

BLOUBERG PROPERTY MANAGEMENT

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1 June 2020

ALERT LEVEL 3 LOCKDOWN HAS BEEN IMPLEMENTED AS OF TODAY

DISCLAIMER: *BLOUBERG PROPERTY MANAGEMENT (PTY) LTD*, THEIR DIRECTORS AND STAFF IN CONJUNCTION WITH THE *BOARD OF TRUSTEES* DO NOT ACCEPT ANY LIABILITY WHATSOEVER, EVEN IN THE CASE OF NEGLIGENCE BY ONE OF ITS MEMBERS AND/OR AFFILIATES; IN ANY CASE OF LOSS, DAMAGE TO PROPERTY, DEATH, DISCRIMINATION OR ANY OTHER FORM OF DAMAGES SUFFERED IN RESPECT TO OUR FOLLOWING OPINION OFFERED.

As you are hopefully aware, Dr Nkosazana Dlamini Zuma, on 28 May 2020, designated under the Disaster Management Act, (No. 57 of 2002), having declared a national state of disaster as published in Government Gazette (No. 43096) on 15 March 2020; has issued new regulations pertaining to the outbreak and spread of the Corona Virus known as COVID-19. As from 1 June 2020 Alert Level 3 has been implemented nationally and declared Cape Town as a "hot spot" in terms of these Regulations.

For more information and official resources please visit our website at : BPM.CO.ZA/COVID

This document serves as an informational preface courtesy from BPM and the Board of Trustees. It should be noted that each and every South African citizen must ensure that they read the various Regulations and implement your own measures to be compliant and to protect yourself and others around you. Living in a community scheme does not fall under the Department of Employment and Labour Directive (C19 OHS, 2020) and therefore there is no obligation from either BPM, the Trustees, its members or any affiliates applicable to any particular resident, pertaining to their own property. However, there are certain policies and procedures as referenced in this Directive that will be exercised and implemented where applicable to ensure that we have left no stone unturned in the fight to curb the spread of the virus with the scheme. The same rules as contained in the Regulations apply to all scheme property common areas and will therefore also be enforced by the Board of Trustees and any violations or transgressions will be reported to the relevant authorities, subject to penalty levies in terms of illegal or criminal acts. It is important to understand that the Regulations are Government issued laws and any contravention is considered a criminal act and could result in serious consequences for any culprits.

In light of the above; our stance towards this issue must be strict and efficient; we are here to help where we can and will need everyone's cooperation and unity in this stance to avoid the already truly saddening loss of life incurred.

Following the announcement last Thursday, many firms including attorneys, financial institutions, real estate companies and other Managing Agents were quick to send out informational packs which quickly spread within the community and greatly assisted in educating people about the amendments to various rules and regulations.

We are thankful to all those that have helped to spread essential information in such uncertain times and when it was greatly needed !

PERTINENCE OF THIS DOCUMENT

Blouberg Property Management (Pty) Ltd would like to offer an updated opinion on the Regulations and how they apply to members living in community schemes after having consulted with various experts in the field. We have held back in sending formal communication as we identified a lot of inconsistencies contained in the correspondence between the firms as mentioned before and also identified a few 'grey' areas in the Regulations which we sought to get clarity on before issuing any statement. We want to ensure that our clients have the right information and are dually compliant, especially the Board of Trustees, its members, employees and affiliates.

We would strongly recommend that any landlords distribute this document to their tenant(s) with immediate effect.

FREQUENTLY ASKED QUESTIONS ¹

May I allow visitors to my property?

No. Not at this stage; unless they are providing an essential service to you as defined in the Regulations and hold a valid permit to do so. Schemes with security guard access control will need to observe a physical document from such individual before they will be allowed into the estate.

May I leave my property and if so, what are the conditions applicable?

You are permitted to leave your property; but only for the following reasons and only within the same province that you are currently in:

- Performance of any service as permitted under Alert Level 3;
- Travel to and from your workplace or office;
- Purchase goods or services barring those excluded under Alert Level 3;
- Movement of children, as described in the Regulations;
- Exercising, only between the hours of 06h00 and 18h00, provided that it is not done in groups while maintaining the relevant health protocols and social distancing measures as described in the Regulations;
- Attending a place of worship, only in the same province;
- Attending a school or learner institution which has been re-opened;
- Attending a funeral or to transport mortal remains – cross-provinces: YES;
- Seeking and obtaining medical treatment – cross-provinces: YES;
- If you are a foreign tourist who arrived before the lockdown and have stayed in a temporary residence, only if official approval has been received by the Department of International Relations;
- Travelling to a new place of residence – cross-provinces: YES;
- Travelling for purposes of caring for an immediate family member;

In addition to the above, you will need to adhere to the following requirements:

- When in public, wear a mask, cloth, visor or other item that covers your nose and mouth. Common property within the scheme has the same rule;
- Ensure that all social distancing and health protocols are maintained.

¹ Regulation 33; Regulation 34; Regulation 35; Regulation 37, Regulation 41, Regulation 42, Regulation 43

FREQUENTLY ASKED QUESTIONS ²

May I lease my property or evict current tenant(s)?

Any short-term or home-sharing letting and leasing, or rental of property for leisure purposes is prohibited. Short-term periods usually are 3 months or less, which would imply that more than 3 months would be permitted; however, this has not been clarified specifically. No AirBNB!

No persons may be evicted during Alert Level 3, barring a court order.

May I use provided amenities or attend gatherings?

All access to common property amenities including but not limited to the pool area, playground, clubhouse, gym, etc. is prohibited.

You are however allowed to make use of the essential amenities including but not limited to the laundry, communal wash lines, etc.

Gatherings on common property is strictly prohibited; except for certain instances such as trustee meetings (on-site only). Owners' meetings are not yet allowed and we will continue to operate such events online.

Failure to adhere to the above may be subject to a criminal offence and arrest and detention of any persons at the gathering.

Specific exclusions are defined which mostly relates to business activities.

May I order take-aways and have it delivered to my property?

Yes, you can receive take-aways; however, if the scheme is gated, you will need to collect it from them at the gate.

May I allow my domestic worker to return and perform cleaning services?

Yes, but there is a big BUT: You will then fall under the Directive issued by the Department of Employment and Labour (C19 OHS 2020) – COVID-19 OCCUPATIONAL HEALTH AND SAFETY MEASURES IN WORKPLACES

This Directive is mostly not applicable for employers with less than 10 employees, except for the compilation of a risk assessment policy which is further detailed in the OCCUPATIONAL HEALTH AND SAFETY ACT (1993).

The applicable section in this Directive which must be adhered to is further described under Section 40 of the beforementioned Directive.

Such risk assessment must be submitted to the Board of Trustees.

² Regulation 46(1)/Table2/3; Regulation 39(2)(h); Regulation 36; Regulation 37 | C19 OHS 2020 Clause 14; Clause 40

DUTIES OF THE BOARD OF TRUSTEES³

A Body Corporate or Home Owners Association is a legal entity and must adhere to certain requirements as contained in the Regulations, which will be implemented and exercised as deemed fit by the Board of Trustees.

THE BOARD OF TRUSTEES MUST

1. Designation of a COVID-19 compliance officer who must oversee the –
 - a. Implementation of the Scheme Risk Assessment Policy as described later;
 - b. Adherence to the standards of hygiene and health protocols relating to COVID-19 at the workplace – this applies to:
 - i. Sanitization of common areas such as lifts, hand-railings, refuse areas and any other areas that are commonly used by the residents. Currently in-house or outsourced service providers are fulfilling this duty.
 - ii. Social distancing is observed.
 - iii. Person(s) adhere to the necessary PPE such as a face mask or similar that covers the nose and mouth in common areas.
2. Where the scheme has less than 10 in-house employees –
 - a. The same beforementioned guidelines apply such as for domestic workers.
 - b. No permits required.
3. Where the scheme has more than 10 in-house employees –
 - a. The OHS 19 2020 Directive applies and further regulations are described therein.
 - b. Permits are required.

SCHEME OPERATIONS

Repairs and maintenance may commence at individual units and on common property; however, the service provider must adhere to the relevant health and safety protocols and provide the relevant documents if so required.

Scheme service providers and employees may return to work to perform the needed services as usual; provided that the employer has complied with relevant health and safety protocols.

³ Regulation 47; Regulation 33(1)(a,b); Regulation 46(1); Regulation 46(3)

DO's AND DON'T's FOR RESIDENTS⁴

1. You may only move out from your residence provided that you are in possession of an affidavit confirming that you are –
 - a. Travelling for the purposes of moving to a new residence;
2. You may exercise on common property and there is no limitation on how far from your residence the exercise may take place.
 - a. Only during the hours of 06h00 – 18h00;
 - b. Must wear a face mask, cloth, visor or similar that covers your nose and mouth;
 - c. Must practise social distancing and not gather in groups.
3. You may visit another property provided that you are in possession of an affidavit confirming that you are performing personal care services to an immediate family member.
4. If you have any of the following symptoms, report this to your doctor/hospital/COVID-19 hotline-
 - a. Sore throat, permanent headache, shortness of breath, fever, loss of taste
5. Adhere a distance of 1.5 to 2 meters from any other person at all times.
6. The public restrooms (If any) are not to be used or if it is available will be managed strictly by the designated COVID-19 compliance officer.
7. There is no longer any curfew applicable.
8. Elderly persons (over the age of 60) and persons with comorbidities are encouraged to self-isolate and only leave home in exceptional circumstances.
9. If the resident is a business –
 - a. Display of your Covid 19 Permit, Policy, Emergency Procedures.
10. Access and rules of Covid 19 regulations to be strictly adhere to.
11. No Alcohol or cigarette sales are allowed in the complex.
12. Once a unit is quarantined, stricter rules may be implemented. This will be taken in advice from the Department of Health, Labour or National Decease Council.
13. Should any resident take precautions and do self-isolation, please also inform the Managing Agent which will remain strictly confidential.

Remember in doing so you have a huge responsibility to not place fellow residents in danger.

⁴ Regulation 33(1)(e); Regulation(4)(b)(i); Regulation 33((3)

WHY IS A RISK ASSESSMENT POLICY IMPORTANT?

- To raise awareness of the biological hazard (SARS-CoV-2 or COVID-19) and associated risk.
- To prevent the spread of COVID-19 this protecting workers and residents.
- To determine if a prevention and control programme is required for the identified risks.
- To evaluate the effectiveness of existing control measures or implementation of additional ones
- To comply with legal requirements where applicable.
- For decision-making in prioritising risk in the context of limited financial resources.
- To promote a culture of health and safety improvement.

WHERE CAN I FIND A COPY OF THE SCHEME RISK ASSESSMENT POLICY?

You may contact the Blouberg Property Management (Pty) Ltd offices via –

Email: info@bloubergstrand.co.za

Phone: 021 557 3682

Or contact your designated Portfolio Manager for more information.

FURTHER INFORMATION

Feel free to contact us for more information, you are encouraged to go and have a look at our website for official resources and read through them carefully.

COVID-19 HOTLINE: 0800 02 99 99

For and on behalf of the Board of Trustees



Barry van Biljon | Managing Director

