

SharedLiving

Issue 21

Apr - Jun 2023

PERCEPTION SURVEY

CSOS SURVEY IN
PROGRESS



MINISTER OF HUMAN SETTLEMENTS

OPENS TWO NEW SATELLITE
OFFICES FOR THE CSOS

CASE
CLOSED

ENFORCING THE
ADJUDICATION
ORDER

LIFE RIGHTS

Accountability, Excellence,
Independence, Integrity

www.csos.org.za



Gedeelde Lewe Ukuhlalisana Tsamisana Ho Dulisana Mmoho



VISION: To be a reliable and transparent regulatory authority for community schemes in South Africa

MISSION: To regulate community schemes to ensure good governance by providing education and training to all stakeholders and an accessible dispute resolution service

VALUES: Service Excellence, Independence, Integrity and Accountability.

www.csos.org.za



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CHIEF OMBUD'S FOREWORD



As you are likely aware, former Chief Ombud (CO), Adv. Boyce Mkhize, resigned on April 13, 2023, with immediate effect. We thank Adv. Mkhize for his contributions on behalf of our organization and wish him well in his future endeavours.

I have taken over as Acting Chief Ombud (ACO) as we proceed. I want to reassure you that I am still committed to pursuing the objectives of the organization in line with its purpose and core principles.

I understand that this news may still be unsettling for some of you, but I want to reassure you that we have a strong leadership team in place and that we are confident in our ability to navigate this transition successfully.

We are committed to ensuring that this transition is as smooth as possible for all our stakeholders,

and we will be working closely with each of you over the coming weeks and months.

The financial year 2023–24 began in April. I am enthused about the prospects that lie ahead as we look ahead to the upcoming year. We have several interesting initiatives in the works.

In 2022, CSOS started a transformational journey by putting in place a cutting-edge corporate automation system. The organisation and its stakeholders are benefitting from this initiative's considerable shift away from manual processes and toward a digital and automated world. CSOS Connect is the system driving this shift.

Since its debut, CSOS Connect has system has interacted with registered over 3,000 users, making it easier for stakeholders and clients to communicate with CSOS directly through the portal. By adding numerous services, we have significantly increased the portal's capabilities. For complete information on the features available to you, please read the article inside.

In an effort to improve the help and services we provide to you; we are also conducting a stakeholder perception survey. Some of you may have gotten a survey form; if so, please spend some time filling it out so we can better serve you.

We look forward to your continued support and collaboration in this new financial year and beyond to achieve our shared goals and vision.

For the latest information about happenings at the CSOS, please follow us on our social media channels. Enjoy our articles on the latest industry issues.

Kinds Regards
Thembelihle Mbatha CA (SA)



DID YOU KNOW ?

Did you know that you can now upload annual returns and request for waivers on the CSOS Connect platform?

CSOS Connect. Easy
Seamless Connected



IMPORTANT NOTICE: CSOS PERCEPTION SURVEY IN PROGRESS

Please note that the CSOS is currently undergoing an important initiative to gather valuable feedback and insights from our esteemed stakeholders like yourself.

In our continuous efforts to enhance our services and ensure that we are meeting the evolving needs of our stakeholders, we have decided to conduct a comprehensive perception survey. This survey aims to gauge your perceptions, opinions, and experiences related to our organisation and the services we provide.

Please be assured that if you receive an email or a phone call from Siloam regarding the perception survey, there is no cause for alarm. We understand that unsolicited communication can sometimes be concerning, but we want to emphasize that this is an official initiative conducted by CSOS, assisted by Siloam and is intended solely for the purpose of gathering feedback and improving our services.

The perception survey will be conducted by a team of experienced professionals who will reach out to you via email or phone. They will provide all the necessary information and guidance for your participation, ensuring a smooth and hassle-free process. Your responses will be treated with the utmost confidentiality and will be aggregated and analyzed in an anonymized manner to ensure anonymity and privacy.

Your feedback is of utmost importance to us, as it will play a vital role in helping us identify areas



of improvement, develop new strategies, and tailor our services to better meet your needs. By participating in this survey, you will be actively contributing to the future development and growth of CSOS, ultimately helping us make a positive impact on our community.

We kindly request your cooperation and participation in the perception survey. Your honest and constructive feedback will enable us to better understand your expectations and concerns, allowing us to deliver services that align with your needs and aspirations.

If you have any questions, concerns, or require any further information regarding the perception survey, please do not hesitate to contact us info@csos.org.za.

We are here to assist you and ensure a smooth and meaningful survey experience.

Thank you for your continued support, and we look forward to your participation in the CSOS perception survey.

THE CSOS BIDS FAREWELL TO ITS CHIEF OMBUD, AFTER TWO YEARS AT THE HELM

Over the last two years, the CSOS has had the honour of working under the direction of a brilliant leader, Advocate Boyce Mkhize.

Adv. Mkhize was a visionary noted for his persistent dedication to good corporate governance and tireless efforts to restore stability to the CSOS. He was also dedicated to fostering harmony and serenity to community schemes. Under his leadership, the CSOS underwent a significant transformation, streamlining its operations and improving its services, building a renewed feeling of confidence and cooperation with community schemes around the country.

It is with mixed emotions – a sense of gratitude and a tinge of sadness – that we bid him farewell. The CSOS family would like to express its respect for all that he has accomplished during his tenure. His departure marked the end of an era and has left everyone wondering who will step into his shoes and continue his legacy.

Adv. Mkhize was a humble leader who could find solutions in the most difficult situations. He always appreciated his

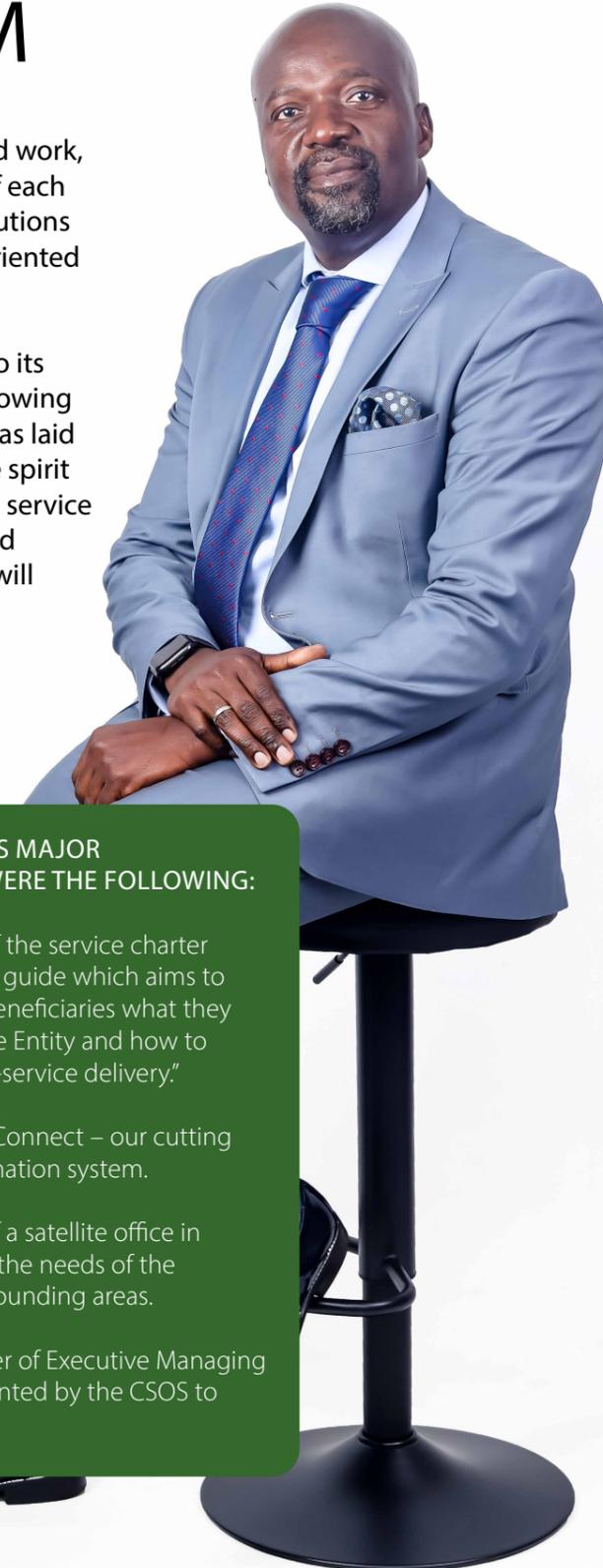
team's devotion and hard work, highlighting the value of each individual's joint contributions in developing a future oriented CSOS.

The CSOS bids farewell to its former Chief Ombud, knowing that the foundation he has laid will carry us forward. The spirit of good governance and service excellence he has instilled within the organization will remain a guiding light.

Boyce Mkhize, we salute you!

AMONG ADV. MKHIZE'S MAJOR ACCOMPLISHMENTS WERE THE FOLLOWING:

- The establishment of the service charter which is defined as a guide which aims to inform "our service beneficiaries what they must expect from the Entity and how to gauge the quality-of-service delivery."
- The launch of CSOS Connect – our cutting edge business automation system.
- The establishment of a satellite office in Gqeberha to service the needs of the community and surrounding areas.
- Increased the number of Executive Managing Agents (EMAs) appointed by the CSOS to transform the sector.





MINISTER OF HUMAN SETTLEMENTS INAUGURATES SATELLITE OFFICES FOR COMMUNITY SCHEMES OMBUD SERVICE IN POLOKWANE AND GEORGE

The Minister of Human Settlements, Ms Mamoloko Kubayi, along with Deputy Minister Pam Tshwete, marked a significant milestone as they officially opened the satellite offices for the Community Schemes Ombud Service (CSOS) in Polokwane and George. The inauguration ceremony, attended by the CSOS Board and various external stakeholders, emphasized the substantial benefits that these new offices would bring to the communities they serve.

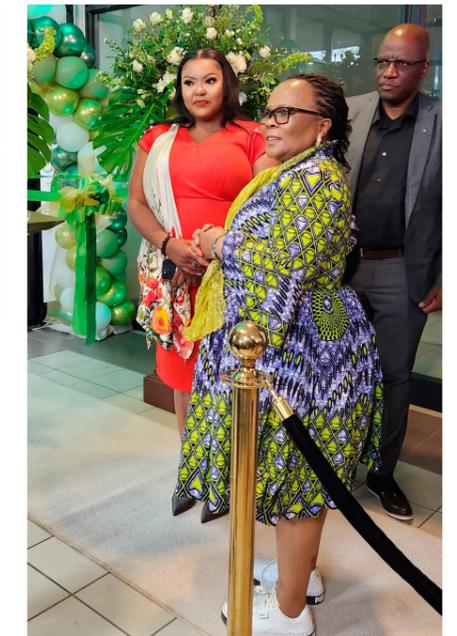
The establishment of satellite offices in Polokwane and George is part of the government's commitment to promoting effective governance and conflict resolution within community schemes across the country. These schemes, including sectional title developments, homeowners' associations, and share-block companies, play a crucial role in providing housing solutions to millions of South Africans.

Addressing the gathering, Minister Mamoloko Kubayi emphasized the importance of accessibility

and proximity of services for communities. She stated, "The opening of satellite offices in Polokwane and George marks a significant step towards bringing dispute resolution and governance services closer to the people. It reflects our commitment to ensuring that all community schemes have access to the necessary support and guidance they need to function smoothly."

The satellite offices will provide residents of Polokwane and George with easy access to CSOS services, eliminating the need for lengthy travel to the CSOS regional offices in Johannesburg and Cape Town. Residents will now be able to seek assistance and guidance on a range of issues, including disputes over levies, governance challenges, and violations of conduct rules within their respective community schemes.

Deputy Minister Pam Tshwete, who also attended the ceremony, highlighted the positive impact these offices would have on the local communities. She said, "By establishing satellite offices, we are not only improving access to justice for residents



GEORGE SATELLITE OFFICE ADDRESS

N0. 14 CJ Langenhoven RD
Smokey Mountain Building
George 6530

POLOKWANE SATELLITE OFFICE ADDRESS

Office C6 Standard Bank
Square, Building 5 Schoeman
Street, Polokwane 0669

but also promoting transparent and accountable governance within community schemes. This initiative is a testament to our commitment to building inclusive and harmonious communities."

The opening of these satellite offices is expected to bring several benefits to the communities they serve. Firstly, it will expedite the resolution of disputes and conflicts, ensuring that residents can access prompt and efficient justice. Additionally, the offices will provide educational resources and training programs to empower residents and committee members with the knowledge and skills necessary for effective community scheme management.

Furthermore, the establishment of these offices will contribute to the overall development and growth of Polokwane and George as thriving urban centers. With improved governance and streamlined dispute resolution mechanisms,

these communities will become more attractive to potential homeowners, investors, and businesses.

During the ceremony, Minister Kubayi also expressed her gratitude to the CSOS Board and the external stakeholders who played a vital role in making the satellite offices a reality. She emphasized the need for collaboration between government institutions, community leaders, and residents to create sustainable and harmonious living environments.

As the ribbon was cut, marking the official opening of the satellite offices, the atmosphere was filled with hope and optimism. The establishment of these offices signifies a significant milestone in ensuring the provision of accessible and efficient services to the residents of Polokwane and George, while promoting good governance practices and enhancing community cohesion within community schemes across South Africa.

LET'S GO OFF THE GRID! SOLAR IS THE ANSWER!



According to a reliable source, South Africa, on average, enjoys 2500 hours of sun every year. An ideal statistic if you want to install a solar system as an alternative power supply in your home, whether a freestanding home or in a community scheme.

If your home is in a sectional title scheme, it is a little more complicated.

If, after tolerating increased loadshedding and the accompanying challenges (wi-fi interruptions, security downtime and the like for too long), and after doing the sums, the Trustees of a sectional scheme can propose the installation of a solar system to operate at various levels within the scheme – in other words, depending on the sophistication of the system, and obviously the cost, the solar system could operate the power

requirements of the entire scheme or only parts thereof, such as the CCTV and security system, common property lighting, wi-fi installation, and the like. In this instance, the Trustees would look to PMR 29 of the STSMA and ascertain whether the improvement to common property are either 'reasonably necessary' (PMR29(2)) or 'not necessary' (but desirable) (PMR29(1)), in order to determine whether a special or unanimous resolution is necessary to approve the system, and what procedure must be followed in terms of the Act to obtain approval.

Obviously, the Trustees must also consider essentials such as where the solar panels will be situated, whether from a structural perspective, the roofs can carry the load of the solar panels, the insurance implications, viable alternatives

such as renting a solar system as opposed to an outright purchase of the system, and the like.

What if an owner of a unit wants to install his own solar system to service his unit? - if the Body Corporate has decided against installing a general system (for whatever reason)! Obviously, the first thing that must be done is to seek the written consent of the Trustees. In writer's opinion, given the general state of the economy and the certainty of loadshedding in our foreseeable future, the Trustees would have no good reason to deny such a request unless the infrastructure of the building/s in the scheme is/are unsuitable.

In this instance, probably the best vehicle to use would be to create and allocate an area of the common property of the scheme, such as the roof area above the unit-owner's

section, as an exclusive use area in terms of the Conduct Rules of the scheme (sections 10(7) and 10(8) of the STSMA), which is where the solar panels will be situated – the batteries, and the balance of the installation would be situated within the owner's section. This would allow for the Rules to specify, amongst other things, that the unit owner (as well as all future owners) are responsible for the

maintenance and repairs to the solar system, as well as ongoing maintenance and repairs to the roof above the section, which will undoubtedly be affected by the installation of the panels and other accoutrements that give effect to the system as a whole, who is the preferred solar power installer and supplier to the Body Corporate, and so on.

The installation of solar is not

a simple subject, with many intricacies involved. It is an expensive and long-term investment, and we recommend in-depth research before any commitment is made. However, the wonderful thing about the Law, is its ability to adapt to changing circumstances, and the STSMA certainly provides for all aspects relating to the installation of solar systems in a sectional scheme.

CSOS CONNECT: DIGITIZING THE COMMUNITY SCHEMES OMBUD SERVICES

In the fast-paced world of business, staying ahead of the curve is crucial for success.

Recognizing the need to streamline processes and adapt to the digital age, the year 2022 saw CSOS embark on a transformative journey by implementing a state-of-the-art business

automation system. This initiative marked a significant transition from manual operations to a digital and automated world, benefiting both the organization and its customers. The flagship system at the forefront of this transition is CSOS Connect.

WITH CSOS CONNECT YOU CAN CHECK AND VERIFY

Did you know that you will soon be able to check and verify your compliance status on CSOS Connect? If non-compliant you can simply apply for compliance on CSOS Connect.

CSOS CONNECT. EASY SEAMLESS CONNECTED

Visit www.csosconnect.org.za or call us on 0800 000 653 for more information.

CSOS Connect is a comprehensive business automation system that revolutionizes the way CSOS operates and interacts with its stakeholders. By leveraging cutting-edge technology and advanced software solutions, CSOS Connect facilitates a seamless integration of various business processes, thereby improving efficiency, accuracy, and overall productivity. Furthermore, CSOS Connect extends its benefits beyond internal operations to external stakeholders, most notably the customers. The system provides a user-friendly interface that empowers customers to interact with CSOS in a more efficient and convenient manner through the web or mobile.

CSOS Connect has been operational since November 25th, 2022. Currently, we have both a public portal for our customers and an admin portal for CSOS staff members.

In the initial phases of CSOS Connect, we have successfully launched Phase 1 and Phase 2 of the solution. These phases have introduced several essential functionalities to the portal, including:

1. Scheme Registration,
2. Customer Relations Management (CRM),
3. Revenue (Banking), and
4. User Maintenance.

Since its launch, CSOS Connect has registered over 3000 users, enabling stakeholders and customers to conveniently engage directly with CSOS through the portal. We have made significant progress in expanding the portal's capabilities by introducing various functionalities.

Moving forward to Phase 3 of CSOS Connect, we have planned the following additional features:

1. Annual Returns & Waivers: This functionality is currently undergoing User Acceptance Testing (UAT). Once implemented, users will be able to upload annual returns and request waivers through the portal.
2. Governance Solution: We are also conducting UAT for the Governance solution to ensure that our valued customers receive the best service possible from CSOS Connect.
3. Integration of Banking (Revenue): We are working on full integration of the Banking (Revenue) feature into CSOS Connect.
4. Scheme Governance and Enforcements: This functionality will be added to the portal, allowing users to manage scheme governance and enforcement matters efficiently.
5. Dispute Resolutions: CSOS Connect will provide a streamlined process for handling dispute resolutions.

In order to accommodate the extensive scope of CSOS Connect, we have implemented a phased approach to its implementation, introducing new features and functionalities as they become available. You will be informed about these updates as they are launched on CSOS Connect.

To stay informed about the latest developments at CSOS and receive updates on CSOS Connect, please follow us on our social media platforms. We eagerly await your feedback and value your input on the CSOS Connect solution. Your thoughts and suggestions are always welcome.

Visit www.csosconnect.org.za for all your CSOS Connect services.

CSOS Connect. Easy Seamless Connected.

Announcement

Recently logged an enquiry or issue on CSOS Connect

You can keep track of your enquiry on CSOS Connect digital platform. Visit www.csosconnect.org.za to migrate to our digital solution.

CSOS Connect. Easy Seamless Connected

COMING SOON

GOVERNANCE AND DISPUTE RESOLUTION

Do you have governance issues related to your scheme? You can now resolve all governance and dispute issues on the CSOS Connect platform.

Visit www.csosconnect.org.za or call us on 0800 000 653 for more information. CSOS Connect. Easy Seamless Connected.

“A NATION’S GREATNESS IS MEASURED BY HOW IT TREATS ITS WEAKEST MEMBERS.”

- MAHATMA GHANDI

Do we, as South Africans, care sufficiently for our aged? Let me leave this question to every reader to answer him/herself.

THIS ARTICLE DEALS WITH THE SALE OF “LIFE-RIGHTS”, WHICH IS REGULATED BY THE HOUSING DEVELOPMENT SCHEMES FOR RETIREMENT PERSONS ACT 65 OF 1988 (“THE RETIREMENT SCHEMES ACT”).

In terms of the Act, a Life-Right can only be sold to a person over 50-years of age, who is considered to be a ‘retired person’. As the name implies, when sold to a retired person, a Life-Right gives the purchaser the right to “LIVE” in the house/flat/unit until the purchaser dies or until the purchaser’s spouse dies.

When the longest-living spouse dies, the heirs of the purchaser inherit the amount agreed to in the contract that was signed between the Developer (the seller of the Life-Right) and the purchaser when the purchaser bought the Life-Right.

Often, the heirs will receive the amount originally

paid for the Life-Right less an amount retained by the Developer for what is known as the levy stabilisation fund - this was agreed to in the original purchase agreement. Sometimes, a pre-agreed percentage of any profit on the resale less the restoration costs of the unit is paid to the Developer. The Life-Right is then sold to another retired person, and hopefully the price has increased substantially, because the Developer must make enough money to continue running the scheme.

As you have realised, a Life-Right is a right created in terms of a contract, which is endorsed against the title deed of the property.

“

A Life-Right is not ‘ownership’ of a property, but rather ownership of a “right”.

”

If you buy a Life-Right, you do enjoy protection in terms of the Retirement Schemes Act though. Any Erf that is subject to Life-Rights,

in other words there are retired persons living on the property with Life-Rights endorsed on the title deed, can never be sold unless 75% of the Life-Right holders have agreed to the sale.

You will also have to pay a monthly levy and the monthly electricity and water consumed in the unit! Please ensure that you have read and understood the contract conditions relating to this issue, because they all differ!

There are a multitude of benefits to pensioners in purchasing and owning a Life-Right in a Life-Right scheme. It is generally

cheaper than buying a property, and there are no transfer and bond costs (remember you are buying a right and not a property).

A further advantage is that the Developer must provide a realistic estimate of what the levies will be for the next 2 years, giving the Life-Right holder peace of mind that there will not suddenly be huge jump in costs! An added benefit is that the Developer is still responsible for the maintenance of the unit, gardening services, and security.

Regrettably, Life-Right schemes are not cheap, but they certainly have their advantages.





CSOS AT THE COMRADES MARATHON 2023

As part of our PR and marketing objectives this year, the CSOS chose to launch a media activation campaign at the Comrades Marathon Expo and race. This was done in partnership with charity organisation, Rise Against Hunger.

The Comrades Marathon Expo is an exhilarating event that takes place in Durban, serving as a prelude to the world-renowned Comrades Marathon. Spanning over several days leading up to the marathon, the Expo attracts athletes, enthusiasts, and spectators from all over the globe. With its vibrant atmosphere and array of exhibits, the Expo showcases an extensive range of products and services related to running, health, and wellness.

On the day of the race the atmosphere along the route was electric. Crowds of supporters

lined the streets, cheering on the runners. Stakeholders, board members, executives, and personnel from CSOS and Rise Against Hunger attended the event. The team was stationed 2 kilometres before the finish line and provided runners with much-needed water, cooldrink and fruit, while also supporting and encouraging them. Also present at the race was SAFM, which conducted live interviews with our executives, board members and stakeholders.

Overall, the event was a resounding success. Tete Dijana and Gerda Steyn won the men's and women's races, respectively. As they stood on the podium, adorned with their well-earned gold medals, we reflected on the incredible journey that had led there here. The memories of the Comrades Marathon will forever be etched in our hearts, a testament to human strength and tenacity.





The CSOS Adjudicator must investigate an application made for dispute resolution in terms of section 38 & 39 of the CSOS Act to decide whether it would be appropriate to make an order. The adjudicator must make an order granting or refusing each part of the relief sought by the applicant. An order may require a person to act, or refrain from acting, in a specified way. The order may contain such ancillary and ensuing provisions as the adjudicator considers necessary or appropriate. The order must set the time-

- (a) when the order takes effect; or
- (b) within which the order must be complied with.

An adjudicator's order, may in terms of section 56 of the CSOS Act, be enforced in the

Magistrates Court or the High Court as if it were a judgment handed down by that Court. An adjudication order for specific performance, can only be enforced in the High Court. An adjudication order for specific performance, relates to an order that has no quantum or monetary value.

The adjudication order will have an implementation date. In the event that the party against whom the order has been issued has not complied with the adjudication order, the person in whose favour the order is issued must approach CSOS.

The person in whose favour the order was issued must file with the Clerk of the Magistrates Court or Registrar of the High Court the following

documentation:

- a. a copy of the adjudicator's order certified by the Ombud as a true copy, if the original cannot be located;
- b. any relevant form/s required by the Magistrates Court or the High Court to be completed;
- c. the court order to be endorsed by Clerk of the Magistrates Court or Registrar of the High Court.

Once the Clerk of the Magistrates Court or Registrar of the High Court has issued the order and allocated a case number, the party may submit the order to the Sheriff of Court for further execution. CSOS will not be involved in this process and the

party will bear the costs related to the execution of the order. An application for enforcement lodged with the Magistrates Court or High Court is not an appeal or a re-hearing of the merits of the original application. If an adjudicator's order is for the payment of an amount of money or any other relief which is within the jurisdiction of a magistrate's court, the order must be enforced as if it were a judgment of such Court and a clerk of such a Court must, on lodgement of a copy of the order, register it as an order in such Court.

Example: Payment or reimbursement in the sum of R70 000 for repairs. A Magistrate's Court shall have no jurisdiction in matters in which is sought specific performance

without an alternative of payment of damages.

If an adjudicator's order is for the payment of an amount of money or any other relief which is beyond the jurisdiction of the magistrate's court, the order may be enforced as if it were a judgment of the High Court, and a registrar of such a Court must, on lodgement of a copy of the order, register it as an order in such Court.

Example: Payment of outstanding levies of R340 000 (Regional civil court) or an adjudication order which requires a person to act, or refrain from acting, in a specified way (High Court-specific performance).

The current money claim limits

- of the courts are as follows:
- Magistrates Court: R200 000
 - Regional Civil Courts: R400 000
 - High court: above R400 000

Jurisdiction means the power or ability which a court has to hear and determine an issue between parties brought before it.

Parties may consent in writing to the jurisdiction of a District Court or Regional Court to hear matters which would otherwise be beyond their respective jurisdiction.

For you to enforce the adjudication order which is in your favour, you must receive an Enforcement Notice together with the original Adjudication Order from the relevant CSOS office.



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

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

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

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

Register a Community Scheme online at
www.csos.org.za