

**STBB’s REFERENCE GUIDE TO THE SECTIONAL TITLES SCHEMES MANAGEMENT ACT
For Managing Agents, Trustees, Owners and Property Practitioners**

In this, the fifty-third set of notes for your STSMA Reference Guide, Prescribed Conduct Rule 1 is discussed.

	<u>ANNEXURE 2 - CONDUCT RULES – PRESCRIBED CONDUCT RULE 1 – KEEPING OF ANIMALS, REPTILES AND BIRDS</u>	<u>REFERENCES & SEARCH WORDS</u>
PCR1(1)	<p>As a rule of thumb, no-one may keep an animal, reptile or bird in a section or on the common property unless the trustees have consented thereto (or, if this is provided for in terms of the Rules of the scheme - although this latter aspect is not specifically highlighted in PCR1(1)).</p> <p>Trustees may not unreasonably withhold their consent.</p> <p>It goes without saying that it will usually be considered grossly unreasonable should, for example, a blind occupier or owner be prohibited from keeping his guide dog in a scheme which otherwise prohibits the keeping of pets. This aspect is in any event addressed in detail in PCR1(2).</p>	<p>Animals, reptiles, birds kept only with consent of trustees</p> <p>Consent may not be unreasonably withheld</p>
PCR1(2)	<p>An owner or occupier that suffers from a disability and who reasonably requires a guide, hearing or assistance dog is <i>deemed</i> to have the requisite trustees’ consent. As such, the dog may be in the owner’s section and may be on the common property.</p> <p>Note that the Rule states that there is deemed consent for the owner or occupier to “to keep that animal in a Section <i>and to accompany it</i> on the common property.” (<i>Our emphasis</i>)</p> <p>It appears that, strictly interpreted, the dog may not be on the common property unless it is accompanied by the relevant owner or occupier.</p>	<p>Persons who require the assistance of a guide, hearing, or assistance dog</p>

However, it will in all probability be regarded as highly unreasonable if trustees were to prohibit a spouse, carer or friend of such person to accompany the dog for its necessary exercise and walk on the common property.

PCR1(3)

Conduct Rule 1(3) states that the trustees may provide for any reasonable condition in regard to the keeping of an animal, reptile or bird in a section or on the common property.

Reasonable conditions for keeping of animal

This Rule appears to apply also in the case of a dog that is allowed in terms of Rule 1(2) above, i.e. where the owner suffers from a disability and reasonably requires the assistance of the dog.

PCR1(4)

The trustees may withdraw any consent if the owner or occupier of a section breaches any condition imposed in terms of PCR1(3).

Consent may be withdrawn

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