

Mutual Heights

14 Darling Street, Cape Town

<http://www.mutualheights.net>

News from your Trustees

Edition 25

July 2013

Dear Fellow Owner,

Here we are, winter is upon us again and we look to our windows and walls to see whether the damp is coming in. I am able to report that we are making progress, both in terms of remedial works and in terms of our claim against Old Mutual Properties. But more of that later. First let me report on some of the more routine issues.

AGM

The AGM is done and attendees seemed to be appreciative of the support the community is getting from trustees and from the management team. There were some points of concern, but they were dealt with. Lines of communication are still open!

Some details:

- **Departing trustees:** Susan Lieberman has stood down as she has sold her unit. She has made a consistent contribution and we must thank her and wish her well in the future. Dion Williamson bravely offered to continue if necessary, but we have new trustees and so he is relieved – thanks Dion for your routine support and very useful contributions to our discussions and decisions.
- **New Trustees:** Jared Lamb and Mark Mallin have agreed to join the trustees, and we thank them. Their capabilities will be put to good use.
- **Protocol for dealing with urgent cases of damp ingress:** The draft protocol was accepted and will be used to assess need and deploy our resources to deal with urgent cases. These will be cases where there is a real threat to the habitability of the unit, and/or the structure of the building. The protocol was circulated with the last newsletter, it is included here again.

The minutes of the AGM will be available soon, and all the rest of the proceedings will be revealed then.

Fabric of the building

Everyone reading this probably knows by now that we recently had a major burst water pipe incident, that drenched the front lifts with water and caused the lift service to be closed down temporarily at the front. This arose from a faulty water pipe joint, high in the tower, and because it was so far from any human occupation the consequences were much more severe than if it had been closer to where we were all enjoying occupation.

The insurance assessors have been and we hope that things will be sorted out soon. However, the word from Otis is that the work will be extensive and expensive. We will keep you informed.

Charles Keefer and his team have been dealing with other significant issues in and around the building:

- Phase two of the remedial damp works is now proceeding, with work on the Longmarket Street and the corner with Parliament Street. We will be discussing the next stage in the works soon, and the protocol (see above) will be a part of that.
- The work on the fire detection system is complete, it has been tested and the compliance certificate is now to hand.
- The air conditioning equipment (coolers) on the roof have been repaired and are now working properly.
- New upgraded security cameras are installed and operating.

And that is just the big jobs. As always, you **MUST** let the office know if there is anything that concerns you that needs to be fixed, however large or small.

Your responsibility to the rest of the community

I want to reinforce the message sent out last time about plumbing maintenance. It is imperative that your **geyser installation is checked annually**, and as time passes by that all **angle valve fittings be replaced**. These are the small valves under your kitchen sink and your hand basin in the bathroom, that generally have a flexible connection to the taps above. And yes, some of them are installed behind tiling that has to be knocked out to get at them! It is found that these valves have a limited safe life span and must be replaced as a precaution.

We have recently had two "bursts", and it creates chaos in your apartment and probably in the one next door. Fortunately on these occasions there was someone in proximity so damage was contained. If this happens when no one is home, the damage can be extensive (as we found with the front lifts, although that was not an angle valve).

This cannot be stressed enough. Owners must have the angle valves replaced, even if they look good. If you are moved to investigate, then please be careful, they can spontaneously fail and you will get wet, as well as the floor. Make sure you know where the stop cock is that turns the water supply to your apartment OFF.

Access and security

I must repeat previous requests that owners **take good care of their access cards**. If lost or stolen it is imperative that you contact the office so that they can cancel the card and prevent unauthorised access to the building. This is probably the biggest single risk we face in terms of maintaining routine security of the building.

Further, trustees will be reviewing security arrangements in detail soon, if you have any comments or opinion about the quality of service that we have been receiving, the level of service that we actually need, or alternative ways to provide security, you must [let trustees know](#).

Legal report

The momentum that I mentioned in my previous newsletter is maintained. The "discovery" process has in the end elicited just over 1,000 documents relating to the actual work that was done during the conversion and renovation of the building. They have all been scanned (thanks to the management office), analysed, and the results have been presented to the legal team. The senior counsel admitted that he had never seen documents dealt with this way, and he seems (to everyone's surprise, in view of his history of non-involvement with information technology) to be moved to buy a laptop of his own. I think we have shifted the (legal) paradigm, just a little ... at the time of writing we are still waiting for the defendants final inspection reports and the next major milestone will be a meeting of experts. You never know, there might be a consensus among the experts that "we" are right, and "they" (the defendants) are wrong.

With warm regards,
on behalf of the Trustees,



(Professor) Andy Bytheway,
Chairman of the Trustees, Mutual Heights, Cape Town.

info@mutualheights.net
<http://www.mutualheights.net>

Check out "Mutual Building" on Wikipedia:
http://en.wikipedia.org/wiki/Mutual_Building

Protocol for urgent damp works

The Mutual Heights community recognises that there are periodic and distributed problems with damp ingress to our building. The community further agrees that the ingress arises in three principal ways:

- Where there is inadequate caulking between the blocks of the exterior granite cladding, there can be penetration through the structure of the wall that affects internal plaster and decoration.
- Where external flashing between the granite cladding and the window frames has failed, there can be penetration at the junction of the wall and the window.
- Where the glazing of the window has failed, or where the geometry of a window has been distorted, there can be ingress of rain through the window, principally as a result of the wind associated with rain.

Other kinds of ingress, not specifically related to the walls, the windows are not identified at this stage but are not excluded from future consideration.

The Mutual Heights community supports their trustees' efforts to deal with the damp ingress in a systemic, progressive and logical way that balances the interests of all owners and residents (as described in newsletters, at annual general meetings and in the minutes of trustees meetings), but recognises that there may be specific instances where damp ingress is so egregious that special steps must be taken to deal with those specific instances, where they present an immediate risk to the structure of the building or the habitability of a section.

The following rules will apply in these cases:

1. A schedule of such specific instances that might affect the structure of the building or the habitability of a section will be maintained.
2. Problems solely within the structure of the windows (Case 3 above) are excluded from this schedule of work.
3. Such specific instances will be prioritised in a rational and defensible way.
4. In establishing priorities, reference will be made to the 2008 and 2012 damp surveys in order to assess the problem in its context and to relate it to potential or actual problems in adjoining sections.
5. As has been done in the 2008 and 2012 surveys, problems will be prioritised first on the basis of risk to health and habitability.
6. Additionally, problems will be prioritised according to the risk to the structure of the building.
7. The level and extent of any financial risks to owners are specifically excluded from the prioritisation.
8. Owners must make arrangements for access to their section in order that the problem can be inspected.
9. The assessment of risks will be undertaken by a panel of three people chosen from the Trustees, and having no personal interest in the section at risk.
10. Each year, in time for the Annual General Meeting, an independent panel of two experts (one expert in waterproofing and one expert in the built environment) will review the schedule and report to the AGM and suggest changes or adjustments that are needed.
11. Work will be undertaken on an as-possible basis, according to the prioritised schedule and within the limits of the maintenance reserve that is available for that purpose.
12. Owners of problematic sections will have the opportunity to contribute to the cost of remedial works, and this contribution will be taken into account in the prioritisation of the work, according to the percentage of the total cost represented by the contribution that is made.
13. Should the claim for the cost of works that is outstanding (with the developer Old Mutual Properties, Murray and Roberts, and the Rigging Corporation) be successful, then contributions from owners will be reimbursed according to the level of the award that is made relative to the actual cost of the works.
14. No special levies will be applied for scheduled priority work until the final outcome of the claim against the developer and contractors is concluded, at which time it is understood that such special levies might be the only means to finance the work.
15. These rules may only be changed by a majority vote at an Annual General Meeting.