Rietvlei View Country Estate | Home Owners Association

TITLE DEED CONDITIONS/RESTRICTIONS

1. This document serves to clarify the regulations embodied in the title deed conditions of Rietvlei View CE, which are enforceable by the Rietvlei View Home Owners Association (RVOA), through a deed of cession obtained in 2014. {Please note that Towndev has ceded its responsibility to enforce the title deed conditions to the RVOA as of 04 July 2014)

2. The RVOA will further have the right to report and/or to enforce any building standards and regulations and/or by-laws applicable to the Rietvlei View Country Estate, in collaboration with Tshwane Metropolitan Municipality and any other relevant authorities, so empowered to deal with such.

3. NO BOREHOLES are allowed as Rietvlei View is underlain by dolomite. "Clause 18(2) of the Tshwane Town Planning Scheme, 2008 (Revised 2012) stipulates:

   "(d) No wells or boreholes may be sunk on any Erf except with the Permission of the Municipality and subject to such conditions as the Municipality may impose."

4. The following conditions and restrictions are imposed- and enforceable by TOWNDEV {Pty) Ltd {1983/009407/07) and its successors in title:

   4.1 **Condition 1**

   Building plans (including septic tank systems) must be submitted by the owner to the Tshwane Metropolitan Municipality for approval before commencement of any construction work.

   4.1.1 The Tshwane Metropolitan Municipality, hereinafter referred to as "City af Tshwane", requires that all building plans be first submitted to the RVOA lor compliance inspection. The RVOA will affix its official stamp on the plans that complies with conditions in line with the Report on Geotechnical and Dolomite stability UP/RE/RVCW/05/2 dated 28 February 2003. City af Tshwane will receive and approve the plans after confirmation of compliance.

   4.1.2 All building plans complying with the above requirements are regarded as Approved Plans. Any construction taking place without approved plans will be regarded as invalid and unlawful.

4.1.3 Should there be reasonable suspicion that the owner of a property has transgressed any of the conditions contained in the title deed, the RVOA may take the following steps to ensure compliance:

i. investigate the matter to establish proof from the owner, that he/she has approved plans, failing which the RVOA may:

a. Request that owner to halt the illegal construction.
b. Fine the offending owner an amount not exceeding R500-00 per day, until the contravention has been corrected.
c. ln the event an owner refuses to cooperate and make good the contravention, the daily penalty will run until such owner corrects the violation.
d. Should an owner persist with the contravention as mentioned in {c) above for a period longer than 30 days after notice of contravention, the RVOA may, without prejudice to such owner's rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.
e. The costs of such application, inclusive of penalty amount, shall be for the account of such owner.

ii. Any owner in contravention of the title deed conditions will be given a written notice allowing him/her 7 calendar days to make good the contravention. Written notice shall take a form of email, WhatsApp message, SMS and/or letter or formulated notice.

iii. Any owner in contravention of title deed conditions who has been given a written notice, will be issued with monthly statements of account to time of the total amount due in penalties.

iv. ln the event the owner is in contravention of condition 1 as stated above, or fails to make good the contravention within 30 days, RVOA may invoke provisions of (i)(d) above.

4.2 **Condition 2**

Sewerage shall be by septic tanks and french drains or septic tanks and wetland system {reed-bed system), which the owner must install at his/her own cost and in compliance with all the specifications and requirements, as prescribed by the City of Tshwane.

4.2.1 The City af Tshwane requires that all septic tank systems installed in Rietvlei View, must be enclosed systems and french drains. Soak-a-ways are not allowed.

4.2.2 The septic tank system must contain a digester that can adequately handle the effluent of the number of people that are to reside on the property.

4.2.3 Black water effluent resulting from the digester must be agitated by mechanical means, such as air blowers or pumps, to ensure optimum aerobic bacterial processes. Alternatively, a wetland or reed bed system may be used to ensure aerobic processes.

4.2.4 Overflow from the aerobic process must be contained in a conservancy tank and may not be allowed to soak away. It may be pumped and distributed over an area greater than 150m^2 or, alternatively, must be pumped out using septic tank suckers and disposed of in the municipal sewer system.

4.2.5 The RVOA may request from the owner that he/she furnish proof of approval for the septic tank system that he/she is utilising. An occupational certificate issued by the City of Tshwane will suffice as proof of such approval, failure which the RVOA may:

i. Request to inspect the septic tank system. Should the owner refuse or the septic system be found to be inconsistent with the specifications and/or requirements by the City of Tshwane, the owner may be fined an amount not exceeding R500-00 per day, until such a time the owner consents to an inspection and remedies the inconsistencies of his/her septic tank system.
ii. Bring an application to the High Court on an urgent basis with punitive costs, due to the nature of the severe health and safety risks of septic tank systems.
iii. Issue weekly statements of account of the total amount due in penalties to any owner given a written notice regarding the contravention of condition 2.
iv. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice to such owner's rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.

4.3 **Condition 3**

The owner or any other person/s shall not live on the property prior to the completion of the main dwelling and the issuing of an occupation certificate by the City of Tshwane.

4.3.1 The RVOA, for security reasons, will allow a contractor or an owner to have 2 people stay on the property during construction, to safeguard building materials between 20:00 to 05:00. This is a concession, and should the owner or contractor transgress this concession, it will be withdrawn, and the owner will be held liable and be fined a maximum of R500-00 per day.

4.3.2 No persons are to traverse the building site after 20:00. Any person doing so will be regarded a security risk to other residents and surroundings, and the security company and/or police will be involved to deal with the contravention.

4.3.3 Contractors must ensure that the living conditions of their staff meet all health and safety requirements.

4.3.4 The owner/contractor must provide the RVOA with a completed Contractor and Employee information Sheet before commencement of any building activity.

i. If any building site is occupied by more than 2 people at any point between the hours of 20:00 and 05:00, the concession mentioned in 3.3.1 of this document may be withdrawn and nobody may reside on the property until an occupation certificate is obtained.
ii. The RVOA can fine the contravening owner an amount not exceeding R500-00 per day, should the owner not comply and have people live on the property without obtaining an occupational certificate.
iii. The owner will be informed in writing that he/she is contravening his/her title deed conditions, and that steps will be taken against him/her if the matter is not rectified within 7 calendar days. After the lapse of these days, the owner will be informed again in writing that he/she is to be fined a specific amount for failure to comply with his/her title deed conditions.
iv. The owner will, at the end of every month, receive a statement detailing the charges levied against him/ her.
v. If the owner does not respond within 30 days, the matter will be referred to the attorneys acting on behalf of the RVOA.
vi. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice to such owner's rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.
vii. The RVOA may approach the High Court for an order compelling the owner to vacate the property until such a time as the construction is completed. and an occupation certificate is obtained and/or to pay the fines imposed for not complying with the title deed conditions.

4.4 **Condition 4**

The main dwelling, excluding garages and outbuildings, shall be a minimum of 100m^2. No iron, prefabricated steel or wooden structures shall be erected on the property. All main dwellings must be completed within 12 months of commencement of construction, after the approval of the building plans by the City of Tshwane. Builders' huts and similar structures must be removed immediately or within reasonable time, not exceeding one month after completion of the construction and issuing of occupation certificate by the City of Tshwane.

4.4.1 The RVOA will review building plans to ensure that all building plans and extensions to buildings are in accordance with the Rietvtei View title deed conditions.

4.4.2 No builders' huts will be allowed on the property prior to commencement of construction of the main dwelling.

4.4.3 The RVOA will monitor building sites to assure compliance. The main dwelling must be completed within 12 months after approval of building plans or from the inception of construction.

4.4.4 Should the owner fail to comply and erect prefabricated structures or not remove the offending builders' huts or complete the dwelling within the allocated 12 months period, without applying for extension of time or condonation, then the RVOA can do one or more of the following:

i. Issue a written warning for transgressing the title deed conditions, stating that steps will be taken against him/her if the matter is not rectified within 7 calendar days. The owner will be notified again in writing after the lapse of these days, that he/she will be fined a maximum of R500-00 per day for failing to comply with his/her title deed conditions.
ii. The owner may be approached to provide a proposed schedule for the completion of the dwelling, or for removal of any non-complying structures.
iii. The owner needs to have his/her building plans re-approved. During the rescheduling period, additional fines will not be levied. However, should the owner fail to comply with the rescheduling, the fines which were stopped during the rescheduling period will be levied against the owner as if the rescheduling did not take place.
iv. Penalise the offending owner with an amount not exceeding R500-00 per day, in the event there is no cooperation.
v. If the owner does not respond within 30 days, refer the matter to the attorneys acting on behalf of the RVOA.
vi. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice of such owner/s

rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.

vii. The RVOA may approach the High Court for an order compelling the owner to complete the property under a time specific agreement, and/or remove any builder huts, and/or to pay the fines incurred for not complying with the title deed condition.

4.5 **Condition 5**

The owner shall, at all times, be obligated to maintain the pavement and sidewalk areas adjoining the property, in a neat and tidy condition.

4.5.1 Should an owner not comply with this Condition, the RVOA may:

i. issue a written warning for transgressing the title deed conditions, stating that steps will be taken against him/her if the matter is not rectified within 7 calendar days. The owner will be notified again in writing after the lapse of these days, that he/she will be fined a maximum of R500-00 per day, for failing to comply with his/her title deed conditions.
ii. The owner will, at the end of every month, receive a statement detailing the penalties levied against him/her.
iii. If the owner does not respond within 30 days, the matter will be referred to the attorneys acting on behalf of the RVOA.
iv. Approach the High Court for an order compelling the owner to clean his sidewalk and/or pay the fines incurred for not complying with the title deed condition.

4.6 **Condition 6**

No prefabricated walling or prefabricated fencing is permitted.

4.6.1 Should an owner not adhere to this Condition then the RVOA may:

i. Issue a written warning for transgressing the title deed conditions and that steps will be taken against him/her if the matter is not rectified within 7 calendar days. The owner will be notified again in writing after the lapse of these days, that he/she will be fined a maximum of R500-00 per day for failing to comply with his/her title deed conditions.
ii. The owner will, at the end of every month, receive a statement detailing the penalties levied against him/ her.
iii. If the owner does not respond within 30 days, the matter will be referred to the attorneys acting on behalf of the RVOA.

iv. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice of such owner/s rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.
v. The RVOA may approach the High Court for an order compelling the owner to remove the illegal walling or fencing and/or pay the fines imposed for not complying with the title deed conditions.

4.7 **Condition 7**

No material, plant, machinery and/or other equipment shall be stored on the property, except materials and other equipment required for the construction of the main dwelling, outbuildings, walling, fencing etc. All surplus materials must be removed on completion of the main dwelling and outbuildings.

4.7.1 Should an owner or any other person contravene this condition, the responsibility shall fall on the registered owner of the property.

The RVOA may then:

i. Issue a written warning for transgressing the title deed conditions and that steps will be taken against him/her if the matter is not rectified within 7 calendar days. The owner will be notified again in writing after the lapse of these days that he/she will be fined a maximum of R500-00 per day, for failing to comply with his/her title deed conditions.
ii. The owner will, at the end of every month, receive a statement detailing the penalties levied against him/her.
iii. If the owner does not respond within 30 days, the matter may be referred to the attorneys acting on behalf of the RVOA.
iv. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice of such owner/s rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.
v. The RVOA may approach the High Court for an order compelling the owner to remove illegal materials and/or equipment and/or pay the fines incurred for not complying with the title deed conditions.

4.8 **Condition 8**

The property shall only be utilised for agricultural activities. No motor- or related workshops are permitted. No industrial retail or wholesale activities of any nature whatsoever are permitted. No advertising signboards are permitted.

4.8.1 The sentence "the property shall only be utilised for agricultural activities" must be read in conjunction with condition IX of the title deed, that states the property is to be used for rural occupational purposes.

4.8.2 Industrial activities would constitute any activity which is coded in the international industrial classification codes.

4.8.3 The title deed does not prohibit the rendering of services. The City of Tshwane allows a home or cottage industry in terms of its bylaws. There are, however, certain rules a homeowner needs to abide in terms of the bylaw. As long as a homeowner does not transgress these and adhere to the limitations imposed by Condition 8 of the title deed, then an owner is not in breach of the title deed conditions.

4.8.4 Should an owner transgress any of these stipulations, then the RVOA may:

i. Issue a written warning for transgressing the title deed conditions and that steps will be taken against him/her if the matter is not rectified within 7 calendar days. The owner will be notified again and in writing after the lapse of these days, that he/she will be fined a maximum of R500-00 per day, for failing to comply with his/ her title deed conditions.
ii. The owner will, at the end of every month, receive a statement detailing the penalties levied against him/her.
iii. If the owner does not respond within 30 days, the matter may be referred to the attorneys acting on behalf of the RVOA.
iv. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice of such owner/s rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.
v. The RVOA may approach the High Court for an order compelling the owner to stop his/her activities and/or remove illegal sign boards, and to comply with the title deed condition and/or pay the fines incurred for not complying with the title deed condition.

4.9 **Condition 9**

No sheds or storerooms shall be erected prior to commencement of construction of the main dwelling {see also Condition 4: 3.4.2 and 3.4.3).

4.9.1 Should the owner transgress this, then the RVOA may:

i. Issue a written warning for transgressing the title deed conditions and that steps will be taken against him/her if the matter is not rectified within 7 calendar days. The owner will be notified again and in writing after the lapse of these days, that he/she will be fined a maximum of R500-00 per day, for failing to comply with his/her title deed conditions.
ii. The owner may be approached to provide a proposed schedule for the completion of the dwelling or for removal of any non-complying structures.
iii. The owner then needs to have his/her building plans re-approved. During the rescheduling period additional fines will not be levied. However, should the owner fail to comply with the rescheduling, the fines which were stopped during the rescheduling period, will be levied against the owner as if the rescheduling did not take place.
iv. Penalise the offending owner with an amount not exceeding R500-00 per day in the event there is no cooperation.
v. If the owner does not respond within 30 days, refer the matter to the attorneys acting on behalf of the RVOA.
vi. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice to such owner's rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.
vii. The RVOA may approach the High Court for an order compelling the owner to complete the property under a time specific agreement, and/or remove any builder huts and/or to pay the fines incurred for not complying with the title deed condition.

4.10 **Condition 10**

The owner shall comply with the regulations of the National Housing Board Registration Council and Act 95 of 1998, Housing Consumers and Protection Measurements Act, 1998, and any other legislation which may affect building operations in the future. The seller shall in no manner whatsoever be responsible for any costs which may be payable in order for the conditions of this clause to be complied with.

4.10.1 The NHBRC requires a geotechnical report with a test footprint for each and every construction in the Rietvlei View area.

4.10.2 This is so that your engineer may design a foundation suitable to the underlying ground structure. To this effect, the engineer is required to furnish the NHBRC with a declaration stating that he/she has investigated the geotechnical information of the property, and that the foundation that he/she has designed, is adequate to bare the loads required of it. The engineer may decide that he has adequate information to design a foundation without the plot specific geotechnical report being taken into consideration. He/she, however, still must provide a certificate to state that he/she has investigated the soil conditions and designed a suitable foundation.

i. The RVOA will not approve building plans without an engineer certificate.
ii. See Condition 1, par 3.1.1 above.

4.11 **Condition 11**

The property shall at all times be maintained in a neat and tidy condition by the owner.

4.11.1

i. Contractors are expected to keep the building site and plot clean.
ii. Building rubble must be removed from the site on a regular basis.
iii. No dumping of rubble/building rubble on neighbouring plots or any other plots in the area.
iv. Rubble must be dumped at designated dumping sites provided by the City o! Tshwane.
v. No burning of any refuse or waste is allowed.

4.11.2 Perimeter walls and/or fences must be kept neat and tidy.

4.11.3 Garden/domestic refuse may not be burnt in Rietvlei View. Garden refuse may be composted providing that it is done in such a way that it is not unsightly or creates a nuisance for neighbours.

4.11.4 The main dwelling and outside buildings must be kept neat and tidy. Roofs and walls may not peel or flake and must be repainted once it becomes untidy.

4.11.5 Gardens must be neat and tidy. A veld grass covering is acceptable, provided that there is not an ingress of invader plants. The owner must, however, ensure that his property has proper fire breaks and that the grass is cut short before the onset of the fire season in June.
Should an owner not adhere to this Condition, then the RVOA may:

i. Issue a written warning for transgressing the title deed conditions and that steps will be taken against him/her if the matter is not rectified within 7 calendar days. The owner will be notified again and in writing after the lapse of these days, that he/she will be fined a maximum of R500-00 per day for failing to comply with his/her title deed conditions.
ii. The owner will be informed, in writing, that he/she is transgressing hi/hers title deed conditions and that steps will be taken against him/her, if the matter is not rectified within 7 calendar days. The owner will be informed, in writing, after the lapse of the 7 days, that he/she is to be fined a specific amount per day for failing to comply with his/her title deed conditions.
iii. The owner may request that he/she be given a period of no longer than 30 days to tidy, paint or fix his/her property. Fines levied prior to such an agreement being reached, will stand, and the owner will be responsible for the payment thereof.
iv. During the grace period, additional fines will not be levied. However, should the owner fail to comply within the grace period, the fines which were stopped during the grace period will be levied against the owner as if there were no grace period.
v. The owner may, at the end of every month, receive a statement detailing the penalties levied against him/her.
vi. If the owner does not respond within 30 days, the matter may be referred to the attorneys acting on behalf of the RVOA.
vii. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice to such owner's rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.
viii. The RVOA may approach the High Court for an order compelling the owner to clean, tidy or fix the property under a time specific agreement, and/or to pay the fines incurred for not complying with the title deed condition.

4.12 **Condition 12**

No tents and caravans are permitted to be occupied on the property.

4.12.1 If an owner fails to adhere to this Condition, then the RVOA may:

i. Issue a written warning for transgressing the title deed conditions and that steps will be taken against him/her if the matter is not rectified within 7 calendar days. The owner will be notified again and in writing after the lapse of these days, that he/she will be fined a maximum of R500-00 per day for failing to comply with his/her title deed conditions.

ii. Approach the High Court for an order compelling the owner to comply or pay the fines imposed for not complying to the title deed conditions.
iii. The owner will be informed in writing that he/she is transgressing his/her title deed conditions and that steps will be taken against him/her, if the matter is not rectified within 7 calendar days. The owner will be informed again and in writing after the lapse of the 7 days, that he/she is to be fined a specific amount per day, for failing to comply with his/her title deed conditions.
iv. The owner will, at the end of every month, receive a statement detailing the penalties levied against him/her.
v. lf the owner does not respond within 30 days, the matter may be referred to the attorneys acting on behalf of the RVOA.
vi. Should an owner persist with the contravention as for a period longer than 30 days after notice of contravention, the RVOA shall, without prejudice of such owner's rights, approach the High Court for necessary relief to compel such owner to comply with title deed conditions.