



Grotto Bay Homeowners Association
SHORT TERM RENTAL FOR HOLIDAY PURPOSES

26 August 2022



GROTTO BAY

PRIVATE NATURE RESERVE

Grotto Bay Homeowners Association
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Clarification regarding 'Short term rentals for holiday purposes' vs 'guest houses, bed and breakfasts, lodges or similar'.

There are two main points we would like to clarify, namely:

A] We voted unanimously at the board meeting to apply and formalise the existing rule 11.16, which requires that 'such properties to be registered with the GBHOA as properties utilised for this purpose' in our Estate Rules, Guidelines and Code of Conduct; as can be viewed on our website under the Estate Regulations tab.

11.16 Although owners of properties renting out their entire properties to single groups on a short term basis for holiday purposes need not apply for permission from the Municipality, such properties need to be registered with the GBHOA as properties utilised for this purpose.

Definitions:

A 'dwelling unit' is defined according the Swartland Integrated Zoning Scheme Regulations as follows:

"...means a self-contained inter-leading group of rooms with not more than one kitchen, used for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith..."

'entire property' refers to 'a dwelling unit'

'single group' refers to a number not exceeding the limitations of your 'dwelling unit' i.e. the number of bedrooms as evidenced on your plans registered with the GBHOA. Thus, if your 'dwelling unit' has three [3] bedrooms on plan; one bedroom for a single occupant and two bedrooms for two occupants – your limitation for a 'single group' will be five [5] persons.

'short term basis' refers to a period not exceeding 90 days.

'holiday purposes' refers to an extended period of leisure and recreation, especially one spent away from home or in travelling.

Registration is thus required according to the existing provision.

Further to this a number of complaints and concerns have been received from Grotto Bay residents regarding 'short term rentals for holiday purposes'; chief among these are inter alia

[i] safety and security of residents – procedures to ensure that the persons entering our estate have been vetted. These persons are essentially strangers sharing our living space and a number of residents believe their internal safety and security should be protected.

[ii] numbers of persons at properties – many examples of more than a 'single group' of persons have been observed occupying a 'dwelling unit'

[iii] Flagrant disregard for our Estate Rules, Guidelines and Code of Conduct

Therefore, through a collaborative process culminating in a vote at the next AGM must begin, to address [i], [ii] and [iii].

Jo is willing to meet with all forums, groups, and individuals to collaborate or these same forums, groups, and individuals may wish to meet with the board.

What is clear, is that the board must manage the increasing number of 'short term rentals for holiday purposes', which will require a more stringent approach to safe guard our chosen way of life for all residents.

B] We voted to apply the existing rule 11.3.1 and 11.3.2 in our Estate Rules, Guidelines and Code of Conduct; as can be viewed on our website under the Estate Regulations tab.

11.3.1 Long term and holiday rentals of the entire property to a single family are permitted providing the estate rules are strictly adhered to; guest houses, bed and breakfasts, lodges or similar (i.e. letting out of individual rooms (with or without meals) for residential accommodation and/or accommodation for transient guests, for compensation) are against the zoning conditions of Grotto Bay and therefore are not allowed.

The above rule 11.3.1 is unambiguous as these commercial enterprises are in contravention of the Grotto Bay zoning conditions.

(i) The land use approval for the Grotto Bay resort development by the Provincial Administration of the Cape of Good Hope dated 18 June 1991 states that “...1. ‘n Maksimum van 220 wooneenhede sal binne die Oordsone II gedeelte toegelaat word...”

Thus, the following applies:

11.3.2 No application for a trading license, zoning relaxation, additional use or consent use shall be made to the relevant authority unless the prior written approval by the GBHOA has been obtained which approval shall not be unreasonably withheld.

Such approval shall be subject to approval by the members.

If the type of trading license, zoning relaxation, additional use, or consent use is part of an approved list, as voted for by the members, and included in the Estate Rules, Guidelines and Code of Conduct, the board must support the application on behalf of the Grotto Bay Homeowners' Association, and no further voting from members will be required.

As at this date: No application has been received by this board of the GBHOA for 'guest houses, bed and breakfasts, lodges or similar (i.e. letting out of individual rooms (with or without meals) for residential accommodation and/or accommodation for transient guests, for compensation)'

We invite the above commercial enterprises to follow the procedure as laid out above and apply to our GBHOA board (11.3.2). That said Swartland have turned down such applications in the past.

Jo is willing to meet with all forums, groups, and individuals to collaborate or these same forums, groups, and individuals may wish to meet with the board.

Matters that have been mismanaged or not managed in the past are not and must not be precluded from the current management of our Grotto Bay estate. To preclude such vital matters will be negligent of the board and will most certainly reflect negatively on the management of the estate by this board.

Our intent is to use our mandate given to us by the majority of our residents to manage our estate without fear or favour.

Kind regards

The Board

GBHOA