



## **Erinvale® Country Estate Homeowners' Association**

### **Estate Rules, Guidelines and Code of Conduct**

#### **ADDENDUM 'A' – THE PROCESS**

- I. A copy of the Estate Rules must be provided, by whatever means, to all HOA Members. Such a copy requires either a Members signed receipt which receipt must be filed at the HOA office, or else an e-mail acknowledgement of receipt via this medium. The HOA must have documentary evidence that a Member of the HOA has received a copy of the Estate Rules. It is the HOA Member's responsibility to ensure that family members, visitors and possible tenants are made aware of the Estate Rules.
- II. Spare copies of the Estate Rules are available to HOA Members at the HOA office and on the website.
- III. Any complaint or notice of infraction of the Estate Rules must be in writing and must be addressed to the Chairperson of the Trustee Committee and the Estate Manager, who would report all unresolved complaints received, to the HOA Trustee monthly meeting.
- IV. Valid justified complaints will be entertained when received from any tenant resident on the Estate as if received from the landlord.
- V. The Estate Manager will seek supporting evidence for the complaint from the complainant. In every instance the complainant must be asked for supporting evidence (photographs of the transgression, recording of audible issues, written date and time recorded logs of continuous issues).
- VI. Third party based or 'hearsay' complaints will not be entertained.

**Erinvale Estate Rules – The Process**

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- VII. If a complaint is genuine and contrary to the Estate Rules the first procedure to be adopted is verbal communication with the resident by the Estate Manager. This must be by appointment, at the HOA office, and not telephonically.
- VIII. A repeat of the same infraction will be followed by a first written warning explaining that a verbal warning was issued on a particular date and that the HOA strongly disapprove the breach of the Estate Rule concerned.
- IX. If a further breach of the Estate Rules occurs, a second written warning will be issued explaining that should another incident occur of the same nature, the offending resident will be “named & shamed” in the appropriate Estate communication and the resident will be fined R1,000. Further breaches of the same Estate Rule may incur fines up to a maximum of R5,000.
- X. If a Member accused of an offence decides to use legal assistance in defending the accusation, then the HOA will also use its legal resources to defend the accusation. The Member must be advised, in writing, that the HOA will seek to recover all costs incurred as a result of having to use legal resources.
- XI. Any penalty levied should follow the HOA levy process. A penalty account is sent to the Member stating that he/she has 30 days from the date of the account, in which to settle the account, else interest at the prevailing overdue levy rate will be applied to the outstanding balance. Failure to settle the account will result in a collection process being followed in line with existing levy collection practice.
- XII. Continued denial of an offence may be escalated to a Trustee hearing. Three members of the already identified Arbitration Committee (together with the Estate Manager), should meet with the alleged offender and make a majority decision on the complaint. It only requires the agreement of a majority of the Arbitration Committee in order to enforce the process for a valid complaint. The Arbitration Committee must agree that the complaint is invalid for the matter to be closed, and any penalties that have been levied are to be withdrawn. The Arbitration Committee hearing decision is final and may not be escalated any further.