

Mutual Heights

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

News from your Trustees

Edition 19

March 2010

Dear Fellow Owner,

The party has happened, a good time was had by all, and we look forward to another celebration of life in the Mutual Building next year. We are thinking we might try something different – a quiet dinner party, perhaps? Let us know if you have any comments, suggestions or preferences.

To business, there are several issues that you will wish to know about.

Annual General Meeting - Levies

We are planning to have the next Annual General Meeting on **27th May 2010**. Do please diarise the date now, and think about any issues that you might want to raise. The meeting will be asked to approve a levy increase of 9% this year; the substantial increase last year has protected us from a further excessive increase this year, and it has – happily – also avoided overdraft's at the bank. As in previous years, the levy increase will be applied forthwith (ahead of the meeting) to avoid back dating the increase after the year has started – look out for your April statements.

The Damp Project

Legal

We are making real progress at last. Those trustees involved with the project have had a series of meetings, including a very useful meeting with Senior Counsel, and a letter of demand has gone out to the developer warning them that we intend to take further action. We have agreed the general approach to dealing with the legal issues, and a summons will be issued as soon as this can be arranged with the lawyers

However, we are warned that this could be a long process. If we are forced (or choose) to go the whole distance, then, following the summons, pleadings will take at least six months and then there could be a three year wait to get a slot in the high court roll. In the best case we will settle well before then, of course, and we are conscious of the need to monitor the legal costs and balance them against the actual cost of the remedial works. Having said all that, let me remind you that we have a detailed and quite encouraging opinion from Senior Counsel. We will continue to keep you informed.

Finally, may I remind all concerned that **we still need any documentary or other evidence that might bear upon the legal arguments** – contracts, correspondence, broken or fulfilled promises, notes about actual work that was done on the damp problem and when (it has been around for a long time), and so on. DO please keep the flow of evidence coming.

Remedial works

Remedial works have started. Problem apartments have been re-assessed and an investigative project that has disassembled and re-assembled selected windows is essentially complete. The link bridge has been inspected and the circumstances indicate it should be included in the general claim against the developers. The next stage, with this new information at hand, is to finalise the detailed project plan with the contractors.

I hope that at the AGM we will have budgetary costs available, and that we will be able to present options for progressing the work. It depends upon the legal claim, of course, but also upon the level of work that we are prepared to tolerate and the rate at which money is available to pay for it.

Other issues

Football and noise

The FIFA competition is just around the corner now, as you all must know. Let me just remind you that this will impact significantly on the building and our lives within it. First, you need to understand that the **Grand Parade** is expected to be a "Fan Fest" area, with large TV screens, security, crowd management, and so on. Second, we might expect that the occupancy of the building will increase significantly despite the current reports that demand for accommodation is much lower than expected. We have little influence over what will happen, but all the indications are that all the services are striving to ensure that people have an enjoyable and safe time. If on a

Saturday afternoon you are looking forward to peace and quiet to read your Wilbur Smith page-turner, with your windows wide open, you might want to find somewhere else to do it.

Noise

Let's talk about noise for a moment. We are fortunate that residents are generally quiet and (in my experience at least) respond quickly and reasonably to requests to turn down the music, or quieten the conversations in the Atrium. The same can not be said of the frequent and unsociable filming activity that takes place around the building. You may be interested to know that at least one of our residents has been having an aggressive but frustrating correspondence with the City authorities (thanks – you know who you are!) and I am considering writing directly to the Mayor to remind him that we pay substantial rates and the City owes it to all City Centre residents to manage and control filming; also to ask him to make it very clear what the City policies and procedures are, so that we can help the authorities to deal with cases where licences and permits are abused.

Before I do this, I ask you to tell me what your views are. Is this only a problem at the lower levels on Darling Street, or do we all have a problem with the noise outside that is "beyond our control"? Do please let me know.

The sign

Occasionally I am asked about the "Old Mutual" sign at the top of the building. We received rental from the Old Mutual for some time, but they now refuse to continue to pay. We are strongly advised not to cover it up (that would be expensive and risky given the strong winds), and equally we are strongly advised not to take it down as that would prejudice our chances of replacing it.

After a period of relative inaction, we are now pursuing all our options again. The FIFA competition is both a problem and an opportunity, please be assured we are doing our best. Some additional income would be very welcome to mitigate the increased levy costs.

Geysers

There have been several cases recently of geysers failing – this can be a real dampening experience and it is not recommended. The geysers are now more than five years old and they are out of warranty. They need to be checked and serviced annually.

In view of the risk to other people's property, we urge you to organise an annual check-up if you have not done so. It is necessary to check the integrity of the cylinder, the safety valve, pressure valve, vacuum breaker, filter and overflow pipe, and there is a sacrificial magnesium anode that must be replaced every two years. If this is not done and you suffer a failure you might be responsible for all consequential damages.

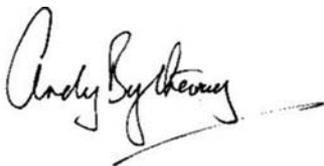
A basic service should cost less than R1000 (excluding parts). You can use a (qualified!) plumber of your own choice, but Richard Cairns of Impro Plumbing & Electrical is familiar with the building. You can contact him on 021 948 3198 or 083 230 6374. Please don't delay.

Internet service

The Internet service has been the subject of some critical comment recently, and as advances in mobile communications take place residents might have an opinion about the level and cost of services, and even about whether additional Internet-related services could be added.

If you have a view, do please let me know and I will set up a meeting with the service provider.

With warm regards,
on behalf of the Trustees,



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