

## SETTING UP A BUSINESS

IN A RESIDENTIAL OR  
HOMEOWNERS ASSOCIATION

### WHAT DOCUMENTS DO I HAVE

ACCESS TO IN A SECTIONAL  
TITLE DEVELOPMENT?

### NEW AMENDED LOOK FOR SECTION 10 COMPLIANCE CERTIFICATE

Accountability, Excellence,  
Independence, Integrity

[www.csos.org.za](http://www.csos.org.za)

13



**OUR GQEBERHA  
BUILDING LOCATION  
IS AT:**

66 Regus Building  
Fairview Office Park  
PHONE: 041-399 9430



*Affordable Reliable Justice*



# Gedeelde Lewe Ukuhlalisana Tsamisana Ho Dulisana Mmoho

**VISION:** A credible, world class OMBUD SERVICE for community schemes in South Africa.

**MISSION:** To promote harmonious community schemes by providing regulation, education and accessible dispute resolution services to all relevant stakeholders

**VALUES:** Accountability, Excellence, Independence, Integrity

[www.csos.org.za](http://www.csos.org.za)

**SOS**  
Community Schemes  
Ombud Service

*Affordable Reliable Justice*

# Contents

## CHIEF OMBUD 4

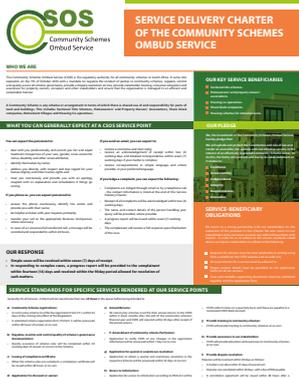
Foreword



## PROCESSING OF ANNUAL RETURNS 6



## OUR SERVICE CHARTER 8



## ALSO IN THIS ISSUE: LEVY CALCULATION TRAINING VIDEO 9



## WHAT DOCUMENTS DO I HAVE ACCESS TO IN A SECTIONAL TITLE DEVELOPMENT? 10



## SETTING UP A BUSINESS IN A RESIDENTIAL OR HOMEOWNERS ASSOCIATION 11



## NEW AMENDED LOOK FOR SECTION 10 COMPLIANCE CERTIFICATE 12



## CASE CLOSED 14



# CHIEF OMBUD FOREWORD

**M**arch 2022 marked the end of our financial year whilst the month of April marks my first anniversary as the Chief Ombud at the CSOS. This milestone has thus enabled me to look back to track progress that the organization has made with your continued support and patience.

So, when I stepped in as the CSOS Chief Ombud, I made the reinvigoration of the CSOS culture premised upon efficiency, effectiveness, customer orientation and responsiveness as well as organization performance, one of my top goals. I re-focused the company culture on getting things done and excellence in our organisation based on the core values of quality of service, productivity, innovation, integrity, discipline, transparency, accountability, and professionalism.

For the first time in its history, the CSOS unveiled its Service Charter in September 2021, as a sign of our commitment to customer-oriented approach. The Service Charter is our pledge to you, our stakeholders, and a commitment to improving our turn-around times leading to a speedy resolution of disputes. As a testament to this, we have seen



the clearing of the backlog of all old matters/disputes dating back to before 2021 being completely eradicated. We have also witnessed quicker turn around times to some of the disputes in much lesser periods than our target of 90 days per matter.

We have embarked on a massive nationwide consumer awareness campaign designed to create brand awareness and visibility. Community Schemes that, up to now have cited a lack of knowledge of the CSOS, will no longer be able to cite this as a reason for not registering their community schemes. A key priority for the CSOS has been to ensure we have a comprehensive view of the entire community scheme universe so that a fit-for-purpose enforcement plan can be implemented on the ground led by our enforcement officers and investigators, in collaboration with other agencies of government such as the Deeds office, CIPC, etc.

**Our message to community schemes who have not**

**registered at this time is to register, there is no cost to register, and it is the right thing to do, DO NOT break the law by not registering.**

We continue with the stellar collaborative work we conduct with the National Association of Managing Agents (NAMA), the Association for Residential Communities (ARC) and other industry stakeholders, to solve industry issues. Our engagements have been invaluable to 'garner' a view to optimising CSOS efficiencies. Furthermore, the engagements have served as strategic platforms to create an understanding of how the CSOS is advancing the notion of communal living as the preferred tenure option through legislation, training, and awareness.

We are also on a path of transforming the sector and in this regard, we have had several engagements with big Managing Agents to assist us by playing a role in sector transformation. I am glad to announce that we have sealed our commitment to transforming the industry with the big three Managing Agents [Pretor, MidCity and Trafalgar] signing a Memorandum of Understanding with the CSOS to collaborate on the development of emerging Black Managing Agents.

Operationally I must say it is particularly gratifying to be celebrating this anniversary

as a new dawn begins for the CSOS, a transition from manual operations to a digital and automated world, both within the organisation and externally for our customers. Following a lengthy process, we have appointed a Service Provider and together have commenced the process of articulating the business challenges and requirements which will culminate into a digitized and web enabled interactive platform with our stakeholders. Manual operations such as manual registrations and issue of compliance documentation will be something of the past.

The Service Provider has begun building the solution with the

first two modules being accepted during the User Acceptance Stage. This is a massive task and hence the solution will be delivered in phases over the next few months. We plan to address many of the challenges that you currently experience with our systems and delight you as our clients.

I need to mention also that our pledge to enhancing our performance as an entity has started to bear fruits with our end of year performance registering at about 82% against targets versus 60% performance at the same time in the previous financial year.

I appreciate all members of CSOS

staff who have provided exceptional service and exhibited the culture of performance and excellence that we should all model as your servants. I also appreciate the leadership of the Board and its Sub-Committees in steering us towards the right direction in order to be a truly transformed public entity.

The new financial year will see us consolidating on our gains regarding our performance levels and further enhancing our approach to modern tools and approaches for the better execution of our mandate.

**Kind Regards**  
**Adv. B Mkhize**



# Register your community scheme with the CSOS

## Schemes that are not registered with us are breaking the law!

**Registration is free**

**For more information:**



[www.csos.org.za](http://www.csos.org.za)



0800 000 653



**Head Office:**

Berkley Office Park, 8 Bauhinia St, Highveld Techno Park, Centurion, 0169



# PROCESSING OF ANNUAL RETURNS

## AND ISSUING OF ANNUAL RETURNS CERTIFICATES



“  
*The CSOS has decided that it will only process annual returns submitted from 1 April 2021 onwards*  
”

In the recent past, the CSOS has been seized with annual returns for a few years in respect of certain Schemes. The purpose of the review of these annual returns is to determine compliance during the current year or past financial year.

Consequently, the CSOS has decided that it will only process annual returns submitted from 1 April 2021 onwards and will not quality assure nor process any annual returns submitted prior to this date.

The reason for only processing the current Annual Returns is that compliance is assessed for a specific period and any annual returns received prior to this date would be

obsolete and no longer relevant to the current period of review.

If the Scheme is found to be compliant, the Chief Ombud, will issue a section 59(b)(i) compliance certificate, which will be valid for the period in which it was submitted.

Non-compliant Schemes will be notified and issued with a non-compliant letter and be required to comply within a specified period. The CSOS will peruse the list of non-compliant Schemes from the Independent Regulatory Board of Auditors (IRBA) and notify those Schemes which are non-compliant and issue a non-compliance letter.

The administrative process that must be followed is as follows:

- (a) The Schemes must complete the application for the Annual Returns Form (Form CS2).
- (b) Form CS2 can be completed online or downloaded from the CSOS website at [www.csos.org.za](http://www.csos.org.za). Alternatively, the form can be obtained at any of the CSOS offices nationwide.
- (c) The completed form can be submitted to CSOS either online, by post, email, or hand delivery to any of the CSOS's Regional Offices. The email address is [annualreturn@csos.org.za](mailto:annualreturn@csos.org.za). Other contact details can be downloaded from the CSOS website.
- (d) A list of supporting documents can be found attached to the Practice Directive for Annual Returns which can be found on our website at [www.csos.org.za](http://www.csos.org.za).
- (e) The applicant bears the onus of ensuring that all relevant information is submitted in the correct manner. The CSOS cannot complete the forms on behalf of Schemes unless the scheme executives are illiterate or physically impaired.
- (f) The form together with the attachments as per the Practice Directive on Annual Returns may either be typed or handwritten. If typed, the font must be clear. Handwritten applications must be clear and legible.
- (g) If the form is not clear and legible, whether typed or handwritten, the applicant will be requested to submit a revised application that is clear and legible.

In terms of Section 59(b)(i) of the Community Schemes Ombud Service Act No 9 of 2011 (CSOS Act) and Regulation 18(2)(a)(i) all community schemes (Schemes) must file their annual returns with the Community Scheme Ombud Service

(CSOS) within 4 (four) months after the end of the community scheme's financial year.

The CSOS quality assures annual returns received from the Schemes in order to ensure ongoing

compliance with good governance frameworks as prescribed by the CSOS in terms of its Practice Directives, the CSOS Act as well as the Sectional Titles Schemes Management Act No 8 of 2011 (ST SMA) and its subordinate Regulations.



**To submit your Annual Returns, please e-mail [annualreturn@csos.org.za](mailto:annualreturn@csos.org.za)**

## WHO WE ARE

The Community Schemes Ombud Service (CSOS) is the regulatory authority for all community schemes in South Africa. It came into operation on the 7th of October 2016 with a mandate to: regulate the conduct of parties in community schemes, regulate, control and quality assure all scheme governance, provide a dispute resolution service, provide stakeholder training, consumer education and awareness for property owners, occupiers and other stakeholders and ensure that the organisation is managed in an efficient and sustainable manner.

A Community Scheme is any scheme or arrangement in terms of which there is shared use of and responsibility for parts of land and buildings. This includes Sectional Title Schemes, Homeowners' and Property Owners' Associations, Share block companies, Retirement Villages and Housing Co-operatives.

## WHAT YOU CAN GENERALLY EXPECT AT A CSOS SERVICE POINT

### You can expect the personnel to:

- deal with you professionally and accord you fair and equal treatment irrespective of your race, gender, socio-economic status, disability and other social attributes;
- identify themselves by name;
- address you directly, with respect and due regard for your human dignity and other human rights and
- treat you courteously and provide you with an apology coupled with an explanation and remediation if things go wrong.

### If you phone us, you can expect personnel to:

- answer the phone courteously, identify the centre and provide you with their name;
- be helpful and deal with your inquiries promptly;
- transfer your call to the appropriate Business Unit/person, where necessary;
- in cases of an unsuccessful transferred call, a message will be recorded and responded to within 24 hours.

### If you send an email, you can expect to:

- receive a courteous and clear reply;
- receive an acknowledgement of receipt within two (2) working days and detailed correspondence within seven (7) working days if your matter is complex;
- receive correspondence in simple language and where possible, in your preferred language.

### If you lodge a complaint, you can expect the following:

- Complaints are lodged through email or by a telephone call - the contact information is listed at the end of this Service Delivery Charter.
- Receipt of all complaints will be acknowledged within two (2) working days.
- The name and contact details of the person handling your query will be provided, where possible.
- A progress report will be issued within seven (7) working days.
- The complainant will receive a full response upon finalisation of the case.

## OUR RESPONSE

- **Simple cases will be resolved within seven (7) days of receipt.**
- **In responding to complex cases, a progress report will be provided to the complainant within fourteen (14) days and resolved within the 90day period allowed for resolution of such matters.**

## SERVICE STANDARDS FOR SPECIFIC SERVICES RENDERED AT OUR SERVICE POINTS

Generally, for all Services: A Client will not spend more than two (2) hours in the queue before being attended to

### a) Community Scheme registrations:

- A community scheme must file the registration Form CS 1, within 30 days of the coming into effect of this Regulation.
- A submitted scheme registration form (CS form 1) will be processed within 48 hours of receipt, at no cost.

### b) Regulate, monitor and control quality of scheme's governance documentation:

- Quality assurance of scheme rules will be completed within 30 working days of receipt, at no cost to the Scheme.

### c) Issuing of compliance certificate:

- When the scheme rules are compliant, a compliance certificate will be issued within 48 hours at no cost.

### d) Application for discount or waiver:

- Applications for waivers or discount by schemes or individuals will be responded to within 7 days of request at no cost.

### e) Annual Returns:

- All community schemes must file their annual returns to the CSOS within 4 (four) months after the end of the community scheme's financial year and CSOS will respond within 30 days after receipt of the annual returns.

### f) Amendment of community scheme Particulars:

- Application to notify CSOS of any changes in the registration information will be processed within 7 days at no cost.

### g) Application for special or unanimous resolution:

- Application to obtain a special and unanimous resolution in the respective Scheme will be processed within 30 days at no cost.

### h) Access to information:

- Application for access to information according to PAIA Act will be processed within 7 days at no cost.

### i) Payment of Levies:

- Scheme owners are obliged to pay their monthly CSOS levies to their schemes.

## OUR KEY SERVICE BENEFICIARIES

- Sectional title schemes.
- Homeowners' and property owners' associations.
- Housing co-operatives.
- Share block companies.
- Housing schemes for retired persons.

## OUR PLEDGE

We, the incumbents of the Community Schemes Ombud Service, hereby pledge that:

We will uphold and protect the Constitution and rule of law and render an accessible, fair, speedy and cost-effective service, in the interest of an effectively regulated Community Scheme sector. To do this, the Entity will promote and live by its value statement as it relates to:

- Excellence
- Accountability
- Independence
- Integrity
- Responsiveness
- Innovation

## SERVICE-BENEFICIARY OBLIGATIONS

We count on a strong partnership with our stakeholders for the realisation of the promises in this Charter. We also count on our stakeholders to be courteous towards our staff and treat them with respect. In order for us to adhere to the service standards noted above, we require stakeholders to adhere to the following:

- Requests for services must be clear (preferably in writing using form available on the CSOS website and via walk-ins).
- All requirements for a service must be adhered to.
- Proper contact details must be provided on the application forms for all our services.
- Clear and readable supporting documents must be submitted together with the application form.

### HEAD OFFICE

Building 4, Berkley Office Park, 8 Bauhinia Street  
Highveld Techno Park, Centurion  
0619  
Email Address: info@csos.org.za  
Contact Number: 0800 000 653

### GAUTENG

Berkley Office Park, 8 Bauhinia St  
Highveld Techno Park, Centurion  
0619  
T: (+27 10) 593 0533  
F: (+27 10) 590 6154

### KWAZULU-NATAL

A: 7th Floor, Aquasky Towers, 275  
Anton Lembede Street, Durban  
T: +27 087 805 0235

### WESTERN CAPE

A: 8th Floor, Constitution House,  
124 Adderley Street, Cape Town  
T: +27 087 805 0226



## OFFICIAL BILLING OF SCHEMES

The CSOS started billing community schemes on 14 February 2022.

An automated system will be sending out invoices every quarter and statements every two months or as and when they require them.

The system bills schemes based on the CSOS levy calculator (admin levy – 500 x 2%) per unit in the scheme and not based on what the scheme has collected from the home owners.

When there are scheme amendments within the scheme the CSOS needs to be notified so they can amend the billable information before annual returns are submitted.

To ensure that system generated invoices are sent to the correct recipients, accurate contact details are needed.

For schemes that have been invoiced incorrectly, a credit note will be issued on request.

### **Credit notes on issued invoices:**

The billing system will allow for credit notes on the date the CSOS is aware of the credit note.

Schemes that have not received their invoices or statements are urged to contact the CSOS.

### **The following reasons might be the reason why schemes do not get an invoice:**

- Outdated community schemes contact information
- Outdated managing contact information
- No levy schedule submitted by the scheme when registering

Community schemes are also urged to send through their updated information to the CSOS every financial year, including updated schedules.



**For levy queries email [levyqueries@csos.org.za](mailto:levyqueries@csos.org.za)**



## WHAT DOCUMENTS DO I HAVE ACCESS TO IN A SECTIONAL TITLE DEVELOPMENT?

**A**s an owner in a Sectional Title do you have access to documents? According to Prescribed Management Rule 27(4), Annexure 1 of the Sectional Titles Schemes Management Act, 2011 (PMR) (STMSA) YES. The member is entitled to receive the documents and records of a body corporate upon written request.

The board of trustees or the managing agent must provide the member with the documents within 10 days of receiving the request in terms of PMR 27(5) but should a member request the rules of the body corporate, then this must be sent to the member within 5 days!

It now begs the question what exactly are members entitled to access?

Here is a list of a few of the most popular documents members ask for, and sometimes still do not receive!

1. Minutes of meetings, including annual general meetings and trustees' meetings
2. The CSOS approved management and conduct rules accompanied by a section 10 compliance certificate
3. The audited financial statements of the body corporate (this will be inclusive of a statement of income and expenditure, assets and liabilities)
4. The names and email addresses of the trustees - this information is not confidential and consequently, protected by The Protection of Personal Information Act, 2013 (POPIA) and it can be argued that the trustees' telephone numbers, even though mentioned in PMR 27 (2), can be kept confidential and does not need to be disclosed to members!
5. The bank accounts for the administrative and reserve fund
6. The body corporate's insurance policy as directed in section 3(1)(s) of the STMSA.

The members can ask for these documents as far back as 6 years, as this is the period for which it must be kept!

Please remember that when asking for the books of account, you are entitled to receive information pertaining to both the administrative and reserve fund bank accounts, as Prescribed Management

Rule 26 (1) and (2) states that a body corporate must have both accounts and keep separate books for each of them.

If we talk about access to the bank statements, should members be provided with the entire bank statement? There is nothing in the legislation preventing a member from having access to

this information, however the name and unit number of levy defaulters can be omitted before sending the information on to the requesting member.

Information must be made available to members within a scheme by the scheme executives and there should be no reason to withhold any of the above information!

## SETTING UP A BUSINESS IN A RESIDENTIAL OR HOMEOWNERS ASSOCIATION



If Mark Zuckerberg began his multi-billion-dollar business from his garage, then why can't you? . . .

Well, if you live in a Homeowners Association, commonly known as an 'Estate' in South Africa, it is not so simple! Not every homeowner living in a Homeowners Association (HOA) has the freedom to operate a business from his or her residence (or garage, for that

matter), and not all HOA's have the same Rules, which makes things even more difficult.

However, if you do live in a HOA, and it is your intention to become the next Zuckerberg, then this is what you need to look out for.

Every HOA is built on a township, and the township is zoned for a specific use – being residential, business, and the like – consult

the local municipality, or the township establishment conditions lodged at the Surveyor General's Office, ask a local Town Planner to research the matter for you, or better yet, read your Memorandum of Incorporation (MOI) if the HOA is a non-profit association registered as such at the CIPC, or the Constitution of the HOA, if it is a common law association.

**WARNING: If your HOA is residential in nature, then it is safe to assume that it is zoned for residential use and zoning by-laws prohibit most businesses from operating in a residential area!**

Although there is a difference in 'running a business from home' and 'working from home', both in size, scale and the amount of disturbance this may cause to neighbouring properties.

You will always need to obtain the written consent of the

Directors of the HOA, who will take into account factors such as the number of clients you will receive, which will impact on road usage in the estate, as well as security, potential noise nuisance, and the like.

The Directors have a duty and an obligation to maintain the residential nature of the scheme, so bear this in mind, as well as whether the township is zoned by the municipality as 'residential' in nature. Rather do

not spend money on getting the business set-up before you know that you have permission to operate. This is not the time where asking for forgiveness is better than asking for permission!

There is no definitive answer to the question though, and it largely depends on what you intend to do – running a noisy crèche, which will have a severe impact on both traffic flow and noise in the estate,

cannot be compared to a one-man 'work-from-home' computer programmer or bookkeeper. Each application will have to be considered on its own merits, and most HOA's have their own unique MOI and Rules, which must be consulted first.

NB: Please don't confuse a residential suburb with a road closure and a bona fide HOA established in a Township, because they are distinct and different!

## NEW AMENDED LOOK FOR SECTION 10 COMPLIANCE CERTIFICATE



As part of ensuring the timeous signing of the issuing of the section 10 compliance certificates, the CSOS has revamped the look of the

certificate which will now be emailed to the Community Schemes, schemes are no longer required to collect the section 10 compliance certificates at the

CSOS offices.

The new amended section 10 compliance certificate will reflect the community scheme CSOS

registration number which will appear as **REG/YEAR/PROVINCE/SIX DIGIT NUMBER (e.g. REG/22/GP/123456)**. The Certificate will no longer reflect the governance number (**CSOS/GOVDOCS/YEAR/PROVINCE/SIX DIGIT NUMBER (e.g., CSOS/GOVDOCS/22/GP/123456)**).

“All the section 10 certificates issued before the 01 of February 2022 and community schemes that received collection emails, can and should collect their original hardcopy of section 10 compliance certificates from our offices as advised in the collection email sent to you.

We urge all the sectional title community schemes to lodge their governance documentation with the CSOS whenever there are amendments made to their documents. Please be reminded that this is a free service” says the CSOS Governance Manager, Ms Johlene Wasserman.

The administrative process that must be followed is as follows:

- (a) The community schemes must complete the application for the Amendment of Rules Form (Form B).
- (b) Form B can be completed online or downloaded from the CSOS website at [www.csos.org.za](http://www.csos.org.za). Alternatively, the form can be obtained at any of the CSOS offices nationwide.
- (c) The completed form can be submitted to CSOS either online, by post, email, or hand delivery to any of the CSOS’s Regional Offices. The email address is [sectionaltitle@csos.org.za](mailto:sectionaltitle@csos.org.za)
- (d) The applicant bears the onus of ensuring that all relevant information is submitted to ‘make their case’, in other words, to ensure that their application form is correctly completed and meets legislative requirements. The CSOS cannot complete application forms for applicants nor can the CSOS instruct Applicants on how to complete their application form unless the Applicant is illiterate or physically impaired.
- (e) The application form and any attachments may either be typed or handwritten. If typed, the font must be clear. Handwritten applications must be clear and legible.
- (f) If an application is not clear and legible, whether typed or handwritten, the applicant will be requested to submit a revised application that is clear and legible.

For previously submitted scheme governance documentation the governance reference number will be linked to the registration number.

**Remember: All members of the community schemes (residents and owners) have a right to know whether their governance documents (rules) are registered and filed with the CSOS.**



# CASE CLOSED



PANEL OF CSOS  
ADJUDICATORS  
DECIDES  
AGAINST AN  
ADMINISTRATOR!

“  
*When the  
Applicant was  
appointed, they  
also took out  
loans as duly  
authorised  
administrators  
of these body  
corporates.*  
”

**T**hursday, February 10 March 2022, was a day that gave many people hope and put a smile on their faces, when a Community Scheme Ombud Service (CSOS) order they had been waiting for was finally handed down in their favour.

Residents of many body corporates had been on the receiving end of a dispute lodged by their administrator (TingaWeb Pty Ltd) for the payment of arrear levies, interest, special levies, loans and other associated costs.

Most of the affected body corporates in this matter are in the Bonela area but also included body corporates from Mt Moriah, Hambanathi, Riverview and Eskotene. The housing units in Bonela and similar areas were previously sectionalised. There is legislation which govern sectional title units. Bonela forms part of a

number of Sectional Title Schemes which are previously Council owned schemes, where ownership has been passed on to previous tenants at subsidised values. These units were sold through the Enhanced Extended Discount Benefit Scheme (EEDBS).

Upon transfer to the tenants, many of these body corporates fell into financial difficulty. Many of these body corporates failed to comply with the provisions of the Sectional Titles Schemes Management Act. Owners of units in sectional title schemes governed and managed by body corporates have an obligation to pay levies to the body corporate. Body corporates usually have a governing structure in place called Trustees. Where body corporates become dysfunctional an Administrator may be appointed by the Court to carry out the powers, duties and functions

of the body corporate and Trustees.

When the Applicant was appointed, they also took out loans as duly authorised administrators of these body corporates. All owners of property within a sectional title are obligated to pay levies. The main reason for the dispute lodged or the application for the order that was sought was for the payment of arrear levies regarding the owners of the units within these body corporates.

This seems like a straightforward dispute— where the applicant has a right to seek an order for the payment of levies and the respondent has responsibility to pay the imposed levies. The CSOS adjudicators however evaluated the evidence, submissions from the parties and an investigation and found more than a few issues with the application which led to the order for payment being dismissed.

Over a period, several applications for dispute resolution were lodged by the Administrator (TingaWeb on behalf of Mr Andre Grundler) in respect of body corporates primarily in Bonela and in other areas in Durban. The relief sought by the Administrator was directed against the owners of properties and units of such body corporates and related to a request for an order for the payment or repayment of levy contributions and other associated amounts.

At CSOS, these 236 matters were clustered together for the purpose of dispute resolution and adjudication since they were lodged by the same Applicant and for the same relief. A panel of adjudicators was appointed to specifically concentrate on these matters, conduct adjudications and to determine an appropriate order.

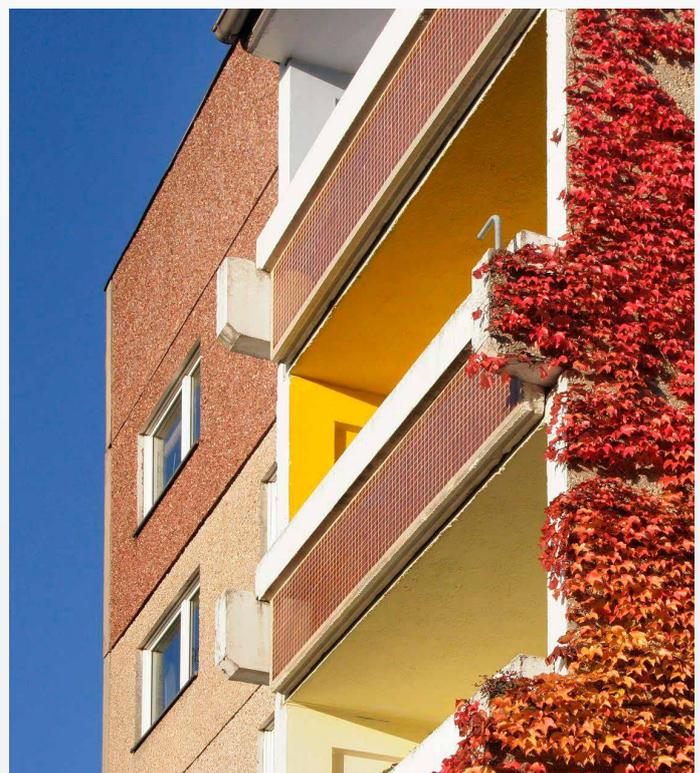
By the submissions submitted by the residents, it isn't surprising that they would have incomplete information because amongst the many reasons, majority of the members of the scheme were unaware who the applicant was or the fact that they as residents were operating under rules of a functioning body corporate. The respondents were not even involved in the process of appointing an

administrator. The respondents were quite shocked to hear that there were loans taken out in regard to their schemes because nothing had ever been done for them, since they had lived there. All this stems from not having any relationship with the appellant as administrator of the schemes.

The administrator also failed to exercise its fiduciary duty of care, accountability and fairness in calculating the levies which was way than what can be expected to pay by the indigent people such as majority of the respondents are. The interest was in the view of the panel of adjudicators, "quite exorbitant."

CSOS dismissed the applicants claim without cost because they found that the applicant failed to prove their case against the respondents under s39 of CSOS Act.

In releasing the adjudication order, the Chief Ombud raised the point that we must always consider social justice in instances such as this and that the point of the order is not to have a loser and a winner but that this order is hopefully a new beginning for all parties involved to play their role and carry out their duties in accordance with the law.



# CONTACT US!



## HEAD OFFICE

Unit 4, Berkley Office Park  
9 Bauhinia Street, Highveld Techno Park  
Centurion

T: (+27 10) 593 0533

F: (+27 10) 590 6154

Website: [www.csos.org.za](http://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](mailto:gp-complaints@csos.org.za)

Contact (+27 10) 593 0533

Unit 2, Berkley Office Park, 9 Bauhinia Street,  
Highveld Techno Park, Centurion

### 2. KwaZulu-Natal, Free State and Mpumalanga

Email applications to [kzn-complaints@csos.org.za](mailto:kzn-complaints@csos.org.za)

Contact (+27 31) 001 4215

Visit 7<sup>th</sup> Floor Aquasky Towers, 275 Anton  
Lembede Street, Durban

### 3. Western Cape, Eastern Cape and Northern Cape

Email applications to [wc-complaints@csos.org.za](mailto:wc-complaints@csos.org.za)

Contact (+27 21) 001 2569

Visit 8<sup>th</sup> Floor Constitution House, 124 Adderley  
Street, Cape Town

## COMMUNITY SCHEME REGISTRATION

Register a Community Scheme online at  
[www.csos.org.za](http://www.csos.org.za)