**Minutes of Trustee meeting: 22 January 2019 Time 17H30 at IHFM Offices, 2 Long Street**

Attendees:

Trustees: Mel Rabie, Richard Michelmore, Philip Lourandos (skype), Leslie Mckenzie, Peter Michaletos, Apologies: Jen Potter

Owners: Mr. Barick, Dr. Durst, Fay Crystal, Eric Niedermayr

Property Manager IHFM: Fiona Dimio

1. Approval of previous Trustees meeting minutes.

No Minutes available as Fiona Laptop broken as stated. Approval of previous Trustees meeting minutes held over to next meeting for approval.

1. Election of Chairman: Mel Rabie voted in by all present.
2. Assigning of Portfolios into Maintenance, Security, Garden, Roof refurbishments to Trustees

Richard: Maintenance, Refurbishment, Cleaning of Common Property, Security and general expenses

Mel: Large Scale maintenance, Roof, Waterproofing, Emergencies, Large Expenditure

Peter: General Support, budget preparation + finance

Leslie: Garden

Jen: General oversight

Philip: Finances and Payments

1. Resolutions to be voted on:

* Interest rate to be charged re outstanding levies
* Outstanding levy handover resolution
* Resolution regarding levy collection monthly in advance as per normal

Resolutions Agreed by Trustee Votes:

Owners who do not pay by due date – Courtesy letter at 10 days after due date, and if still not paid, interest to be charged at Prime plus 2 percent. - Approved.

After 60 day handover to Attorneys for Collection. - Approved.

Levy collection monthly in advance. - Approved.

Bank account upgrade announced by Mel.

All trustees must approve payments- Approved.

IHFM only Load payment for Philip.

Payments made only after all Trustees agree to payment - Approved

5. Budget vs Actual, Cash Flow, Arrears, Bank Balance, Accounts to be approved for Payment, Municipal accounts, Petty Cash.

Agreed to Adjust Reporting method for Peter, Separate Monthly and Special Levy Owed balances in order to create clarity for Owners. Need to show petty cash and arrears on Monthly Basis. Further break down necessary to break down properly for Peter at next trustee meeting and enhance reporting system. Investigate changing lift maintaince contract from Otis to Schindler.

6. Maintenance and Quotes

Waterproofing and repair for owners of 504, 404, 304 - In Progress

Check spalling on Beach Rd side for damage.

History of Roof Project according to Eric Niedermayr, owner and resigned trustee.

Mr.Niedermayr requested answers from Fiona Dimio and Philip Lourandos regarding a payment of over R260k made to Blackland Industries in November 2017 after the deemed Illegal Special Levy was Ruled upon by CSOS in September 2017. Fiona Dimio stated that she had been given authorization to load payment by trustees. This needs to be substantiated as there is no evidence of a vote by the trustees to make payment. Philip stated that he cannot remember if he, himself released payment or not, although he has been entrusted with this designated function, but would get back to trustees on the matter. There are no records to date of any trustee voting on the payment. Mr. Niedermayr states that the matter had only received a vote to seek further legal advice after the CSOS Ruling complicated matters and none of the other trustees endorsed actual payment of the money across to Blackland Industies only a few weeks after trustee meeting. He was absolutely shocked that such a large sum of owner’s money had been paid out without a vote for trustee approval, which is against the Law. Mr. Niedermayr stated that Philip is fully responsible for the money if indeed Fiona Dimio did not make the payment herself. Fiona admitted loading this amount for payment, but did not actually pay it herself. Mr. Niedermayr stated that this behaviour was the reason for his resignation from Trustees as Sectional Title Law was not followed.

Mel Rabie and Fiona Dimio, promised all present at meeting that evidence will be brought forward to substantiate the payment and reasons why the payment was made without a vote as required by Sectional Title Law. Mel Rabie and Peter Michaletos will in meantime meet with Blackland regarding recouping this money as there are considerable anomalies regarding the quotes and scope of work regarding roof project must be cleared up asap.

Richard Michelmore asked why the CSOS Ruling was not followed with proper legal advice, which was only subsequently done in mid 2018 by Paddocks. No Answer.

Richard asked that all methods of maintaining the roof be considered for Health and Safety as advised by CSOS, including the metal sheeting solution that Peter Michaletos had mentioned at previous trustee meeting. Mel Rabie confirmed that a company had been approached to do an Asbestos survey and that Trustees had approved the quotation.

Mr. Barick complained that the Foyer has not been finished in over 6 months. Mel Rabie responded that contractors have not come back to him. Mr. Barick will see to obtaining quotes for the finishing of the Foyer.

7. STAFF MATTERS

Cleaner- Richard to communicate with Cleaner as Richard lives on property and make any necessary assessments of any small maintenance issues and ensure correct equipment and sundries.

Leslie addressed garden maintenance.

8. SECURITY LEVY

Resolution of Security Levy necessary by all owners.

All Owners to vote by email on Special Resolution on Security Levy asap.

9. General:

102 reported water ingress from 202.

Owner to owner issue not BC issue

10. Dr. Durst gave a full history of the extensions for all trustees. He stated that the Trustees had misinformed the owners at the SGM held in November 2017, that the Jacuzzi had been installed in 2007. In fact, the Jacuzzi was installed in 1995 with no adverse action from the trustees.

In 1997, Mr. West became a Trustee and he found that the BC could charge for the use of common property and after a year-long legal battle, Mr. Barick agreed to pay the BC R200 per month. There was no end point on the Agreement nor was a lease drawn up.

Then in 2007, ten years later, Mr. West again brought up the issue of the Jacuzzi, this time wanting structural engineers, insurance approvals, etc. After all the approvals were met, the trustees drew up a short term renewable lease (just less than 10 years) and it was unanimously approved by the trustees, managing agent and the BC attorney.

In 2016, when the trustees demanded that the tiles be lifted and replaced on Mr. Barick’s balcony, he was informed by the trustees, MA and BC attorney that the PQ for his section had been miscalculated and that the area under the Jacuzzi was, in fact, part of his Section and as a result, he would have to pay approximately R30,000 to have the area waterproofed.

In 2017, Mr. Barick was informed that the Trustees would not renew his lease on the area under the Jacuzzi. Once again he had to get attorneys involved to state that the area had been deemed part of his section. Durst stated that it should be noted that there have never been any leaks from the Jacuzzi itself, no property has ever been damaged because of it and it is only filled once a year, (approx. 2 bathtubs of water) and maintained by chorine tablets.

To provide clarity and to settle the matter of the kitchen extension, the transfer of the EU area garage and the Jacuzzi area, he hired legal experts and a surveyor to draw up plans to be submitted to the Deed’s Office. He then paid R1700 for a SGM to be held, the plans were submitted to the MA and Trustees, and the meeting was held in November 2017. It was reported that at that meeting it was agreed that area under the Jacuzzi was already part of Barick’s Section, the kitchen extension was passed and the plans, the new PQ’s and the EU of the garage were all submitted to the Deeds Office, after being approved by the Trustees.

Now, once again 24 years later, this area is being questioned by the current trustees and Mr. Barick has been accused of expropriating common property illegally.

Mr. Barick and Dr Durst were asked to leave the Meeting so that the Trustees could discuss the matter, but because of the time, the Trustees tabled the issue until the next meeting.

No date for the next Trustee Meeting was given.