



MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

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

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NEWSFLASH

8 November 2021

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

Please find herewith a reminder of the salient points contained in the HOA Newsflash dated 13 April 2021 pertaining to short-term letting.

The zoning of the Mossel Bay Golf Estate is particularly suitable for a residential estate that is 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 is required to become a member of the association and will be subjected to the Memorandum of Incorporation (MOI) of the HOA and is subsequently obligated to be bound by its rules. The relationship between the association and the member is contractual in nature. The MOI, as well as the conduct rules 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.

In this instance Article (Art) 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 predominantly used for commercial purposes.

Using property in this manner breaches Art 13.1.16 of the MOI.

Furthermore, it jeopardises the character, image, reputation and original intention of the estate, which may negatively impact the value of properties on the Estate.

In order to comply with Art. 13.1.16 of the MOI, the HOA Board approved the undermentioned changes to clause 15.4 and 18.10 of 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>

Kind regards

Obo Mossel Bay Golf Estate HOA, Board of Directors