

# SharedLiving

Issue 3 of 4

Oct - Dec 2022

**WE'RE GOING  
DIGITAL!  
CSOS CONNECT  
GO LIVE**



**OUR GQEBERHA  
BUILDING LOCATION  
IS AT:**

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

**OVERDUE LEVIES**

SUBJECT TO A 2% INTEREST CHARGE

**LET'S SHAKE ON IT**  
ALTERNATE DISPUTE  
RESOLUTION (ADR)

Accountability, Excellence,  
Independence, Integrity

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



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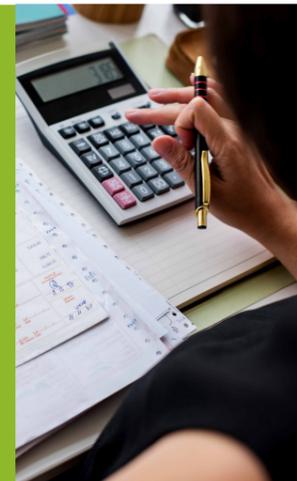
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**VISION:** A credible, world class OMBUD SERVICE for community schemes in South Africa.

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

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



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# CHIEF OMBUD'S FOREWORD



The adage of a *Journey of a Thousand Miles Begins with One Mile*, rings true to us at CSOS. Our journey started many moons ago, it was not easy nor was it fully understood.

Things are bound to change and be different and we, at the CSOS are not spared from change. We embrace change and share it with you, our valuable stakeholder, and ask you to walk this journey with us as we enter a new digital spectrum that promises to make your valuable engagement at CSOS worth every moment.

We have made considerable strides as an organisation to bring our vision of a digital self-service solution and platform for our stakeholders to life. This digital platform allows ease of engagement with CSOS hence its code name: **CSOS Connect**. The *CSOS Connect* solution will include some of the following functionalities: Scheme Registration, Customer Relations Management, Revenue, User Maintenance, Scheme Governance and Enforcement and Dispute resolution, to name but a few.

A special thank you to the managing agents who were invited in an online demo of the *CSOS Connect* solution, and had an interactive session, gathering

insights and key inputs on how best to use the solution.

Operationally, we recently released a statement to stakeholders informing them of interest charges on overdue levies, and I'd like you to be aware of it. With effect from 30 September 2022, Community Schemes or any other person will be charged 2% interest per month on any past-due levy payments or other amounts owed to the CSOS on the day.

We began billing all community schemes in February 2022 to ensure payment of due levies. All payments made by a scheme beginning from March 2017 will be reflected on the first client statement. In future, quarterly client statements will be generated. I urge all schemes to come forward and send their Proof of Payments (POPs) and levy schedules for all payments made which do not appear on their statements of accounts, so that payments may be duly allocated. Should there be any changes regarding your billing,

please notify us. This will assist CSOS in allocating payment to schemes duly.

The end of another year is near, and the holiday season is quickly approaching. We are all looking forward to a few days off to unwind, recharge, and get ready for the new year. Please take note that our offices will be closed from Friday, December 23, 2022, and reopen on Tuesday, January 3, 2023. We hope the holiday break will allow us some time to reflect on the year that was.

For now, please enjoy our latest articles on pertinent industry matters. As always, I hope that this edition will spark some interesting discussions. If you have any thoughts on industry matters, please feel free to engage with us. Wishing you and your loved ones a blessed end to the year and much success in 2023.

Keep healthy, stay safe.

**Kinds Regards**  
**Adv. B Mkhize**



## SERVICE DELIVERY CHARTER OF THE COMMUNITY SCHEMES OMBUD SERVICE

### 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

- |   |   |  |
|---|---|--|
| <p><b>a) Community Scheme registrations:</b></p> <ul style="list-style-type: none"> <li>A community scheme must file the registration Form CS 1, within 30 days of the coming into effect of this Regulation.</li> <li>A submitted scheme registration form (CS form 1) will be processed within 48 hours of receipt, at no cost.</li> </ul> <p><b>b) Regulate, monitor and control quality of scheme's governance documentation:</b></p> <ul style="list-style-type: none"> <li>Quality assurance of scheme rules will be completed within 30 working days of receipt, at no cost to the Scheme.</li> </ul> <p><b>c) Issuing of compliance certificate:</b></p> <ul style="list-style-type: none"> <li>When the scheme rules are compliant, a compliance certificate will be issued within 48 hours at no cost.</li> </ul> <p><b>d) Application for discount or waiver:</b></p> <ul style="list-style-type: none"> <li>Applications for waivers or discount by schemes or individuals will be responded to within 7 days of request at no cost.</li> </ul> | <p><b>e) Annual Returns:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>f) Amendment of community scheme Particulars:</b></p> <ul style="list-style-type: none"> <li>Application to notify CSOS of any changes in the registration information will be processed within 7 days at no cost.</li> </ul> <p><b>g) Application for special or unanimous resolution:</b></p> <ul style="list-style-type: none"> <li>Application to obtain a special and unanimous resolution in the respective Scheme will be processed within 30 days at no cost.</li> </ul> <p><b>h) Access to information:</b></p> <ul style="list-style-type: none"> <li>Application for access to information according to PAIA Act will be processed within 7 days at no cost.</li> </ul> <p><b>i) Payment of Levies:</b></p> <ul style="list-style-type: none"> <li>Scheme owners are obliged to pay their monthly CSOS levies to their schemes.</li> </ul> | <ul style="list-style-type: none"> <li>CSOS collects levies on a quarterly basis and these are payable to a nominated CSOS Bank Account.</li> </ul> <p><b>j) Provide training to community schemes:</b></p> <ul style="list-style-type: none"> <li>CSOS will provide training to community schemes at no cost.</li> </ul> <p><b>k) Provide awareness to our stakeholders:</b></p> <ul style="list-style-type: none"> <li>CSOS will provide education and awareness to Community schemes at no cost.</li> </ul> <p><b>l) Provide dispute resolution:</b></p> <ul style="list-style-type: none"> <li>Disputes will be resolved within 90 days as follows:                     <ul style="list-style-type: none"> <li>A matter is set down after 35 days of assessment</li> <li>Disputes are conciliated within 20 days, with a fee of R50 payable.</li> <li>A conciliation agreement will be issued within 48 hours after a hearing.</li> <li>An adjudication is conducted on the papers within 40 days after an unsuccessful conciliation with a fee of R100 payable.</li> <li>Quality Assurance of the draft adjudication order is conducted within 7 days.</li> </ul> </li> </ul> |
|---|---|--|

### 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.

# CONNECTING WITH OUR CUSTOMERS FROM WHEREVER THEY ARE

## INTRODUCING CSOS CONNECT

While strengthening, enhancing and improving on our customer service, we are moving forward steadily with the implementation of the CSOS Business Automation System, amply named - CSOS Connect. CSOS Connect is a digital business integration system that allows our stakeholders to connect with CSOS from wherever they are. CSOS Connect allows our customers to serve themselves.

The system is designed on the premise of letting our customers help themselves - bringing convenience and ease in accessing CSOS services at the click of a button. Scheme registration will be fully automated, validations done automatically, allowing customers to attach documents electronically and empowering them to comply with least effort.

## WE'RE GOING DIGITAL: CSOS CONNECT GO LIVE



In our quest to make your engagement with us an ease and effortless encounter all from the comfort of your home or office, the CSOS is launching CSOS Connect in November 2022. A system and solution that is designed with you our stakeholder in mind is our easy to use and navigate digital portal with a bouquet of CSOS services all in the palm of your hands and at the click of a button.

CSOS Connect is our flagship project at CSOS, and we are proud to announce that we will Go Live with Phase II to the public on the 28th of November 2022.

CSOS Connect will provide the following services on our digital portal.

### Scheme Registration

- o You as a valued customer and stakeholder can now register your community scheme from anywhere in the world on the CSOS

### Connect platform and

- o You can link or delink a scheme, amend a scheme all from the palm of your hands
- o Receive your registration certificate upon completion of scheme registration
- o Scheme management- upload and amend documents for approval and more.

### User Maintenance

- o Our very own easy to use user maintenance functionality that gives you our customer full control of your scheme via the CSOS Connect platform
- o You can create your own unique profile for your scheme
- o Easily change passwords and make amendments to the profile
- o Choose your preferred choice of communication with CSOS
- o Amend details on the scheme
- o Log a technical and revenue query

**Customer Relations Management (CRM)**

- o On hand client relations portal to keep you abreast of all your engagements and regular updates of your scheme's status at CSOS
- o CSOS Connect provides you with sight of all your CSOS queries
- o Provides you with a complete view and history of all your engagements at CSOS since registration
- o You can log revenue and scheme registration queries on the CSOS Connect platform
- o Record of all call centre calls to CSOS available to CSOS Connect user.

As we continue with our User Acceptance Testing (UAT) with Managing Agents in a live environment, we hope to iron out all the challenges that we may incur on journey to our full Go Live in 2023.

Through our interactive UAT with Managing Agents we intend to fix all the bugs and mitigate all the risks that may arise in our UAT environments with the Managing Agents.

The UAT will allow us to confidently release the CSOS Connect solution to our valued stakeholders and customers. We are confident that the CSOS Connect solution will afford us the opportunity to make your engagements with CSOS seamless and easy.

*CSOS Connect. Easy Seamless Connected.*

**Revenue**

- o User can log allocation of missing levy payments
- o Levy calculator available for ease of payments
- o Log invoice disputes and payment refunds
- o Review and generate invoices and statement of accounts for scheme(s)
- o Schemes can also make bulk and multiple payments
- o Banking will only be available in December 2022.



Get ready for **CSOS CONNECT**  
Connecting with our customers from wherever they are - 24/7!

We are moving forward steadily with the implementation of the CSOS Business Automation System, amply named - CSOS Connect. CSOS Connect is a digital business integration system that allows our stakeholders to connect with CSOS from wherever they are.

This is a new digital era as CSOS, enabling us to fulfill our mandate and provide exceptional service to all our stakeholders and clients.

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

Affordable Reliable Justice

These are the four functionalities that we will make available to the public when we go live in November 2022.

Be on the lookout in December 2022 we will release further revenue functionalities which will allow users to make payments directly off the CSOS Connect platform.

**User Acceptance Testing with Managing Agents**

Our journey as CSOS has not been in isolation. We have had many engagements with our Managing Agents, where we have demonstrated the CSOS Connect solution to Managing agents in an interactive online session.



The Community Schemes Ombud Service (CSOS) appeals to all unregistered community schemes to register and abide by the law with immediate effect.

In terms of the CSOS Act, read with Regulation 18(2)(a)(v) of the CSOS Regulations, all community schemes **must be registered with the CSOS within 30 days** after the incorporation of the community scheme or within 30 days of the coming into effect of the CSOS Regulations on 7 October 2016.

All scheme executives, including but not limited to the board of trustees, directors and management associations, have a duty to register their schemes with the CSOS as failing to do so is a serious breach of the law with serious legal consequences. Equally, it is an offence punishable by law to collect the CSOS levy from your scheme members and not pay it over to the CSOS.

**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



# OVERDUE LEVIES SUBJECT TO A 2% INTEREST CHARGE



every community scheme must pay to the service a levy in an amount calculated as prescribed, subject to such discount or waivers as may be prescribed. Non-payment of levies will constitute non-compliance to the directive issued in terms of the Act and is a criminal offence in terms of the CSOS Act. ([See our Levy Calculator here](#))

With effect from 30 September 2022, Community Schemes or any other person will be charged 2% interest per month on any past-due levy payments or other amounts owed to the Service on the day.

The CSOS began charging all community schemes in February 2022 to make sure that all schemes paid the CSOS's dues. All payments made by a scheme starting in March 2017 will be reflected on the first client statement. Quarterly customer statements will be produced in the future. After Quarter Four (4) payment and after taking into account the schemes' Audited

Financial Statement," CSOS may publish a reconciliation statement. If there is an underpayment, CSOS will send the scheme an invoice for the balance. Such a debt will draw attention.

Each scheme is obligated by law to collect the CSOS levy from every owner in the community scheme and to pay such an amount over to the CSOS on a quarterly basis. The monthly levy payable by the owner depends on the monthly levy charged by the community scheme to that owner, as set out by the Regulations.

According to the CSOS Act

"We still urge all the schemes to come forward and send their Proof of Payments (POPs), levy schedules for all payments made which do not appear on their bank statements, so that payments may be duly allocated" said CSOS Chief Ombud, Advocate Boyce Mkhize.

He further urged schemes to notify CSOS should there be any changes regarding their billing, this will assist CSOS to allocate payment to schemes duly.

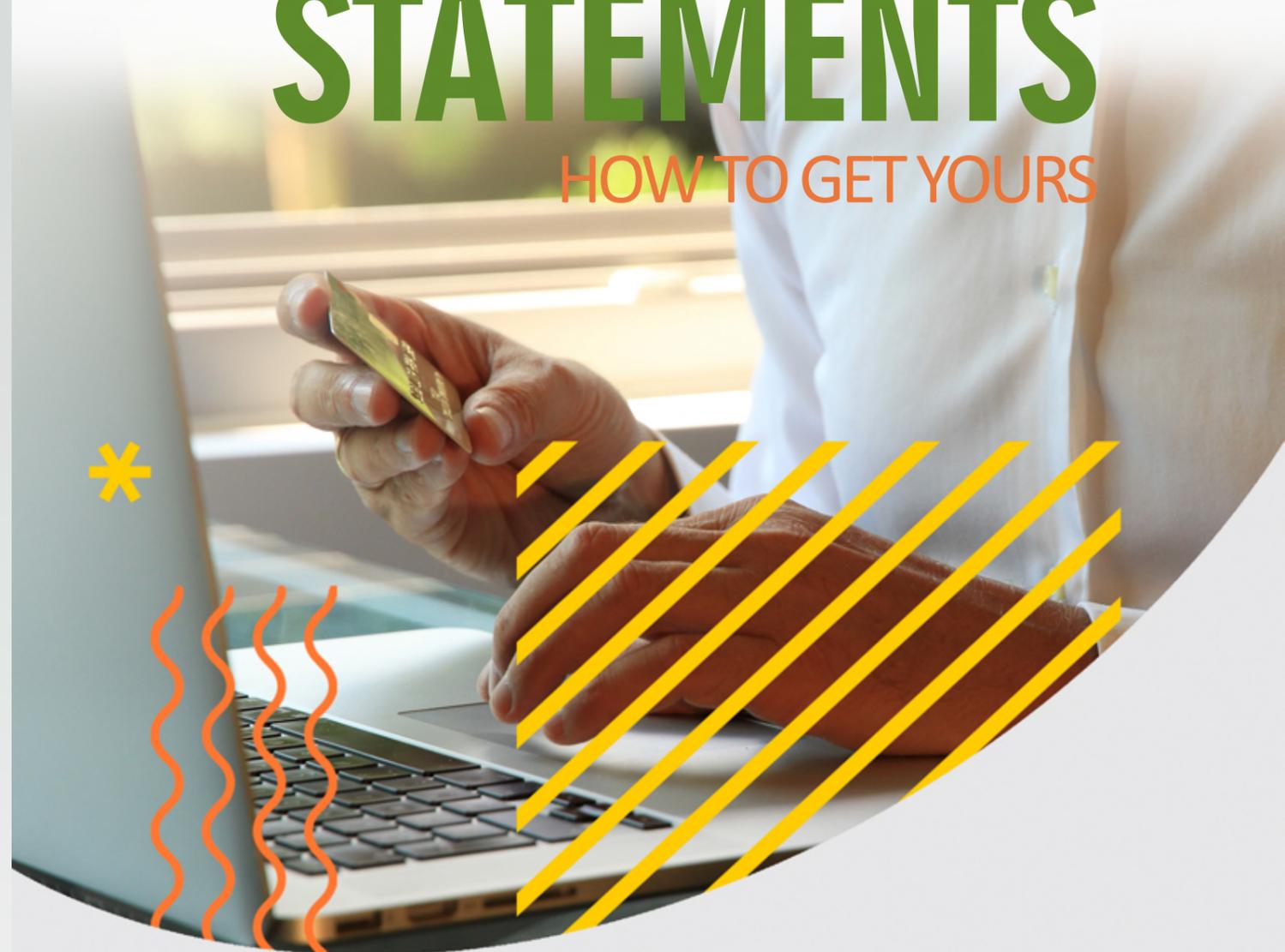
For levy queries please contact us [levyqueries@csos.org.za](mailto:levyqueries@csos.org.za)

For statements contact us at [levyqueries@csos.org.za](mailto:levyqueries@csos.org.za)



# LEVY STATEMENTS

## HOW TO GET YOURS



**You're a community scheme and you paid the CSOS Levy, now what?**

**THE CSOS DOES ISSUE STATEMENTS.**

CSOS levy queries should be sent to [levyqueries@csos.org.za](mailto:levyqueries@csos.org.za)  
 Proofs of Payment should be sent to [levypayment@csos.org.za](mailto:levypayment@csos.org.za)  
 All requests are processed within 48 hours.

For enquiries please email [levyqueries@csos.org.za](mailto:levyqueries@csos.org.za)



# HOLIDAY SEASON IS UPON US! THINKING "AIRBNBS"

SHORT-TERM LETTING IN COMMUNITY SCHEMES!



If you were able to rent out your furnished apartment in Sandton's Golden Mile for only 3 nights a month to an overseas visitor, and in so doing service your mortgage bond and utility account for the entire month on the Airbnb platform, why wouldn't you 'seize the day', so to speak?

**Well, unless the Management or Conduct Rules of the community scheme places a**

**minimum time limit on the period for which a property in the scheme can be rented out, or any other reasonable condition with which you must adhere, surely you can go ahead and do just that!**

But you must remember that when you buy a unit in a sectional scheme (or an erf in a homeowner's association), you are buying into a community of people. You may own the

four outer walls that you live in, or the erf that you live on in the case of a HOA, but the common property belongs to all the owners in the scheme in undivided shares and their collective interests must be considered. It is for this very reason that most, if not all, community schemes have Rules in place that either prohibit the operation of AirBnB or short term letting platforms from the scheme, or place a lower limit on

the periods for which a unit may be let out, or, for that matter (and this is an exceedingly difficult one given the tough economic climate that we live in) do not permit rooms in the unit from being let out on a night-by-night basis.

In October 2019, the issue of short term letting in a sectional title scheme came before the High Court in the case of **The Body Corporate of the Paddock Sectional Title Scheme No 249-1984 v Nicholl (29534/18) [2019] ZAGPJHC 437**. In this matter the body corporate's Rules prohibited short term letting for a period of less than 6-months. The Court upheld the Rules and the Respondent was directed to immediately cease from operating a short-term letting scheme from her unit.

**The CSOS is unsure as to whether Respondent has taken this decision on appeal or not, but we will keep you updated.**

Members of community schemes who either utilise their units as Airbnb's or wish to do so, usually fail to take the following factors into account:

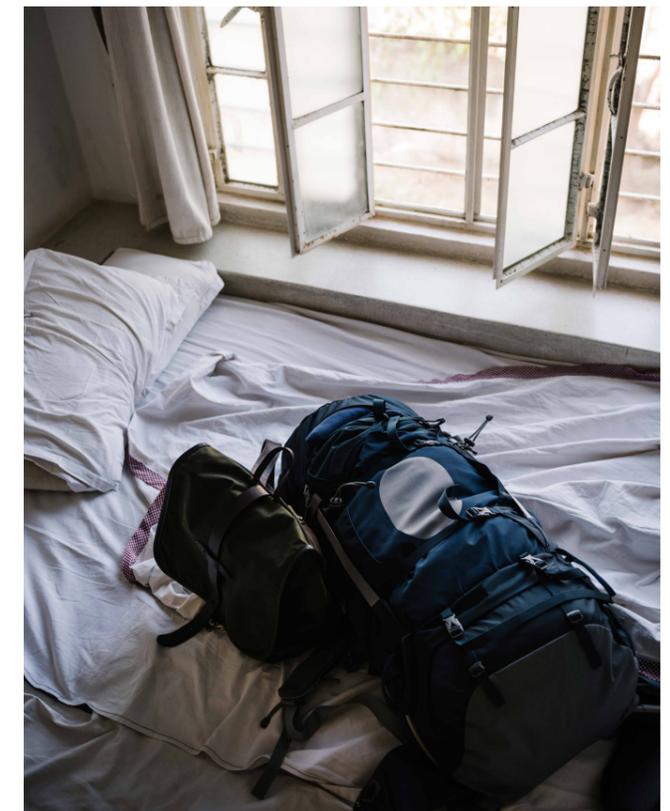
1. The extra insurance cover that they must take out when operating such an establishment;
2. Concerns around legal compliance relating to fire safety and other aspects of security – necessary safety signs and disclaimer signs must be put up in and around the unit;
3. The fact that the Rules of the scheme must be given to each and every short-term lessee;
4. Short-term tenants often compromise the security of a scheme as they tend to have a lackadaisical approach to issues such as ensuring that gates and the like are properly closed;
5. Access to, and the use of any common property areas, especially swimming pools, gyms, tennis courts and the like, are usually tightly controlled, but short-term tenants have no vested interest in the scheme and will take less interest in taking care of these

facilities;

6. Frequently when it comes to short-term tenants, noise and other forms of nuisance increase significantly, and this places an unnecessary strain on permanent residents and other occupants of the scheme;
7. Short-term tenants often do not respect the strict parking rules of a scheme and park anywhere they please, which irritates existing residents of the scheme.

In terms of the Sectional Titles Schemes Management Regulations an owner must take all reasonable steps to ensure that his tenant complies with the Conduct Rules of the scheme, and Rules made in terms of Memoranda of Association usually include a similar provision. Of course, the same would apply in all other types of community schemes.

With the advent of fines and penalty provisions in Conduct Rules, unit owners would have to bear the cost of any fines that their short-term tenants incur should they misbehave.



# LET'S SHAKE ON IT!



AS PART OF ITS MANDATE, THE COMMUNITY SCHEMES OMBUD SERVICE (CSOS) PROVIDES AN INVALUABLE ALTERNATE DISPUTE RESOLUTION (ADR) SERVICE.

**A**DR has become increasingly popular in South Africa due to the prolonged procedures of courts and the delays associated with it. Litigation is often associated with a surplus of disputes and a shortage of resources to cope with the volume of disputes. Therefore, ADR can be seen as a better alternative to more conventional mechanisms. ADR refers to, among others, negotiation, mediation and arbitration. This alternative is less costly, quicker and involves a greater deal of confidentiality. However, more importantly, it ensures that the parties can choose someone who is an expert in the field. ADR involves a process whereby an impartial third party assists disputants in resolving issues between them. It covers a broad spectrum of approaches, from party-to-party engagement in negotiations as the most direct way to reach a mutually accepted resolution, to arbitration at the other end, where an external party imposes a solution. Somewhere along the axis of ADR approaches between these two extremes lies

mediation, a process by which a third party aids the disputants to reach a mutually agreed solution.

**The main characteristics of arbitration is that:**

- Arbitration is consensual
- The parties choose their arbitrator
- Arbitration is neutral
- Arbitration is confidential
- The decision of the arbitrator is final

**The CSOS is mandated to conduct ADR for aggrieved parties. There are two tiers to ADR within the ambit of CSOS:**

- Conciliation – Refers to the process where the parties engage an independent conciliator appointed by the Ombud to assist parties at arriving at a mutually beneficial settlement.
- Adjudication – Refers to the process where an independent adjudicator appointed by the

Ombud, or selected by both parties from the list provided by the Ombud, determines how the dispute will be resolved and makes a binding decision or order.

**An application can be made to address issues such as:**

- Financial issues
- Governance issues
- Meetings
- Management services
- Private and common areas
- General and other issues



the conciliator will issue a Notice of Non-Resolution and Referral to Adjudication.

**THE ENTIRE ADR INCLUDES FOUR STAGES:**

**Stage 1: New Application**

This involves completing a form. The form may be handed at the offices or emailed as follows: Applications from Gauteng, North West and Limpopo can be emailed to: [gp-complaints@csos.org.za](mailto:gp-complaints@csos.org.za)

Applications from Kwa-Zulu Natal, Mpumalanga and Free State can be emailed to: [kzn-complaints@csos.org.za](mailto:kzn-complaints@csos.org.za)

Applications from Eastern Cape, Western Cape and Northern Cape can be emailed to: [wc-complaints@csos.org.za](mailto:wc-complaints@csos.org.za)

**Stage 2: Assessment**

The assessment will be assessed to determine its validity and whether the dispute falls within the ambit of the CSOS. The applicant must ensure that ALL internal dispute resolutions have been fully explored. Only if no such mechanism exists, then only can applicants approach the CSOS directly.

**Step 3: Conciliation**

- These may be:
- Formal
  - Informal If the matter is not resolved,

**Step 4: Investigation and Adjudication**

All matters will be investigated first before it enters the Adjudication phase. The investigation may include the following elements:

- Requests for additional information and/or documentation.
- Requests for sworn statements or affidavits
- Analysis of photo evidence.
- Conducting inspections in loco as per section 51 of the Act.
- The review of all relevant and applicable legislative and other prescripts. At the adjudication hearing the Adjudicator will consider all the evidence presented and will hand down a determination which is binding on all parties to the dispute. Adjudicator orders are enforceable in the Magistrate Court or High Court depending on the quantum or nature of relief granted in the determination.

**THE CSOS ETHOS**

The CSOS embraces the principle of co-operation in its dispute resolution service and ensures that it handles this process ethically and professionally, ensuring that no party is disadvantaged in any way.

Please contact them via email, telephone or even as walk-in clients at any of our offices.



DISCONNECTION OF ELECTRICITY DUE TO LEVY ARREARS

(BASED ON A TRUE STORY; Names changed to protect the innocent)

**FACTS:**

Thandi and Joel, newly engaged and expecting their first baby, arrived home to their sectional title unit on the evening of Monday the 17th of October 2022, to find the electricity supply to their unit had been disconnected. All the other units at the scheme had electricity.

**The next morning, at 8 a.m. sharp, Joel indignantly burst through the door of the Managing Agent's office, demanding to know why the electricity to his unit had been cut!**

The Managing Agent confirmed that the Trustees had decided to terminate the electricity supply to the unit until the levies had been paid in full – there was an amount of R 13 672 outstanding.

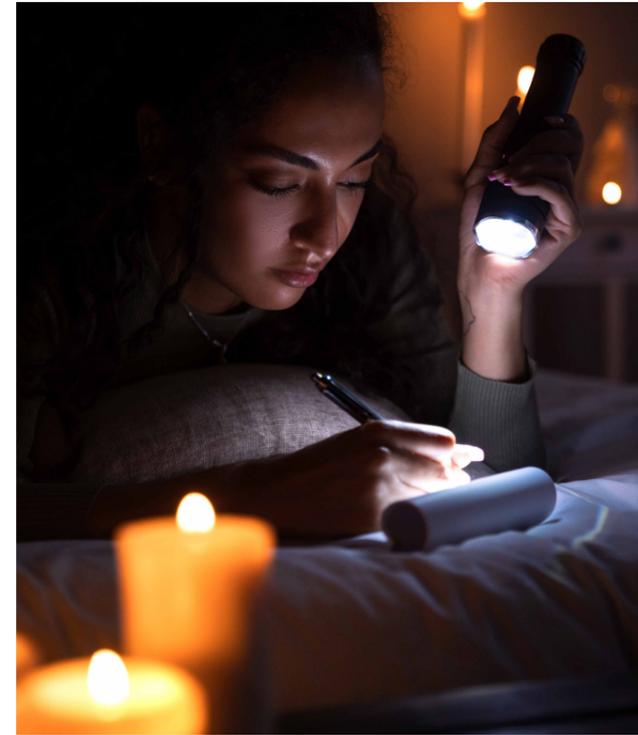
Joel immediately contacted the CSOS and

submitted an URGENT dispute resolution form in terms of section 39(7)(b) of the CSOS Act, to have the electricity to the unit urgently reconnected by the Body Corporate on the grounds that:

- i. Thandi is pregnant and expecting their baby at any time; and
- ii. It is unlawful for the Body Corporate to disconnect electricity without a court order.

**When a matter involves the disconnection of services such as electricity, gas or water, or the denial of access to a scheme or unit, or a threat to life or limb, the dispute is treated as one of urgency and is dealt with by the CSOS within 48 hours.**

So, the appointed Adjudicator requested the parties to make submissions urgently, and then



considered the facts and circumstances, as well as the law relating to the matter.

- a) The Body Corporate confirmed that the only reason why it terminated the electricity supply to the unit was because levies were owing;
- b) However, in the case of **Claudia Niehaus v High Meadow Grove Body Corporate**, which was decided in 2018 in the South Gauteng High Court, being one of many cases that dealt with the same issue, the Judge decided that it is unlawful to deprive a person of electricity – which equates to the deprivation of quasi-possession in common law.

The Judge said: “...where the incorporeal right, such as a right to the supply of electricity, is as a matter of fact, an incident of the possession of immovable property, then the mandament van spolie (a possessory remedy) will protect interference with such possession, as if it were interference with possession of the immovable property.”;

The Adjudicator took into account that there are

sufficient mechanisms available in law in terms of both the Sectional Titles Schemes Management Act (such as issuing summons against defaulting unit owners with a view to obtaining judgment), as well as the CSOS Act (bringing disputes against levy defaulters with a view to obtaining adjudication orders against them that can be made orders of court), without having to disconnect or terminate the electricity supply to a unit to compel a unit owner to pay his/her levies, which is in any event unlawful.

**ADJUDICATION ORDER:**

The Adjudicator ordered the Body Corporate and its Managing Agent to reconnect the electricity supply to the unit within 4 hours of receiving the adjudication order, and not to interfere with the electricity to the unit again, unless the Body Corporate is in possession of a Court Order authorising it to do so.

**CASE CLOSED.**

HOLIDAY OFFICE CLOSURE

The CSOS offices will be closed from Friday, 23 December 2022. We will reopen on Tuesday, 3 January 2023.

**For any urgent matters during this time contact the Provincial Ombuds:**

**Gauteng, Limpopo and North West:**

Mr Abram Masilo on 066 302 9517

**KwaZulu-Natal, Free State and Mpumalanga:**

Mr Mervin Dorasamy on 063 684 7740

**Western Cape, Eastern Cape and Northern Cape:**

Ms Maletsatsi Wotini on 066 302 9492

Please enjoy a safe and happy holiday



# 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)