



Granting and Revoking Access to the Estate

Dear Homeowners and Residents

A recent decision by the Estate Manager to revoke access of an employee of a service provider has led to some questions being posed to HOA Management and Trustees, both in direct communications and indirectly, via posts on social media.

In the interests of transparency and to address any misconceptions, we would like to share the following information with you.

Early in January, an altercation took place in the Pearl Valley carpark between an employee of the carwash business (which is privately owned and operated by a Pearl Valley homeowner) and three employees of a contractor working for the HOA. A physical confrontation ensued, and Security were called to the scene.

The Estate Manager subsequently conducted a thorough investigation of the incident. He concluded that the carwash employee had been the instigator and aggressor, that he had made a xenophobic comment, physically assaulted one of the contractor's employees, pulled a pocketknife and threatened the other workers. After considering relevant mitigating and aggravating factors, the Estate Manager took the decision to permanently revoke the carwash employee's access to the Estate.

An appeal against this decision was subsequently submitted by the owner of the carwash business and referred to the four homeowner elected trustees for consideration. We convened a meeting with the Estate Manager to conduct a review of the decision.

We decided unanimously that we saw no compelling reason to intervene in the matter or seek to change the outcome. On the contrary, we fully support the Estate Manager's decision. Following is a brief summary of the pertinent considerations:

- The Estate Manager is empowered in terms of the Constitution, the Estate Rules, and his Delegation of Authority to grant or deny access to the Estate on any reasonable grounds.
- As Trustees, we are satisfied that the Estate Manager followed a fair and diligent process in investigating the matter and arriving at his decision. We believe that he applied his mind responsibly and note that he consulted with both the super-estate Risk Manager and the MD of PVI in the process.
- We believe that protecting and advancing the core values and best interests of everyone on the Estate is critical (personal safety, security, respect for people and property, good conduct at all times).

- We support a “zero tolerance” approach to any acts of physical violence, threats, or intimidation and believe that this should apply equally to every person on the estate.
- It is a well-established security rule that any person who applies for access to the estate as a service provider, contractor or employee of a resident is automatically rejected if they have previously been found responsible or convicted for an act of violence.
- We are very aware that decisions set precedents and send messages. We cannot support making an exception in this case, which would send a message that physical assault may be tolerated under certain circumstances.
- We also can't accept the risk of this ever happening again. Unfortunately, the individual has displayed a type of behaviour that poses a serious threat and there is no way of knowing if and when he may repeat, and who might be the victim.

Our decision and the above points were conveyed in writing to the business owner on 19 January.

We trust that this information will address any remaining concerns.

Kind regards,

Beverley, Barry, Nico & Justin
Homeowner Elected Trustees

9 February 2023

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