

PET STORIES



There are many problems with keeping pets in community schemes. We encounter them often on our various discussion forums and in our consulting business. This article is about joining a scheme without permission to keep your pets.

Pet owners' love for their animals often blinds them at decision making time. Here are two stories that will hopefully raise awareness of the importance of keeping a clear head when making a decision about pets and living in a community scheme. These are basically true stories, I've just changed details that might identify the individuals and schemes involved

The Home Owners' Association (HOA) with a no pets rule

Lucy's husband works in Dubai and returns home for a few weeks every few months. She is therefore alone much of the time and depends on her two large dogs for protection as well as for companionship. Understandably, she is very attached to them.

Lucy and her husband decided to move from the city and looked at "country estate" HOAs in several different locations, both at the coast and inland. They settled on one, the only problem being that –strangely for a "country estate" – there is a blanket no pets rule in place. When they did the first viewing they saw a dog in the neighbour's property and upon asking, the neighbour acknowledged that the dog was actually not allowed to be there. Both the seller and the estate agent said there was a no pets rule but that it was up for change at a coming meeting, so it was not a problem. Lucy said to them that if she couldn't have her dogs there they would not buy, that the dog issue was a deal breaker.

In a later communication exchange the chairperson said bring the dogs but he could not give official permission because of the current rule. Lucy and her husband were repeatedly assured that the rule would be changed and the dogs wouldn't be a problem. But they knew the rule was in place. And they made an offer, which was accepted. Of course, the rule was not changed and Lucy and her husband are now faced with a major problem in their lives.

The hard choice Danny had been living with his mother while he was going through an awkward time financially but was ready to once again move out and get his own flat, so he started looking around and

eventually settled on a flat owned by a family friend.

Of course the flat was very nice, conveniently close to work and had the standard sectional title pet rule, that is, occupiers can apply for permission from the trustees to keep a pet. This made the flat doubly attractive because Danny has owned Titan, a Yorkshire terrier, for nearly ten years. So Danny, sensibly following advice from a sectional title expert friend, asked the family friend owner to apply to the trustees for permission to bring Titan with him when he moves in. She did so, saying in her application that Danny and Titan had lived in a block of flats before without any problems.

The trustees actually asked for a reference for the dog and Danny approached the managing agents of the scheme in which he had lived previously, asking if they could supply a reference, which they very kindly did, saying that Titan had never been a disturbance or caused any kind of nuisance.

Imagine Danny's disappointment and frustration when the trustees eventually refused permission for his pet. Danny signed the lease anyway, confident that he could prevail on the trustees to change their minds and allow him to keep Titan once they realised that the reference was true and Titan was in no way a nuisance.

Now Titan lives with granny and the best Danny can do to be with his old friend is to stay over at his mom's place on the weekends. Which makes him sad.

Rules are real -In sectional title schemes the legislation makes it clear that the rules apply to and bind all owners and occupiers, and that includes tenants. In homeowners' associations the member's liability to comply with the rules is contractual. If you buy into an HOA, you are automatically a member of the association and therefore bound by that association's rules. Either way, the executives of the scheme are equally bound to enforce the rules. When looking at a scheme, either as a prospective buyer or as a tenant, realise that the rules are enforced and that you have a very small chance of getting them changed.

Article reference: Paddocks Press

Footnote from Compeg:

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