

Mutual Heights

14 Darling Street, Cape Town

<http://www.mutualheights.net>

News from your Trustees

Edition 30

April 2015

Dear Fellow Owner,

I have been anxious to get an update out to you for a few weeks now. Here it is at last, we even have some nuggets of good news (we think ...).

Litigation

Following another meeting of attorneys with Judge Steyn, we now have a date for our High Court trial where the arguments for our claim will be heard. Chris Faure, our attorney, reported thus:

After lengthy discussion, the Judge directed that the trial shall proceed on the 2nd of November 2015. Amongst others, she argued that, considering that the summons was issued almost 5 years ago, two more months should not prejudice either party and in any event a formal application by the Second Defendant to postpone the matter, should it be enrolled in August, should be avoided.

It is indeed the second defendant, Murray & Roberts, which has interrupted the process on several occasions, but let's skip over the history for now.

At the AGM and in Trustee Meetings it was agreed that we would take this matter to the high court and *not* seek arbitration, partly because when the high court trial begins *it is guaranteed to finish* (arbitration is not), and partly because we will be *making new law* (we are told) because no body corporate has ever taken a developer to court for these kinds of reasons before. I hope you will share our relief that we have, at last, got a high court date, and that a happy outcome will benefit other claimants in similar cases in the future.

Damp works

Every day I wake and think "*it's still summer, but soon it will be winter!*". Those of us facing damp problems have been very anxious to see the most urgent work done before the winter breaks, but regrettably that process is not yet complete. I am not personally involved (I am myself a supplicant) but much of the investigation has hinged around the storm water pipes within the building that have proved to be notoriously difficult to trace and test, and the balconies that have inadequate or non-functional waterproofing under the timber decks. The experts are still working on it.

Please remember that for those owners who wish to pay for "their own" work to be done, we have a protocol. If we win our case against the defendants, you will basically get your money back; if we do not, then you probably won't (but you will have a weather proof, sellable apartment); if we only get part of our money then you will probably get only part of your investment refunded. Check with the office, or email me directly, if you want more details.

Renovation and completion works

You may be aware that certain important sections of the building are now sold. The banking hall has been sold for (I was at the auction, R4m was the final bid and it all took about three minutes), the directors' suite (402) has been sold to a private buyer, the unfinished 10th floor (1001) has been sold to a private buyer, and 711 (which has been unfinished for several years now) is finally going to be finished properly.

It follows that we will be living close to a number of potentially noisy, potentially dusty, and potentially intrusive (if small) building projects. Be reassured that **such work is only allowed between 08h00 and 17h00 and no work is allowed on Saturdays, Sundays and Public Holidays** (as indicated in our Conduct Rules, Paragraph 8(c)). The Management Office will be keeping a very close eye on how things proceed, but we must all be vigilant and report nuisance and breaches of the rules

promptly, so that Charles and his team can take action, as they certainly will. Please be patient and, if you are renting, **please inform your tenants** so as to manage their expectations in a proper manner.

Air conditioning report

Finally, those of you who know me well know that I have been striving to solve our air conditioning "problem" for four or five years now! I am now an expert in the matter of the local air conditioning industry and its "service levels"; in short, *they are not to be trusted under any circumstances!* It is a woeful tale of confusion and disappointment.

But, I think I have found a solution.

The issue is that because this is a heritage building, we must not put anything on the outside walls. The developers designed the water circulation system that you see high in your apartment, on the basis that owners could buy something that would take the heat out of the air and put it into the water. The unit that was initially suggested is made by Trane in the USA and at the time the cost was about R57,000, without any cosmetic work. I shudder to think what it might be now. I exhausted myself trying to get reasonable quotations from the local air con industry without success. The community seemed to consider that R30,000 would be the practical limit of cost, less for the smaller apartments.

Last year, I realised that the answer is a **swimming pool heat pump**. They start at only R12,000, they pump heat from the air into water, and some of them are reversible so that they can cool the pool in summer (I only ever saw that done in the UAE!). I engaged with Aquaheat (you can check them out at <http://www.aquaheat.com>) and we now have a complete system operational in our apartment. We have not done the cosmetics yet, this is what it looks like right now:



The heat pump is plumbed into the grey pipes and electrics ... air is delivered everywhere, via standard ducting

We are actually getting quite used to seeing it like this, and our guests don't even comment!

Do let me know if you would like more information about this. There are some design and engineering issues that need to be dealt with if you want to evaluate your options. I found working with Aquaheat was quite enjoyable.

With ~~warm~~ cool regards,
on behalf of the Trustees,

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

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