

# Mutual Heights

Darling Street, Cape Town  
<http://www.mutualheights.net>

## News from your Trustees

Edition 17

October 2009

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Dear Fellow Owner,

Time flies, does it not? At the AGM I joked about why Cape Town is called the "Mother City" (answer: *because it takes nine months to get anything done*) but we are pushing the nine months rule to its limits in the matter of our damp management problems.

This short newsletter is to bring you up to date, now that we have reached two important milestones.

### Damp management – legal issues

It has taken an unreasonable and unexpectedly long time to find a firm of attorneys who will assist us with the possible proceedings against the developers. There is clear evidence (we think) that not all the promised work was undertaken to deal with damp during the conversion process, and we need expert legal opinion before we make a commitment to legal proceedings.

What was most unexpected was the inability (or unwillingness) of most of the major firms of attorneys to assist us. This might be because they already represent our developers in some other context, or it might be because they were unwilling to go head-to-head with Old Mutual.

However, we are now passing briefing documents and instructions to our chosen attorneys, and our thanks must go once more to Paul Rippon and Charles Keefer for their exceptional efforts to track down relevant papers and organise the historical record for the purposes of this briefing. Thanks must also go to those of you in the Mutual Heights community who provided copies of original documents and other important evidence. **We are still "open" to contributions if you have *any* evidence of what was actually promised, and what was actually done ...**

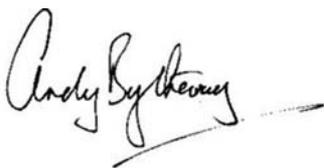
### Damp management – remedial works

We have met with a leading construction firm that specialises in restoration work, and had fruitful discussions about possible approaches to undertaking the remedial work. We will provide more details in due course, but as soon as we have secured our legal situation (see above!), we can ...

- Establish detailed budgets for the re-caulking of the granite cladding and embark upon that work. This problem, where water gains ingress between the granite slabs, will be dealt with over a period of time, but it should be possible to estimate and schedule this work with some confidence.
- Investigate the best means to deal with the windows that need attention, because of problems with the sealing of the glass, or because of failure of the vertical waterproofing ("flashing") at the edges (there is also the question of the very top sections of the windows, that may be permitting water to enter). At present this work is impossible to quantify and schedule, and units may have to be dealt with on a case-by-case basis.

We will continue to keep you informed, and hopefully things will now progress more quickly. DO please let me know if you have any questions or any comments to contribute.

With warm regards,  
on behalf of the Trustees,



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