

SharedLiving

Issue 9

July - September 2019

CSOS LEVY PAYMENT PROCESS



URBAN DENSIFICATION IN SOUTH AFRICA

CASE CLOSED COMPLIANCE WINS!

THE CSOS LANGUAGE POLICY

The Use of Official Languages Act, (Act 12 of 2012) provides the framework when determining language use in public entities. This policy outlines how the CSOS applies official languages in its communication with the public.

Service Excellence, Independence,
Integrity and Accountability

www.csos.org.za



Affordable Reliable Justice



Gedeelde Lewe Ukuhlalisana Tsamisana Ho Dulisana Mmoho

VISION: To establish a world-class dispute resolution service within community schemes.

MISSION: To facilitate and maintain a world-class dispute resolution service to promote good governance of community schemes by providing education and training to all relevant stakeholders.

VALUES: Service Excellence, Independence, Integrity and Accountability.

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Compliance Wins!



COMMUNITY SCHEMES OMBUD TRAINING ON THE CSOS ACT AND STSMA

The Community Schemes Ombud Service is established in terms of the Community Scheme Ombud Service Act, 2011 (Act 9 of 2011) to regulate the conduct of parties within community schemes and to ensure their good governance.

To effectively provide its services, CSOS is required in terms of section 4 of Community Scheme Ombud Service Act, 1 (Act 9 of 2011) to train and educate owners, occupiers, executive

committees and other persons or entities who have rights and obligations in community scheme.

The CSOS is providing training to owners, occupiers, executive committees and managing agents on the CSOS Act and the STSMA Act.

If you would like to attend a CSOS training session, kindly provide the CSOS with the following:

- Required dates
- The number of attendees

- Areas of concern where you would like the CSOS to focus on during the training

CSOS is also available to attend Annual General Meetings (AGM) and to present on the rights and obligations of community schemes. A request to attend an AGM must be sent a month before the actual date of the meeting.

Requests for training should be forwarded to info@csos.org.za

LANGUAGE AND TERMS

If you live in a community scheme, it is useful to understand some of the language and terms used in official documents.

- Member means a member of the body corporate
- Auditor only a person accredited to perform an audit in terms of the Auditing Professions-Act can be appointed as an auditor in a community scheme
- Common area is any part of land or building in a community scheme which is intended for common use by occupiers
- Private area is any area in a community scheme set aside for private occupation or ownership, excluding any common area.



DID YOU KNOW?

IMPORTANT

Some of the financial red flags that you need to watch out for

- Have you been provided with independently audited financial statements?
- Are there sufficient reserve funds?
- Is there a 10-year maintenance plan?
- Is there sufficient insurance against loss and damages?
- Is there good governance within the scheme?



OUR LANGUAGE POLICY

ENGLISH

The Use of Official Languages Act, (Act 12 of 2012) provides the framework when determining language use in public entities. This policy outlines how the CSOS applies official languages in its communication with the public.

The CSOS uses English as its business operating language. In addition to English, Sepedi and isiZulu have been identified as languages of communication when communicating with members of the public. The CSOS will further endeavour to facilitate communication in other official languages depending on the practicality and cost effectiveness of doing so.

Communication with persons whose language of choice is not an official South African language

A member of the public who wishes to communicate with the CSOS in a non-official South African language must notify the CSOS in writing.

- The CSOS may consider such a request in matters relating to Conciliation and Adjudication services.
- The CSOS may approach

PANSALB for the provision of interpretation services.

- The provision of an interpreter will only qualify in circumstances where an individual cannot understand English at all.

Communication in sign language

- A member of the public who wishes to communicate with the CSOS in South African Sign Language must notify the CSOS in writing.
- The CSOS will arrange for an appropriate interpreter within 14 working days of the date of the request having been received by the CSOS.

Complaints procedure

- Any person who is dissatisfied with the CSOS regarding its use of official languages may lodge a

complaint in writing to the Office of the Chief Ombud.

- The complaint should be addressed to:

The Chief Ombud

First Floor, 63 Wierda Road East

Wierda Valley

Sandton, 2196

Email: info@csos.org.za

- Any complaint lodged must state the name, address, and contact information of the person lodging it.
- Any complaint lodged must provide a full and detailed description of the complaint.
- The Chief Ombud will consider the complaint and respond in writing, not later than ninety days after the complaint was lodged, informing the complainant of the decision.



OUT AND ABOUT THE CSOS EXHIBITS AT NAMA AND ARC

In September the CSOS joined the leading industry bodies, the National Association of Managing Agent's (NAMA) and the Association of Residential Communities (ARC) at their conferences and exhibitions.

Held at the San Lemeer Resort, the ARC conference and Exhibition took place from 18-19 September 2019. The CSOS utilised the breakaway sessions to follow up on delegate queries and issues and to present our latest training offer.

The theme of the 5th biennial NAMA conference was "A New Dawn, The Way Forward" and its focus was on the professionalisation of the industry, an area that the CSOS hopes to partner with key stakeholders on in future.



CSOS LEVY PAYMENT PROCESS



- All schemes are required to register with the CSOS
- Registration Documents can be hand delivered, couriered or emailed to Registration@csos.org.za
- A unique CSOS registration number will be allocated, eg CSOS/REG/16/KZN/123456
- Payments must be made quarterly in arrears; however schemes can make annual payments in advance
- The CSOS banking details are as follows:
 - FNB
 - Account Name: Community Schemes Ombud
 - Account no. 62682595205
 - Account type: Public Sector Cheque Account
 - Branch Code: 200607
 - Swift Code: FIRNZ AJJ
 - Reference: CSOS registration number, eg. CSOS/REG/**16/KZN/123456**

Please note: The orange bolded part is the most important, should the bank reference field not provide for all the characters

The proof of payment must be sent to:
levypayment@csos.org.za

THE PROOF OF PAYMENT MUST BE ACCOMPANIED BY A LEVY SCHEDULE, WHICH DETAILS THE LEVY CALCULATION. PLEASE SEE THE EXAMPLE BELOW:

CSOS Levies Calculator:			
Unit number	Scheme levy		Unit CSOS levy
1	R	500.00	R -
2	R	1,000.00	R 10.00
3	R	1,500.00	R 20.00
4	R	2,000.00	R 30.00
5	R	2,500.00	R 40.00
6	R	3,000.00	R 40.00
7	R	3,500.00	R 40.00

Scheme CSOS Levy	R	180.00
-------------------------	----------	---------------

Add as many rows as necessary.

Copy this formula into ALL rows.

The Levy calculator can be downloaded from the website, on the following link <http://www.csos.org.za/regulations.html>

Once the payment has been allocated to the community scheme by the CSOS, a receipt statement will be issued. Kindly note that the CSOS does not issue invoices as yet.

CONTACT DETAILS:

Registration related queries: Registration@csos.org.za | Levy payment related queries: levypayment@csos.org.za
CSOS telephone number: **010 593 0533**

CSOS can assist.

The Community Schemes Ombud Service (CSOS) is the Regulator and Ombud for all sectional title development schemes, home or property owners' associations, housing schemes for retired persons, share block companies, and housing cooperatives.

Established in terms of the Community Schemes Ombud Service Act, 2011 (Act 9 of 2011) to regulate the conduct of parties within community schemes and to ensure their good governance, the CSOS is also mandated to manage the prescripts of the Sectional Titles Schemes Management Act, 2011 (Act 8 of 2011).

The CSOS calls on all executive committees and those in the management of community schemes (as defined by the Act,) to register with the CSOS.

Community scheme registration is free and forms can be found on www.csos.org.za



For more information contact

Gauteng: 63 Wierda Road East, Sandton | Tel: 010 593 0533

KwaZulu-Natal: 7th Floor Aquasky Towers, 275 Anton Lambede Street, Durban | Tel: 031 001 4215

Western Cape: 8th Floor Constitution House, 124 Adderly Street, Cape Town | Tel: 021 001 2569

www.csos.org.za



Community Schemes
Ombud Service

Affordable Reliable Justice

URBAN DENSIFICATION IN SOUTH AFRICA

Urban densification is a challenge faced by most burgeoning cities across the world. With the exception of a few governments addressing the issue (albeit on a minor scale) a more urgent global directive is needed – one that supports and promotes a vertical densification lifestyle built on the pillar of communalism.

It's estimated that the total area covered by the world's cities will triple over the coming four decades. One can only speculate on the effect this will have on our natural environment and the farmland that sustains an ever-growing human population.

Upward, areal expansion and densification, as opposed to horizontal expansion, is today considered the only smart way forward. But South Africa is slow to catch on.

Our new generation has inherited a reality where there's an inward flow of people into urban cores, and at a rather alarming rate since our democratisation in 1994. In the 1960s less than half our population lived in urban areas; whilst today more than two-thirds do so.

The thing is, land, and especially land that can be used for cultivation will in the near future become more and more precious; which to a great degree can be attributed to the trend of horizontal densification and expansion.

Most our cities are similar to those of the rest of the world in their make-up. You have a core with business areas, industries and high-rise accommodation; then traditional areas where the affluent and middle classes live, then shack towns, townships, or township cities, then working class and affluent, gated communities – all peppered around the core.

These cities are sprawled thick over vast stretches of land. So much so that Johannesburg and Pretoria are now almost joined at the hip. In the not too distant future we can expect the same to happen between Durban and Pietermaritzburg; and even though they're more than 70km apart.

While strategies to upgrade informal settlements rather than building new houses on the peripheries, have until now been a feasible (and mostly failed) way to enhance densification, the future lies in compacting cities through localising and increasing density 'upwards'.

Urban densification in South Africa In South Africa's attempts at meeting the ever-growing needs of our blossoming cities, we need to accept and welcome the reality of vertical densification – especially with endeavours to create affordable housing, high-value real estate, and with the overall development of civic infrastructures.



In particular, when addressing the issue of low-cost housing for our poor communities, government, private developers and big corporate need to get with the times. Whilst vertical densification of the masses is globally seen as the best solution, it will only work if it's sponsored and with basic services (such as water, sewerage and electricity) running smoothly, and available at an affordable rate. Only then can attempts be made to mobilise people to embrace this way of living.

Another area of concern is that South Africa has the 4th highest concentration of community schemes in the world. They're literally popping up all over, with city hubs always in relative close proximity. Again, they cover massive areas of land that can be put to better use.

Take the north of Johannesburg for example. About 45 years ago areas such as Allen's Nek, Randpark Ridge, Constantia Kloof, Weltevreden Park, Radiokop, Panorama, Wilgeheuwel and Strubens Valley, were but stretches of farmland with a trading post here and there.

The development boom transformed all these areas over a short period, and the trend has been peaking for more than a decade now. As we speak there must be at least 20 new

gated community complexes being built in the already overcrowded Joburg North market. It's the same just about everywhere else in South Africa where there's a city.

The big challenge lies with property developers preferring to build on undeveloped land on city peripheries to the complexities of regenerating already developed sites. This mindset, and the very liberty to just develop for gain, has to change. South Africa needs to learn to value its precious land.

With South African cities growing at the kind of rate that made places like Tokyo, Sao Paulo and Seoul have populations the size of whole countries, dense high-rise living is the future. We might not be there yet, but at the current pace of land exploitation we'll get there much sooner than anticipated.

Whatever the future order of how we live, one thing's for certain – the rigid accommodation lines dividing the poor, middle and upper classes will blur. Let's hope things don't get too crowded with so many different cultures living in even closer proximity. Let's hope we find greater communality as more and more adopt a community scheme lifestyle.

Copyright CSOS 2018.

PERFORMANCE INFORMATION

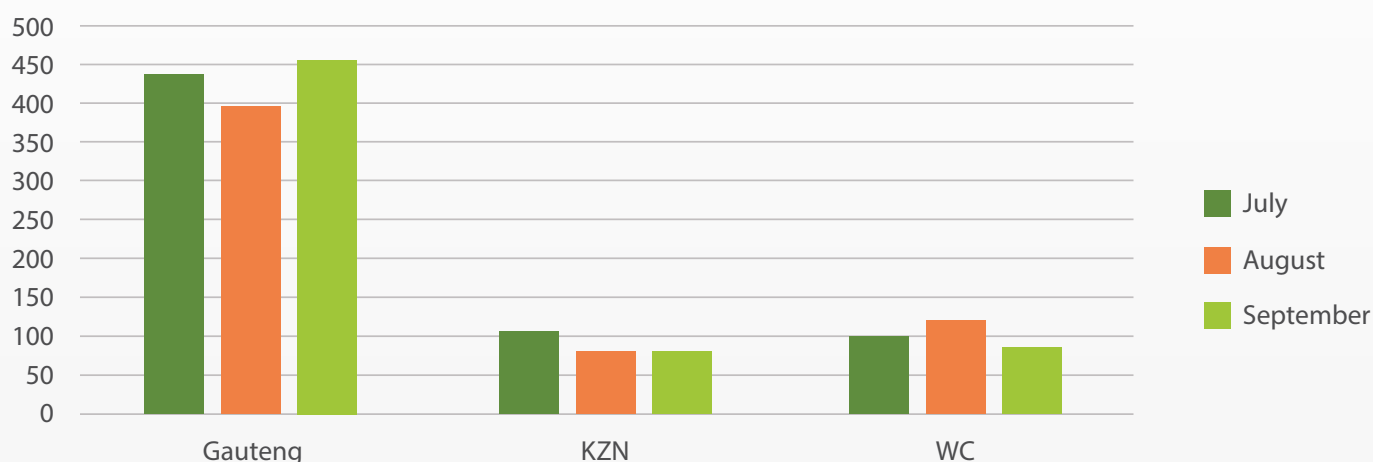
01 JULY – 30 SEPTEMBER 2019

1. REGIONAL OFFICES COVERAGE

- 1.1 New applications for dispute resolution were handled in three Regional Offices namely: Gauteng, KwaZulu-Natal and the Western Cape.
- 1.2 The table and diagram below depict the number of applications for dispute resolution that were received for each regional office and per month for the second quarter (July 2019, August 2019 and September 2019).

	July	August	September	Total
GP	437	391	454	1282
KZN	108	78	78	264
WC	100	122	81	303
GRAND TOTAL	645	591	613	1849

Application for Dispute Resolution

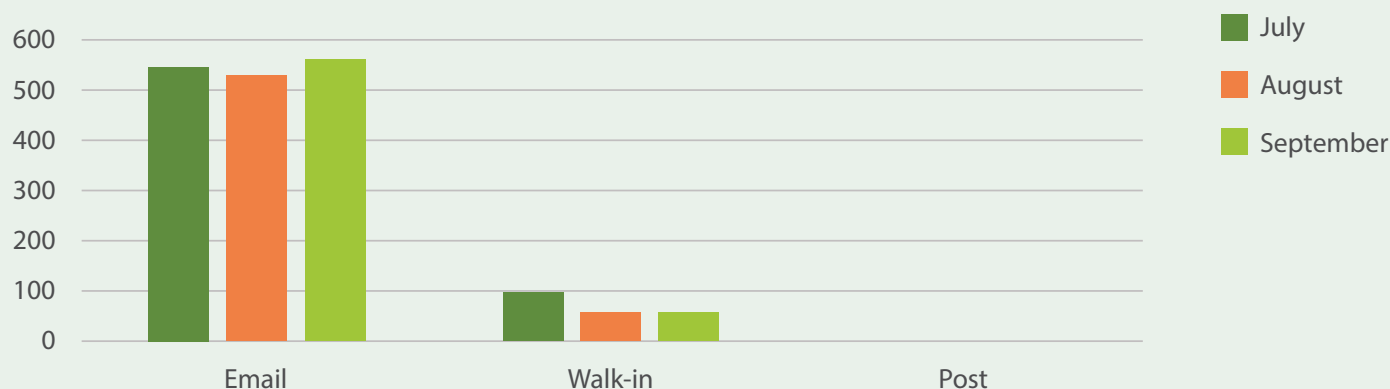


2. MODE OF CONTACT

- 2.1 The received applications for dispute resolution came through via e-mail, walk-ins, and by post. It is important to note and document the number of applications received through various modes of contact for the following reasons:
- To keep track of the accessibility of the CSOS service to the public; and
 - To monitor the applications intake process.
- 2.2 The table, and diagram below depict the number of applications for dispute resolution received through e-mail, walk-ins, and/or post per month for the second quarter (July 2019, August 2019 and September 2019).

	July	August	September	Total
E-mail	546	531	553	1630
Walk-In	99	60	60	219
Post	0	0	0	0
GRAND TOTAL	645	591	613	1849

Mode of Contact



3. CASE LOAD PER CONCILIATOR

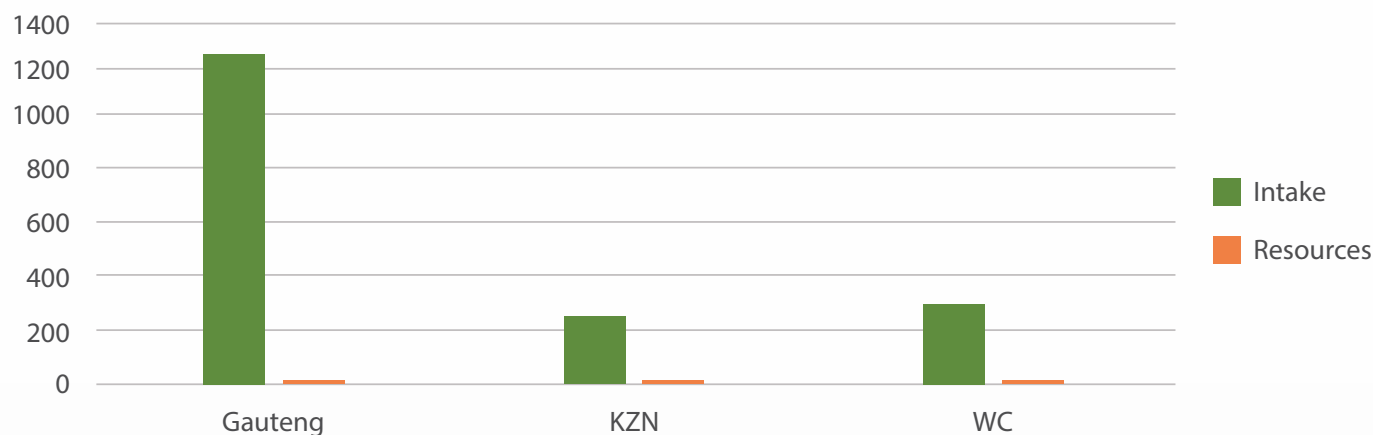
- 3.1 The average case load per conciliator/investigator is calculated per province based on the number of cases divided by the number of officials. This is meant to assist in determining whether officials are adequately engaged or if there is a need for additional resources.
- 3.2 It must be noted that the part-time Adjudicators contracts ended on the 31 March 2019. Consequently, this led to a severe backlog in all three provinces with matters awaiting adjudication. WC has one full-time Adjudicator and has appointed another Adjudicator who commenced his employment on the 23 August 2019. GP appointed three Adjudicators: one commenced employment on the 15 April 2019 and the other two commenced employment on the 1 August 2019. KZN appointed two Adjudicators and they commenced employment on the 9 and 19 August 2019 respectively. The increase in capacity will enable all three provinces to attempt to clear the backlog.
- 3.3 The table and diagram below depict the number of resources available for dispute resolution in the second quarter (July 2019, August 2019 and September 2019).

	Conciliators	Investigators	Adjudicators	Part-time Adjudicators	Total
Gauteng	4	0	3	0	7
KZN	4	1	2	0	7
WC	2	0	2	0	4
GRAND TOTAL	10	1	7	0	18

PERFORMANCE INFORMATION

CONTINUED

Resources vs Intake

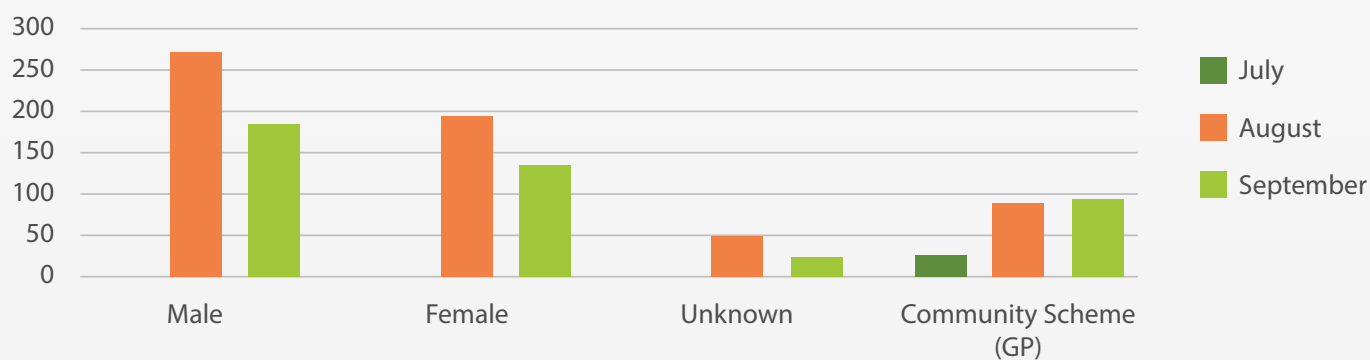


4. GENDER

The number of applicants per gender, who submitted applications for dispute resolution, is depicted in the table, and diagram below, per month for the second quarter (July 2019, August 2019 and September 2019).

	July	August	September	Total
Male	329	280	240	849
Female	254	243	222	719
Unknown	28	22	9	59
Community Scheme (only GP)	34	46	142	222
GRAND TOTAL	645	591	613	1849

Gender

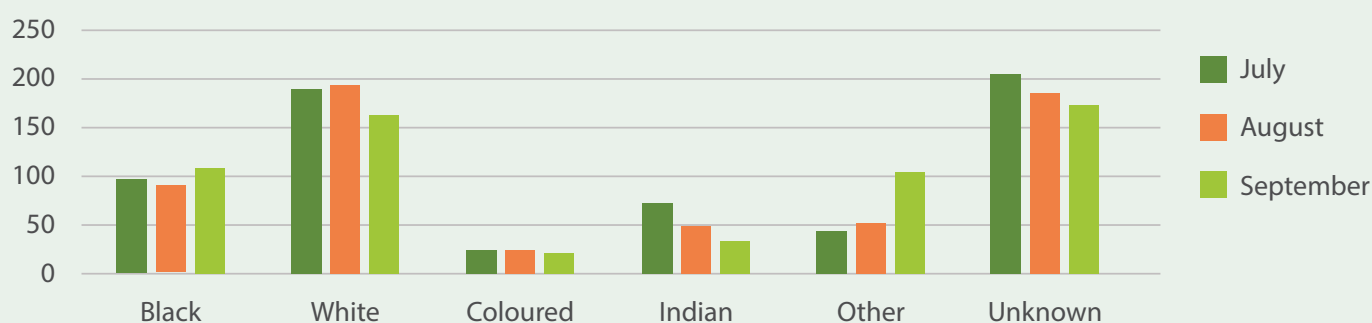


5. RACE

The number of applicants per race, who submitted applications for dispute resolution, is depicted in the table and diagram below, reported on per month and for the second quarter (July 2019, August 2019, and September 2019).

	July	August	September	Total
Black	98	92	115	305
White	194	196	166	556
Coloured	21	21	20	62
Indian	72	49	35	156
Other	47	52	103	202
Unknown	213	181	174	568
GRAND TOTAL	645	591	613	1849

Race



6. TYPE OF SCHEME

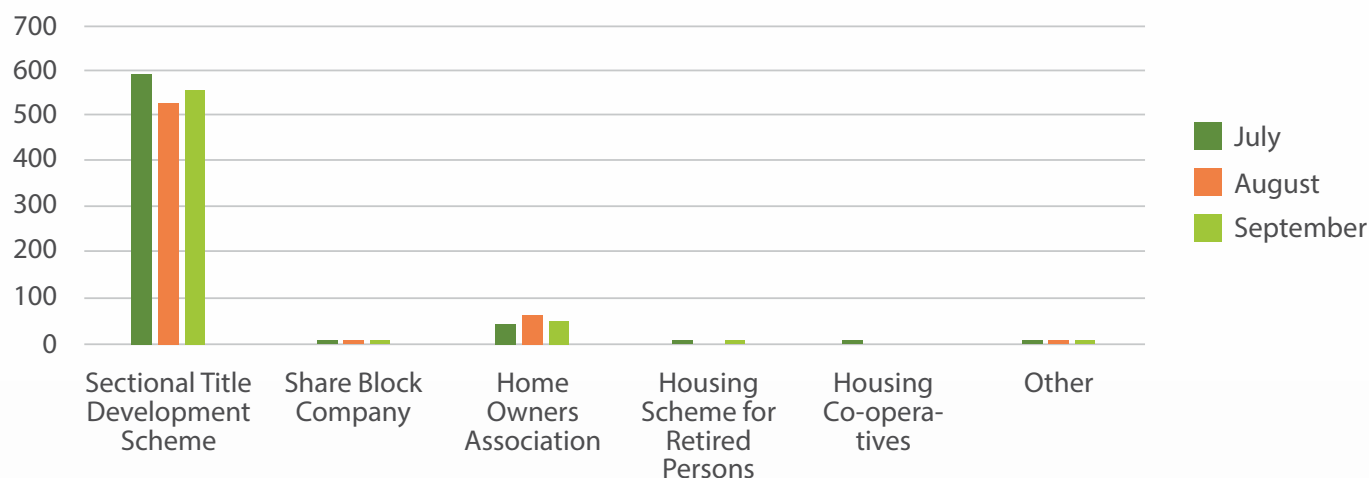
- 6.1 The types of schemes regulated by the CSOS are as defined in section 1 of the Community Schemes Ombud Service Act, No. 09 of 2011.
- 6.2 As part of empirical evidence, CSOS records all disputes lodged and uses that information to determine the various schemes' types where disputes are prevalent; and the number of disputes lodged per scheme type as depicted in the table and diagram below and further classified by month for the second quarter (July 2019, August 2019 and September 2019).

	July	August	September	Total
Sectional Title Development Scheme	597	525	558	1680
Share Block Company	4	1	1	6
Home Owners Association	40	62	50	152
Housing Scheme for Retired Persons	2	0	2	4
Housing Co-operative	0	1	0	1
Other	2	2	2	6
Grand Total	645	591	613	1849

PERFORMANCE INFORMATION

CONTINUED

Gender

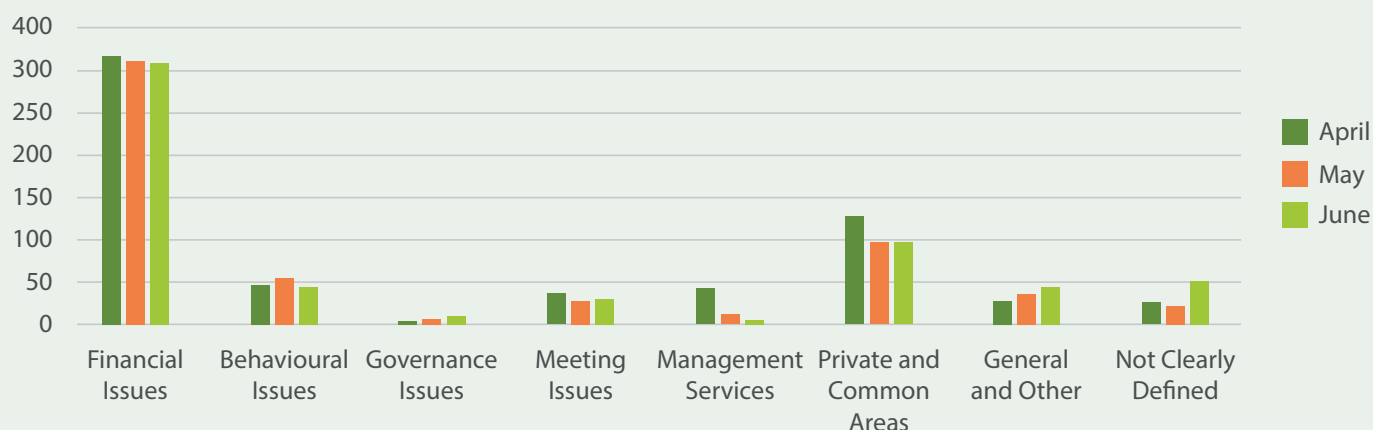


7. CLASSIFICATION (S39 OF THE CSOS ACT, NO 09 OF 2011)

- 7.1 Section 39 of the Community Schemes Ombud Service Act, No. 09 of 2011, prescribes Prayers for Relief which must be ordered and depending on merits, in resolving disputes emanating from community schemes.
- 7.2 It is important for the CSOS to understand, and record, the various prayers for relief sought by the applicants, the numbers per prayer for relief are depicted in the table and diagram below, per month for the second quarter (July 2019, August 2019 and September 2019).

	July	August	September	Total
Financial Issues	337	328	326	991
Behavioural Issues	48	54	46	148
Governance Issues	5	9	12	26
Meetings Issues	35	27	29	91
Management Services	42	17	8	67
Private and Common Areas	127	97	97	321
General and Other Issues	25	39	44	108
Not Clearly Defined	26	20	51	97
GRAND TOTAL	645	591	613	1849

Classification of Disputes

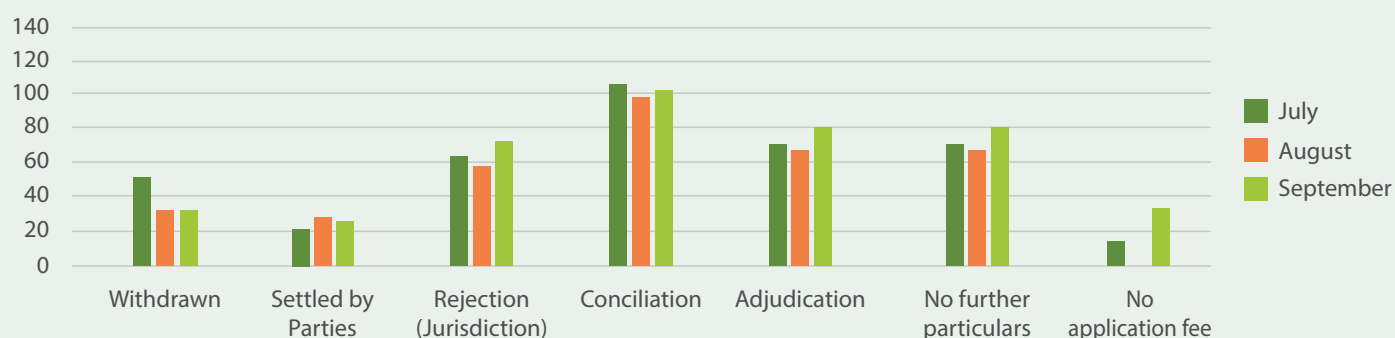


8. MATTERS FINALISED

- 8.1 The CSOS Dispute Resolution Model (DRM) maps out stages to be followed in the dispute resolution process, including but not limited to, the manner and instances upon which matters must be finalised.
- 8.2 The numbers and the way matters have been finalised are as depicted in the table and diagram below, analysed for each month for the second quarter (July 2019, August 2019 and September 2019).
- 8.3 The consolidated finalised matters were 1 217 and each regions' overall performance is summarised below:

Manner finalised	July	August	September	Total
Withdrawn	52	37	37	126
Settled by Parties	21	27	24	72
Rejection (Non- Jurisdiction, Referral)	63	57	74	194
Referral to Conciliation	442	322	243	1007
Conciliation	109	95	101	305
Referral to Adjudication	233	193	164	590
Adjudication	53	70	130	253
No Further Particulars	70	68	80	218
Other/No application fee received	16	0	33	49
Appeals	3	3	0	6

Manner Finalised



PERFORMANCE INFORMATION

CONTINUED

8.3.1 Gauteng

- 819 finalised matters out of 1282 = 63%
- 301 referred for adjudication
- 207 adjudications completed
- 94 awaiting adjudication and at various stages

8.3.2 KwaZulu Natal

- 176 finalised matters out of 264 = 66%
- 154 referred for adjudication
- 14 adjudications completed
- 140 awaiting adjudication and at various stages

8.3.3 Western Cape

- 222 finalised matters out of 303 = 73%
- 135 referred for adjudication
- 32 adjudications completed of which some have been carried over from the previous quarter
- 104 waiting adjudication and at various stages

8.4 Accordingly, matters finalised for each region are broken down in the tables below:

8.4.1 Gauteng

	July	August	September	Total
Matters carried over from previous quarter				1039
Matters Received	437	391	454	1282
Matters Referred to Conciliation	330	220	154	704
Withdrawn	32	20	14	66
Settled by Parties	11	4	10	25
Rejection (Non- Jurisdiction, Referral)	46	39	42	127
Referral to adjudication	113	100	88	301
Conciliation	78	68	75	221
Adjudication	43	59	105	207
No Further Particulars	51	59	63	173
Matters Appealed	0	3	0	3
Other/No application fee	0	0	0	0

8.4.2 Western Cape

	July	August	September	Total
Matters carried over from previous quarter				127
Matters Received	100	122	81	303
Matters referred to Conciliation	52	56	53	161
Withdrawn	12	5	13	30
Settled by Parties	3	2	7	12
Rejection (Non- Jurisdiction, Referral)	8	10	23	41
Rejection (non-payment	5	0	33	38
Referral to adjudication	39	52	44	135
Conciliation	16	14	12	42
Adjudication	7	10	15	32
No Further Particulars	7	9	11	27
Appeals	1	0	1	2

8.4.3 KwaZulu-Natal

	July	August	September	Total
Matters carried over from previous quarter				708
Matters Received	108	78	78	264
Matters Referred to Conciliation	60	46	36	142
Withdrawn	8	12	10	30
Settled by Parties	7	21	7	35
Rejection (Non- Jurisdiction, Referral)	9	8	9	26
Rejection (non-payment	11	0	0	11
Conciliation	15	13	14	42
Referral to Adjudication	81	41	32	154
Adjudication	3	1	10	14
No Further Particulars	12	0	6	18
Appeals	2	0	0	2

8.4.4 Consolidated (National)

	July	August	September	Total	Percentage
Referral to Conciliation	330	220	154	704	
Conciliation	109	95	101	305	43%
Referral to Adjudication	233	193	164	590	
Adjudication	53	70	130	253	42%
Total matters received	645	591	613	1849	
Other manner finalised	222	189	248	659	35%
All matters finalised	343	316	428	1087	65%

CASE

CLOSED

COMPLIANCE WINS!

On the 14th of August 2019 the CSOS, Head Office in Sandton, handed down an order in favour of the applicant, Crystal Body Corporate, requesting the respondent, D. Tshoane to adhere to the Body Corporate's Conduct Rules.

The applicant, Crystal Gardens Body Corporate, in Rooihuskraal, Gauteng testified that the current dispute revolves primarily around non-compliance with the Conduct Rules by the respondent. They have been experiencing problems with the respondent's behavior since 2016. "The respondent's children have on several occasions damaged both private and common properties within the complex. The tenants' unsupervised children are playing outside, creating constant disturbance e.g. screaming, yelling and shouting; running up and down the staircase of other units; toys lying around on common property, thereby obstructing vehicles; playing with water; deliberately trespassing by playing in other tenants' gardens without their permission, deliberately playing in the entrance/exit areas; transgressing the 16:00 to 18:00 playing rule;

using the communal garden as a toilet," said the applicant during the hearing.

The applicant also testified that the Body Corporate has written several letters to the respondent requesting compliance with the Conduct Rules, but to no avail. The respondent, D. Tshoane, did not attend the adjudication and her version was not presented to the adjudicator. Despite proper service of notice of set down, she failed to attend the adjudication hearing.

In his order, the Adjudicator, Andre Andreas said there is a duty on owners to tolerate and to endure to a certain extent each other's reasonable exercise of his/her ownership rights, and a further duty on owners to exercise their powers and rights within the normal and acceptable limits of reasonableness. Therefore, if an owner's conduct causes intolerable annoyance and discomfort towards other owners in a scheme such conduct should be considered to constitute a nuisance, as per provisions of Section 39 (2)(a).



*"The Supreme Court of Appeal, in the matter of **Mount Edgecombe Country Club Estate Management Association II (RF) NPC v Singh & Others (323/2018) [2019] ZASCA 30 (28 March 2019)**, at paragraph (19), stated: "When the respondents chose to purchase property within the estate and became members of the Association, they agreed to be bound by its rules. The relationship between the Association and the respondents is thus contractual in nature. The conduct rules, and the restrictions imposed by them, are private ones, entered into voluntarily when an owner elects to buy property within the estate. By agreement, the owners of the property within the estate acknowledge that they and their invitees are only entitled to use the roads laid out within the estate subject to the conduct rules. Any third party invitee only gains access to the estate with the prior consent of the owner concerned. Upon gaining access to the estate, responsibility for any breach of the conduct rules by the invitee is that of the owner," said the Adjudicator during his discussions.*

"The applicant bought within a community scheme governed by its Conduct Rules and

is expected to comply for the benefit of all members of the scheme and promotion of good governance and neighbourliness. Accordingly, on the facts before the adjudicator, the adjudicator finds in favour of the applicant", said Adjudicator Andre Andreas when handing down an order.

The parties' attention was also drawn to Section 57 (1) of the CSOS Act of 2011 which refers, "An applicant, the association or any affected person who is dissatisfied by an adjudicator's order, may appeal to the High Court, but only on a question of law".

In terms of the Sections 50, 51, 53, 54 and 55 of the Community Schemes Ombud Act, the Adjudicator is empowered to investigate, adjudicate and issue an adjudication order. The CSOS Act enables residents of community schemes to take their disputes to a statutory dispute resolution service instead of a private arbitrator or the courts. The purpose of the order is to bring closure to the case brought by the applicant to the CSOS.

CONTACT US!



HEAD OFFICE

1st FLOOR, BUILDING A
63 WIERDA ROAD EAST
SANDTON, JOHANNESBURG

T: (+27 10) 593 0533
F: (+27 10) 590 6154

Website: www.csos.org.za

Twitter: @CSOS_SA

Facebook: CSOS.SouthAfrica

COMPLAINTS

1. Gauteng, Limpopo and North West

Email applications to gp-complaints@csos.org.za

Contact (+27 10) 593 0533

Visit 1st Floor, 63 Wierda Road East, Sandton

2. KwaZulu-Natal, Free State and Mpumalanga

Email applications to kzn-complaints@csos.org.za

Contact (+27 31) 001 4215

Visit 7th Floor Aquasky Towers, 275 Anton
Lembede Street, Durban

3. Western Cape, Eastern Cape and Northern Cape

Email applications to wc-complaints@csos.org.za

Contact (+27 21) 001 2569

Visit 8th Floor Constitution House, 124 Adderley
Street, Cape Town

COMMUNITY SCHEME REGISTRATION

1. Download and complete the CS1 Form at
www.csos.org.za

2. Email registration to registration@csos.org.za



Affordable Reliable Justice