

Date : 25 March 2020

Dear Community Scheme Occupier  
(Sectional Title, HOA, Retirement and Shareblock Schemes)

## RE: COMMUNITY SCHEME MEASURES DURING LOCKDOWN

1. Our firm has specialised in the Law of Community Schemes for over 20 years. Below please find our legal opinion, based on the President's statement on Monday 23 March 2020 and its application to living in a community scheme during this lockdown period.

### 2. KEY ITEMS OF THE PRESIDENT'S STATEMENT:

- 2.1. *"From midnight on Thursday 26 March until midnight on Thursday 16 April, all South Africans will have to stay at home.*
- 2.2. *The categories of people who will be exempted from this lockdown are the following: health workers in the public and private sectors, emergency personnel, those in security services – such as the police, traffic officers, military medical personnel, soldiers – and other persons necessary for our response to the pandemic.*
- 2.3. *Individuals will not be allowed to leave their homes except under strictly controlled circumstances, such as to seek medical care, buy food, medicine and other supplies or collect a social grant.*
- 2.4. *All shops and businesses will be closed, except for pharmacies, laboratories, banks, essential financial and payment services, including the JSE, supermarkets, petrol stations and health care providers".*

(The underlining's are our emphasis)

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## **APPLICATION OF THE PRESIDENT STATEMENT TO THOSE LIVING IN A COMMUNITY SCHEME**

### **3. COMMUNITY SCHEMES AMENITIES**

- 3.1. Amenities such as the complex pool, playground, club house, gym and other amenities on the common property may NOT be used in any manner.
- 3.2. All these amenities should be locked, signage placed thereon prohibiting access and usage. This must be enforced by the trustees.

### **4. COMPLEX STAFF AND OCCUPIERS STAFF**

- 4.1. Neither the complex, nor the occupiers are allowed to have any staff access and/or carry out their duties on any part of the complex including the units.
- 4.2. Access to the complex including the units by these parties must not be allowed and signage should be put up to this effect. This must be enforced by the trustees.
- 4.3. An exception to this being occupiers requiring home medical treatment i.e. a nurse

### **5. DELIVERIES TO THE COMPLEX**

- 5.1. Only deliveries of groceries and pharmaceuticals will be allowed to be collected by the occupiers from the guardhouse/street gate of the complex. No other deliveries will be allowed to be collected, including take away food.
- 5.2. Arrangements contrary to the above must not be allowed. Signage should be put up to this effect. This must be enforced by the trustees.

### **6. EMERGENCY REPAIRS**

- 6.1. No repairmen will be allowed on the complex premises at all for any repairs to the common property or units, other than those of emergency, where risk of injury, loss of life or environmental damage can occur.
- 6.2. Access to the complex by these parties must not be allowed and signage should be put up to this effect. This must be enforced by the trustees.

7. **VISITORS**

- 7.1. No occupiers may have any visitors (from outside the complex) on any part of the complex premises including the units.
- 7.2. No occupiers may have any visitors (from inside the complex) in their units.
- 7.3. Now owners may leave their units other than as provided by the President and hence owners cannot gather on the common property or near thereto.
- 7.4. Access to the complex/units by these parties must not be allowed and signage should be put up to this effect. This must be enforced by the trustees.

Yours faithfully

**ALAN LEVY ATTORNEYS**

**(Electronically distributed and therefore unsigned)**

**ALA EMERGENCY ADVISE HOTLINE: 081 742 9075**