

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

In this, the fifty-ninth set of notes for your STSMA Reference Guide, Prescribed Conduct Rule 7 is discussed.

	<u>ANNEXURE 2 - CONDUCT RULES – PRESCRIBED CONDUCT RULE 7 – BEHAVIOUR OF OCCUPIERS AND VISITORS IN SECTIONS AND ON COMMON PROPERTY</u>	<u>REFERENCES & SEARCH WORDS</u>
PCR7	In our common law, persons are obliged to exercise their rights to peaceful enjoyment of their properties with due regard to the similar rights of neighbours. This principle is reflected in the provisions of Conduct Rule 7. Rule 7 refers to common property only, but the common law Neighbour Law principles will apply nevertheless, whether the nuisance is on the common property or emanates from a section or exclusive use area.	Own and neighbours' right to peaceful enjoyment of their property and common property
PCR7(1)	PCR7(1) prescribes that owners or occupiers may not create noise that is likely to interfere with the peaceful enjoyment by other owners or occupiers of the common property.	Noise prohibition
PCR7(2)	Owners or occupiers may also not obstruct the lawful use of the common property by any other person.	Obstruction of lawful use of common property
PCR7(3)	Owners (and/or occupiers) of a section must further take reasonable steps to ensure that the conduct and behaviour of their visitors do not interfere with the peaceful enjoyment of another section or another person's peaceful enjoyment of the common property.	Owner/occupier responsibility i.r.o. conduct of their visitors

PCR7(4)

The requirements of this Rules is binding on owners and occupiers – notwithstanding the existence of any lease agreement or other apparent entitlement to the contrary.

Lease agreement cannot negate the content of this Rule 7.

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