

Trick or Treat

By Ané de Klerk

While Halloween has traditionally been considered more of an American holiday, the custom of having kids dress up as their favorite characters from beloved books or movies and being treated to a chocolate by their neighbour on the 31st of October is becoming increasingly popular here at home. Not surprisingly, it is community schemes leading the rise in popularity of this tradition as parents tend to feel safer having their children partake in this type of activity in a controlled environment.

As is often the case with the human condition the scariest thing about Halloween is not the Jack-o'-lanterns or the display of faux spider webs on walls, but tends to be how people interact with one another around such traditions (especially when the perceived celebration of such a holiday does not align with their personal views on it). So here are a few points to remain mindful of as you choose to embrace or not to partake in Trick-or-Treating this year:

1. The Decorations

Before turning your home's facade into a spooky sight it is important to peruse the scheme's rules to ascertain what is acceptable and what is not. For sectional titles schemes, the default position as set out in the Prescribed Conduct Rules is that owners and occupiers may only mark and drive nails, screws and other objects into the common property (as may be necessary when putting up decorations) if prior written consent is first obtained from the trustees.

When the trustees consider such an application, they must consider what is reasonable in the circumstances. My suggestion would be to be guided by two main principles, namely the extent of the impact on the building and its occupiers and the acceptable timeframe for decorations to remain on show.

For example, trustees could choose to allow strictly temporary decorations that can be removed with ease and would not in any way damage the property. They could stipulate that the decorations must remain playful rather than frightening and/or upsetting to children – for example by allowing the display of Jack-o’-lanterns, but forbidding the macabre. In addition, they could insist that strict timelines be abided by – for example that decorations may be put up on 31 of October, but must be removed by 09:00 on the 1st of November – thereby making it relatively easy for those wishing to avoid it to do so.

2. The Activities

While the trustees and/or residents of some community schemes may wish to organise and facilitate Trick-or-Treating, there is naturally no obligation on scheme executives to do so nor on occupants to join the activities and anyone wishing not to partake must be respected. For those partaking, the key factor to keep in mind is that their use of the scheme’s common property must not cause a nuisance to others. For example, schemes that wish to organise Trick-or-Treating should inform residents which homes or units have opted in and children, accompanied by a parent or guardian, should only be allowed to knock on the doors of those homes or units that have expressly opted in. In addition, the activity should be limited to a certain time – for example between 18:00 and 19:00 on the 31st (again allowing those wishing to avoid the commotion altogether to do so with ease).

While I have focused on the child-centred activity of Trick-or-Treating above, it is also important to remember that any dress up parties arranged and attended by adults must strictly adhere to the community scheme’s rules (for example pertaining to where visitors may park, when any loud music and/or noise must cease and other rules pertaining to the prohibition of nuisance-causing behaviour and use of common areas).

In closing, whether you look forward to enjoying a playful dress-up followed by an over indulgence in chocolate with your young children at the end of the month or you hold very strong views against the American holiday and everything associated with it, in community schemes the key is always to remain respectful of the views of those around you (even when they differ from your own), to use your home and the communal areas in these schemes without causing a nuisance to your neighbours and to keep the scheme’s rules front of mind at all times.

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