the Rules relating to Legal collection thereof as put forward in the Rules shall apply.
6. The Schedule of Costs (Including Fines and Penalties) (Annexure “E”) is attached hereto.
7. Any Resident who wishes to oppose the implementation of the Fine or Appeal thereto shall do so in terms of the following procedure:
  - 7.1. The Resident is to within 5 (five) business days after receipt of the notice referred to in clause 3 above notify the Directors that he / she wishes to Appeal the Incident or the Fine imposed or both;
  - 7.2. Within 10 (ten) days from delivery of the notice referred to in 7.1 above notify the Directors, in writing, of the reasons of the Member not being Guilty of the infringement and / or why the Fine should not be imposed;
  - 7.3. The Directors, or the Estate’s duly appointed Managing Agent, shall acknowledge receipt of the written reasons referred to in clause 7.2 above by written notice to the Resident within five (5) business days from receipt thereof;
  - 7.4. The Directors shall then Review the written Representations of the Resident and either reverse the Fine or persist in its contentions;
  - 7.5. The Directors shall notify the aggrieved Resident of their decision within 14 (fourteen) business days from the date of acknowledgement of such Representations as referred to in clause 7.3 above.

- 7.6. Should the Resident be unsatisfied with the outcome of the Director's decision he / she may either refer the matter to the Community Schemes Ombud or call a Dispute in terms of the Arbitration Act (as amended) and refer the matter to Arbitration.
- 7.7. The General Rules governing Arbitrations shall be applicable.
- 7.8. The decision of the Arbitrator shall be final and no Appeal therefrom to any Court will be permissible.
- 7.9. The Arbitrator may make any Order as to Costs which he / she may deem appropriate.
- 7.10. The parties to the Arbitration shall abide by the Arbitrators Award.