



MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

Association incorporated under section 21 of the Companies Act 1973 (as amended)

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NEWSFLASH

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Home Owners
Mossel Bay Golf Estate
MOSSEL BAY

Dear Home Owner

MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION (HOA): CHANGE TO CONDUCT RULES IN RESPECT OF SHORT TERM LETTING

The development of the Mossel Bay Golf Estate was approved as a low to medium density residential zone. This zoning specifically does not accommodate residences being used in the same manner as that of a resort. At the same time, the zoning is particularly suitable for residential estates that are governed by a home owners association, with access control and co-ordinated design requirements.

A person who chooses to purchase property within the Mossel Bay Golf Estate and becomes a member of the association, agrees to be bound by its rules. The relationship between the association and the member is contractual in nature. The conduct rules (and for that matter the MOI) and the restrictions imposed by them, are private ones, entered into voluntarily when an owner elects to buy property within the estate. By agreement, the owners of property within the estate acknowledge that they and their invitees are only entitled to do what is allowed to be done in terms of the MOI and the conduct rules.

Article 13.1.16 of the MOI provides that conduct rules will be made regarding: "The use of land within the development and the prevention of the conduct of any business activity whatsoever in any unit: Provided that no final approval in terms of the Mossel Bay Town Planning Scheme and the Land Use Planning Ordinance No. 15 of 1985 as on 1 January 2007 shall be effected by such decision.

In conjunction herewith clause 2.1 of the Conduct Rules provides that subject to clause 18, no business activity may be conducted from any erf or unit. Clause 15 and 18 of the Conduct Rules sets out the conditions applicable to letting and self-catering accommodation.

According to HOA records, a number of properties on the estate are used for self-catering purposes and letting for holiday accommodation on a short-term basis. With the aforesaid in mind some of these properties are exclusively used for commercial purposes. These properties have a constant turn-over of lessees, resulting in elevated levels of people coming and going, which often negatively impact other home owners. An increase in traffic and people movement within the estate, as well as entering and exiting the estate, place additional pressure on security, infrastructure, services and estate personnel. In addition, short-term tenants generally have little motive or incentive to acquaint themselves and observe the conduct rules of the Estate.

The aforesaid jeopardise the character, image, reputation and original intention of the estate which could negatively impact the value of properties.

It was decided at the HOA Board meeting held on 29 October 2020 that clause 15 and 18 of the Conduct Rules needs to be reviewed to accommodate stricter management of short-term letting.

Accordingly, the Board approved at its meeting held on 26 March 2021 that no letting for a period of less than 30 (thirty) days will be allowed. Clause 15.4 and 18.10, respectively, are now added to the Conduct Rules – see the tables below. In order to accommodate advanced bookings, the aforementioned clauses will take effect from 1 February 2022.

Security rules will be revised and aligned with the Conduct Rules.

CLAUSE 15: LETTING OF UNITS

CL.	Current Rule	CL.	Proposed Rule
		15.4	Letting of a unit or property for a period less than 30 (thirty) days is strictly prohibited. <u>(EFFECTIVE 1 FEBRUARY 2022)</u>

CLAUSE 18: CONDITIONS APPLICABLE TO SELF-CATERING ACCOMMODATION

CL.	Current Rule	CL.	Proposed Rule
		18.10	No self-catering letting for a period less than 30 (thirty) days will be allowed. <u>(EFFECTIVE 1 FEBRUARY 2022)</u>

In accordance with Article 13.1, 13.1.15 and 20.8 of the MOI the Directors may make or amend the Conduct Rules for the advancement of the interests of members.

Kind regards

Obo Mossel Bay Golf Estate HOA, Board of Directors