

CVPOA PENALTY PROCEDURES AND PENALTIES w.r.t. PROPERTY MAINTENANCE

INTRODUCTION

The primary objective of the CVPOA is to enlist the full co-operation of all Members and their tenants to promote, enhance and protect our communal interests through the continuous upkeep of property.

In terms of the CVPOA Constitution, certain Rules and Regulations for property maintenance were adopted with a view to attaining the above goal. This procedure implements immediate financial penalties for any maintenance failures or rule breaches. Members are expected to proactively maintain compliance with all CVPOA requirements.

Every owner of an Erf automatically becomes a member of the CVPOA upon registration of the said Erf. All Members, and their successors in title or assignees, are bound by the provisions of the Constitution, and the Rules and Regulations emanating therefrom.

It is every Member's obligation, and that of his lessees or tenants, to familiarise themselves with the said Constitution, Rules and Regulations, and Penalty Procedures and Penalties. Ignorance of the rules will not excuse non-compliance or reduce penalty liability. It is only with genuine respect and consideration on the part of all residents of Century View, for all fellow residents, that harmonious living will be achieved, and the precinct kept in a pristine condition.

The Penalty Procedures and Penalties will be reviewed, as and when necessary, to ensure that they remain relevant and continue to serve the communal interests of the members of the CVPOA. A Member wishing to receive clarification and or guidance on any aspect of the Penalty Procedures and Penalties, should request such clarification or guidance from the CVPOA.

The definitions and interpretations contained in the Constitution shall apply equally to these Penalty Procedures and Penalties unless otherwise specified.

1. OBJECTIVES OF THE PENALTY PROCEDURES AND PENALTIES

- 1.1 The primary objective of the Penalty Procedures and Penalties is to ensure immediate compliance with the CVPOA Constitution and Rules and Regulations, to ensure a harmonious relationship between and among all residents of the estate, and to ensure that property value is maintained through the continuous and adequate maintenance of every owner's property.
 - 1.2 The amount of the penalties or fines will be set by the Trustees of the CVPOA.
 - 1.3 Zero Tolerance Policy: All breaches will result in immediate financial consequences without prior warnings to ensure swift compliance and maintain estate standards.
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2. PENALTIES

- 2.1 General Liability: Any Member and any person(s) he/she is responsible for, who contravenes the CVPOA Constitution and any Rules and Regulations promulgated for property maintenance by the CVPOA will be immediately liable for a penalty. The penalty so levied will be consistently applied and in a just and fair manner.

2.2 Key Penalty Provisions:

- The CVPOA Trustees will from time to time look at the reasonableness of the fines and place a schedule before a general meeting for adoption

- Non-receipt by a Member of the list of penalties shall not invalidate his liability arising from the imposition by the CVPOA of any penalty included in the list of penalties
- A penalty must be paid within 21 (twenty-one) working days of it being issued
- Failure to pay a penalty within the period prescribed will result in interest and other charges accruing at the rate determined by the Trustees per Section 4.4.4 of the Rules and Regulations
- The payment of all legal fees and costs incurred by the CVPOA to enforce breaches or collect fines shall be borne by the Member
- It is the Member's responsibility to inform his/her tenant/s of the Rules and Regulations and penalties. The Member is responsible for any common area damage caused by the tenants and is responsible for the payment of all fines
- The penalties will always be applied in an objective procedurally fair manner
- No spot fine will be imposed and each fine that is imposed will follow the process set out below

3. PROCEDURE FOR LEVYING A FINE OR PENALTY

Members must acknowledge receipt of all formal letters of notification.

3.1 NO WARNING POLICY

In accordance with Section 21.1.2 of the CVPOA Rules and Regulations, any breach by Home Owners, visitors, tenants, contractors, workers, or delivery personnel shall be deemed to have been committed by the Member themselves and will result in immediate monetary penalties without prior warnings.

3.2 MEMBER RESPONSIBILITY

As stipulated in Sections 3.4 and 3.5 of the Rules and Regulations, every Member must observe and be aware of all CVPOA Rules and Regulations, and ensure that their families, tenants, visitors, friends, and employees abide by these rules.

3.3 ACKNOWLEDGMENT REQUIREMENT

Members must acknowledge receipt of all formal letters of notification regarding fines imposed.

4. IMMEDIATE FINE PROCEDURE

4.1 FIRST BREACH

Action: Immediate imposition of the standard fine amount of R1,000.00 per offense (as specified throughout the Rules and Regulations)

Notice: Formal written notice issued by the CVPOA to the Member containing:

- Nature of the breach (per Section 21.1.4 of the Rules and Regulations)
- Date, time, and location of the breach
- Digital photograph of the breach (where applicable and available)
- Fine amount imposed (refer to schedule of fines)
- Reference to the specific rule breached

- Payment due date
- Consequences of non-payment
- Any other information the CVPOA deems applicable

4.2 REPEAT BREACHES (SAME CALENDAR YEAR)

Definition: When a Member breaches the same provision more than once in a calendar year

Action: Immediate doubling of the standard fine (R2,000.00 per offense)

Notice: Formal written notice identifying this as a repeat breach with enhanced penalty

4.3 ONGOING BREACHES

Definition: Breaches of a continuing nature that have not been corrected

Action:

- Initial fine of R1,000.00 (or R2,000.00 if repeat breach)
- Additional fines of the same amount assessed daily or bi-weekly until breach is corrected
- No limit on the number of daily or bi-weekly assessments

Notice: Formal notice for each bi-weekly assessment with updated total amount owed

4.4 SERIOUS BREACHES REQUIRING IMMEDIATE REMEDIAL ACTION

For breaches requiring immediate remedial action (per Section 11.3 regarding landscaping or similar maintenance issues):

Action:

- Immediate fine of R1,000.00 (or R2,000.00 if repeat breach)
- Plus CVPOA remedial action at Member's expense
- Plus administrative fee of 15% of remedial costs

Authority: Per the Rules and Regulations, the CVPOA may not be refused entry to remedy breaches. Any attempt to refuse entry will result in an additional R1,000.00 fine.

5. NOTICE AND PAYMENT PROCEDURES

5.1 NOTICE DELIVERY

- All notices delivered in writing to the Member's registered address or property or via email/WhatsApp
- Refusal of receipt not permitted (per Section 21.2.1 of the Rules and Regulations)
- If refused, notice attached to front door/gate constitutes sufficient service
- Email delivery to registered email address (where available) for expedited notification

5.2 PAYMENT TERMS

- Fine amounts reflected on monthly levy invoice (per Section 21.1.5 of the Rules and Regulations)
- Payment due within 21 working days of issue date
- Interest charged on overdue amounts at the rate determined by Trustees (per Section 4.4.4)

- All payments must reference the specific fine notice number

5.3 NON-PAYMENT CONSEQUENCES

Per Section 4.4.7 of the Rules and Regulations, Members with outstanding amounts may lose:

- Use of common areas
- Rights at CVPOA meetings
- Access to Century View precinct (at CVPOA discretion)
- Additional legal action for debt recovery with all costs for Member's account

6. APPEALS PROCESS

6.1 RIGHT TO APPEAL

- Members may appeal fines at the first Board of Trustees meeting after submitting written representation (per Section 21.2.2 of the Rules and Regulations)
- Appeal must be submitted in writing within 14 days of receiving the fine notice
- Appeals do not suspend payment obligations unless specifically granted by the Trustees
- Appeal fee of R500.00 payable with appeal submission (refundable if appeal is successful)

6.2 FINAL ADJUDICATION

- CVPOA Chairman may appoint committee of 3 Trustees (per Section 21.4.1 of the Rules and Regulations)
- Committee decision is final and binding (per Section 21.4.2 of the Rules and Regulations)
- No further appeal permitted
- Decision communicated in writing within 30 days of appeal hearing

7. LEGAL AUTHORITY

This procedure operates under the authority of:

- Section 21.1.3 of the Rules and Regulations: CVPOA Trustees may take necessary steps to remedy breaches and enforce provisions through competent courts
- Section 4.4.4 of the Rules and Regulations: All monies due may be recovered through competent courts with all costs for the Member's account
- The CVPOA Constitution and all related governing documents

8. IMPLEMENTATION AND ENFORCEMENT

8.1 This No Warning Policy is effective immediately upon approval by the CVPOA Trustees and

8.2 The Managing Agent is authorized to implement this procedure and issue fines in accordance with these guidelines.

8.3 Regular reviews will be conducted to ensure the effectiveness of this policy in maintaining estate standards.