

# SharedLiving

Issue 24

Jan - Mar 2024

## COMPLIANCE

IS YOUR SCHEME  
COMPLIANT?



SCHEME  
REGISTRATION  
DRIVE

## MBOMBELA

SATELLITE OFFICE  
LAUNCH

CSOS URGES ALL  
SCHEMES TO  
REGISTER AND  
COMPLY WITH  
THE LAW

## NOISE NUISANCE

SANGOMA TRAINING SCHOOL  
OPERATING IN A RESIDENTIAL  
COMPLEX

Accountability, Excellence,  
Independence, Integrity

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



# Gedeelde Lewe Ukuhlalisana Tsamisana Ho Dulisana Mmoho



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**ARE YOU COMPLIANT?**

Please enquire to see if your CSOS levies are up to date

0800 000 653 levypay

**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.

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CASE CLOSED  
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OVER NOISE  
NUISANCE

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# ACTING CHIEF OMBUD'S FOREWORD



**Dear stakeholders,**

As we close the chapter on the 2023/24 financial year, it's time to reflect on the journey of the Community Schemes Ombud Service (CSOS). Despite facing a challenging year marked by an increase in demand of our services and our capacity to meet the needs of all our stakeholders, we remain optimistic. Our Q4 report will reveal the full picture, and we're confident that our turnaround strategies will showcase improved figures and enhanced service delivery to you, our valued stakeholders.

The past year has been a testament to the power of collaboration. Together, we've navigated obstacles and made significant strides towards our strategic objectives. Our partnership with industry bodies has been instrumental in creating a robust framework for regulation, training, and information sharing, all of which have been assisted by our quarterly engagements.

A highlight of the year was the launch of our

nationwide consumer awareness campaign. This initiative has significantly increased brand awareness, visibility, and community scheme registrations. We've eliminated the barrier of 'lack of knowledge' as a reason for non-registration of schemes.

In the beginning of this month, we took a decisive step to enhance our registration process. By amending the Practice Directive issued on 31 August 2021, we've simplified the application and procedural requirements for community scheme registrations. **Now, registrations can be completed effortlessly via the CSOS Connect online platform on [www.csosconnect.org.za](http://www.csosconnect.org.za) or through a QR Code link included in our latest Practice directive effective 1 March 2024.** This ensures that the registration process is accessible and that only authorized representatives can register a scheme.

After registration, schemes are required to submit supporting documents within thirty days for quality assurance and approval. These documents

include scheme rules, constitutions, memorandum of incorporation, sectional title plans, levy schedules, financial statements, and audit reports. This amendment underscores our unwavering commitment to improving the governance of community schemes and supporting their operations.

However, we still face the issue of unallocated levy payments. We urge schemes to use correct reference numbers when making payment to the CSOS to prevent misallocation. Remember, account statements are available bi-monthly or upon request. For assistance with levy payments, please reach out to [levyqueries@csos.org.za](mailto:levyqueries@csos.org.za).

On a brighter note, we're expanding our national presence. This year, we've opened three new satellite offices in Ballito, Polokwane, and Mbombela, bringing our services closer to you. We're excited about the prospect of reaching even more locations soon.

This edition of Shared Living is packed with insights, updates, and stories. Your contributions and feedback are invaluable to us, so please share your thoughts on how we can continue to improve our magazine.

*Sincerely,  
Acting Chief Ombud  
Thembelihle Mbatha CA (SA)*



# Comply with the law

## Register your residential complex with CSOS

# NOW!



# MBOMBELA WELCOMES NEW CSOS SATELLITE OFFICE TO ENHANCE CUSTOMER SERVICE



In a move to bring services closer to the community, the Community Schemes Ombud Service (CSOS) has expanded its reach with the launch of a new satellite office in Mbombela, inaugurated on January 11, 2024. This strategic move is set to enhance the quality of customer service and dispute resolution within community schemes in the region.

Deputy Minister Pam Tshwete, alongside Mr. Speedy Mashilo, the MEC of Human Settlements in Mpumalanga, and other dignitaries, marked the occasion with a ceremony that

underscored the government's commitment to improving living conditions and promoting harmonious community relations.

The CSOS, plays a crucial role in regulating the conduct of parties within community schemes. The Mbombela satellite office is a testament to the organization's dedication to providing accessible, world-class services to its citizens.

"The establishment of the CSOS satellite office here in Mbombela is a clear indication of our responsive approach to

the growing demand for housing and the need for efficient customer service," said Deputy Minister Tshwete. "Satellite offices like this one are pivotal in ensuring that we continue to improve the quality of our customer service and support, leading to increased customer satisfaction."

The launch event was well-received by the community, with local officials highlighting the benefits of having the office in the province, such as making life easier for community scheme residents and opening up opportunities for locals.

As the CSOS continues to open satellite offices throughout the country, the Mbombela office stands as a beacon of the government's resolve to cater effectively to its citizens and foster a sense of community and cooperation among residents.

The event attracted a host of dignitaries, including Mr. Speedy Mashilo, Mpumalanga's MEC for Human Settlements; Mr. Donavon Goliath, Deputy Chairperson of CSOS; and Ms. Thembelihle Mbatha, Acting Chief Ombud of CSOS, all of whom underscored the office's potential to empower the people of Mpumalanga.



# THE INSTITUTIONAL MEMORY OF YOUR SECTIONAL TITLE SCHEME...

... is contained in the minutes of the annual meetings, special general meetings and of course, the Trustees' meetings.



**M**uch like a company, a body corporate has perpetual succession, so irrespective of who owns the units in the scheme or who

the elected Trustees are from time-to-time, the body corporate remains as it is and never changes.

Prescribed Management Rule ("PMR") 9(e) requires Trustees to compile minutes of each trustee and general meeting and distribute the minutes to persons entitled to the minutes as soon as reasonably possible, but not later than 7 days after the date of the meeting. PMR 27(2) requires the body corporate to prepare and update minutes of general and trustees meetings, and all meetings must record:

- the date, time, and place of the meeting;
- the names and role of the persons present, including details of the
- authorisation of proxies or other representatives;
- the text of all resolutions; and
- the results of the voting on all motions.

*The decisions that were made by the owners and Trustees during their meetings over the years and recorded in the minutes will never change! The current Trustees can go back and read what happened 5, or even 10 years ago (if necessary!) - and sometimes it really is necessary.*

Meeting minutes frequently act as a measuring stick for the progress of a scheme, both from an administrative and financial perspective. Minutes can also be used as an accountability tool for both Trustees and members. One simply cannot underestimate the structure minutes provide to a scheme's management and administration if employed correctly, AND if there is ever a Court case or CSOS adjudication, minutes comprise evidence right at your fingertips!

Whilst there is no standardised structure for minutes, it is very helpful to create a standardised minute outlay or structure and stick to it – it creates certainty and certainly makes people feel at ease! PMR 16.2. sets out the agenda for the first meeting of a body corporate, and PMR 17.6. sets out the order of business for an AGM.

Minute-takers must guard against taking a verbatim record of the meeting and should use

plain language to take down the crux of what has been discussed, the resolutions that have been proposed, the votes taken, and the outcome of the votes (percentage votes for; percentage votes against and the outcome of the vote). This is an excellent time to make use of the maxim: less is more. Don't ramble on. Get someone to check the minutes and send them out. Do not let someone come back to you and say: "but I said x, why didn't you record it in the minutes" – no one must believe that they are so imbued with self-importance that what they say should be recorded in the minutes!

What must be recorded is what was generally discussed and what was decided, not who suggested it be discussed and what they said. In 10-years' time no one is even going to remember who that person was, but they will want to know what the outcome of the vote was, because THAT IS THE CRUX OF THE MATTER!



## ARE YOU COMPLIANT?

**Please enquire to see if your CSOS levies are up to date**




0800 000 653


levypayments@csos.org.za

# IS YOUR SCHEME COMPLIANT?

Ensuring Compliance with CSOS Levies: A Guide for Community Schemes



**Register Your Residential Estate with CSOS**  
 (Community Schemes Ombud Service)  
**Now. It's Mandatory.**



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In the landscape of community schemes, compliance is not just a matter of legal formality; it is the cornerstone of harmonious coexistence and financial health. The Community Schemes Ombud Service (CSOS) mandates adherence to specific regulations, pivotal among which are levy payments, annual returns, and governance rules. Here's a breakdown of what schemes must do to remain compliant:

**1. Levy Payments:**

To avoid the pitfalls of financial shortfall, levies must be paid promptly and kept up to date. Delinquency in levy payments not only disrupts the smooth operation of the scheme but also flags the scheme for non-compliance.

**2. Annual Returns: The Yearly Administrative Pillar**

The submission of annual returns is a yearly ritual that must be observed after a scheme has registered. This includes:

- **Annual Financial Statements:** A transparent account of the scheme's

financial dealings.

- **Annual General Meeting Minutes:** A record of decisions and actions agreed upon by members.
- **Updated Levy Schedule:** Reflecting any changes in the levy amounts or structure.

Failure to submit these documents can lead to a scheme being marked as non-compliant, jeopardizing its standing and operations.

**3. Governance Rules: The Framework of Scheme Operations**

Governance rules are not mere suggestions; they are

the directives that steer the scheme's course. These rules need to be submitted by the scheme yearly, ensuring that they are current and in alignment with the CSOS's regulations.

For a scheme to be in good standing, it must adhere to all three compliance categories. Neglecting any aspect is not an option, as it leads to the scheme being flagged for non-compliance, which can have serious repercussions, including legal action and financial penalties.

Compliance is a major component of levy payments,

annual returns, and governance rules. It is the responsibility of every community scheme to understand and fulfil these obligations, thereby ensuring their operations are above board and in line with the CSOS's standards. By doing so, schemes can avoid the complications of non-compliance and focus on creating a thriving, well-managed community.

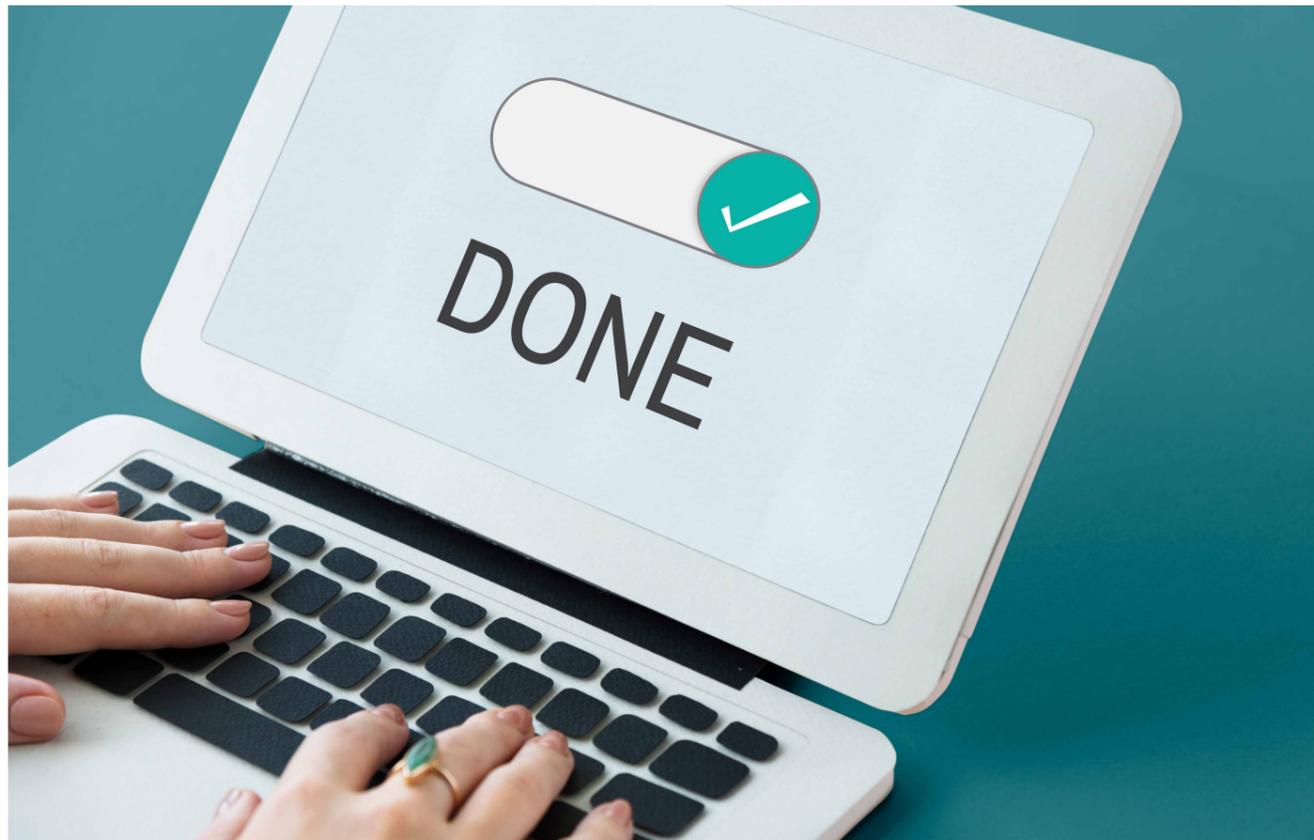
“Compliance is not just about following rules; it's about fostering a sustainable communal living for all members.”

**BE COMPLIANT**  
 Pay your CSOS levies

0800 000 653 | [levypayments@csos.org.za](mailto:levypayments@csos.org.za)

# AMENDMENT TO THE CSOS PRACTICE DIRECTIVE: **REGISTRATION OF COMMUNITY SCHEMES**

*CSOS Enhances Registration Process for Community Schemes*



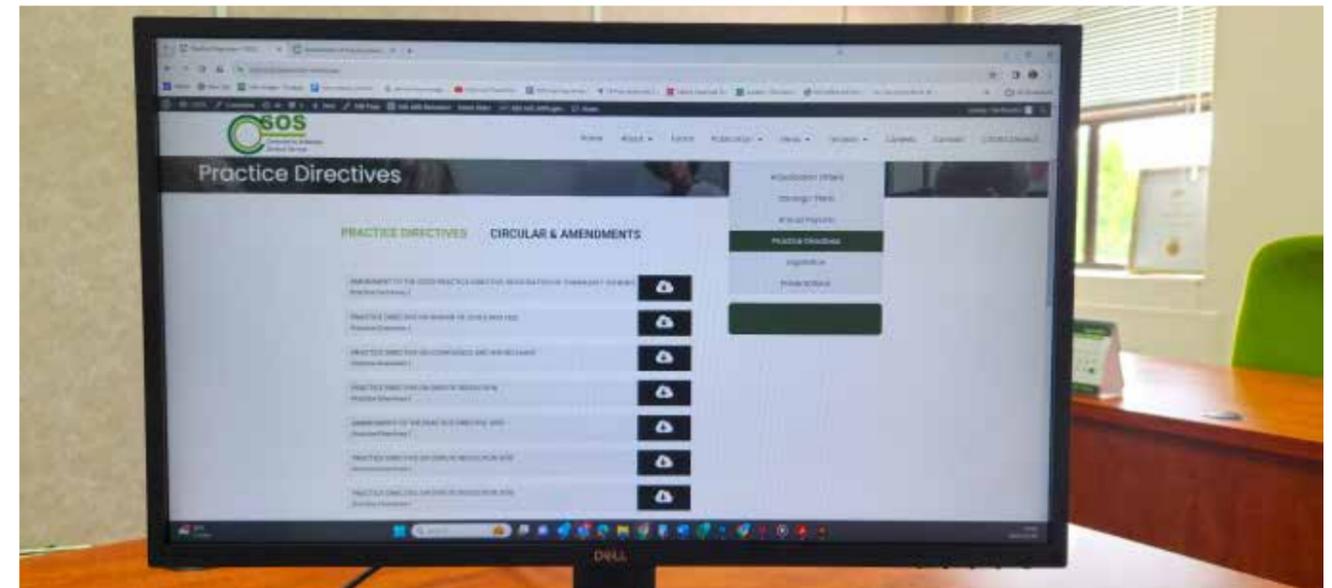
In a bid to streamline registration administrative procedures for community schemes nationwide, the Community Schemes Ombud Service (CSOS) has introduced a significant amendment to its Practice Directive concerning the registration of community schemes. Effective March 4, 2024, following the directive's signing, this change aims to simplify the registration process, ensuring a more efficient

operation of services.

The Acting Chief Ombud, Ms Thembelihle Mbatha, has taken decisive action to revise the existing Practice Directive, initially issued on August 31, 2021. The modifications introduced affect the application and procedural requirements for community scheme registrations. The amendment addresses the need for a more straightforward and accessible

approach, allowing registrations to be completed via the CSOS Connect online platform or through a QR Code link, ensuring that the registrant is an authorized representative.

Initially, schemes were required to submit various documents upon registration. However, under the revised process, they now have the flexibility to submit these documents within thirty days after registration. The



required documents include:

- Scheme Rules (Management and Conduct)
- Constitution; or
- Memorandum of Incorporation (Articles of Association) or
- Use Agreement; or
- Sectional Title Plans (signed)
- Levy Schedule
- Latest annual financial statement
- Latest audit report of the scheme
- Annual Return for existing schemes
- Any other relevant supporting scheme governance documentation as required by the CSOS

supporting documents within thirty days to be quality assured and approved.

“This amendment is a testament to the CSOS’s commitment to enhancing the governance of community schemes and providing a supportive framework for their operation. The streamlined process not only benefits the schemes themselves but also serves the broader community by fostering better management and conduct within these collective living spaces,” says the Acting Chief Ombud, Ms. Thembelihle Mbatha.

For community schemes, this development marks a new chapter in administrative efficiency and regulatory compliance, setting a precedent

for future enhancements in the sector. According to the CSOS Act, all community schemes are mandated to register with the Community Schemes Ombud Service (CSOS) within 30 days of either the CSOS Regulations’ implementation on October 7, 2016, or the community scheme’s date of incorporation as per relevant laws.

Support for the registration process is readily available, with the option to submit a fully completed FORM CS1 along with supporting documents via email or through the CSOS call center. The CSOS guarantees the registration of the community scheme within seven days of receiving a fully completed FORM CS1, which can now be constituted by the registration on the CSOS Connect platform.

Post-registration, the scheme must file the mentioned

**For support, the submission of a fully completed FORM CS1 REGISTRATION OF A COMMUNITY SCHEME (SECTION 59 OF THE CSOS ACT, 2011 READ WITH REGULATION 18) with supporting documents (if available) can be made through email: [registration@csos.org.za](mailto:registration@csos.org.za) or the call center: 0800 000 653.**



In a recent adjudication conducted under the Community Schemes Ombud Service (CSOS) Act, the Executive Committee of **The Estate Homeowners Association (HOA)\*** achieved a significant victory against noise nuisance disturbances emanating from a neighbouring property. The ruling, conducted on August 31, 2023, underscores the importance of maintaining peaceful coexistence within residential communities while respecting individual rights and responsibilities.

The Applicant, represented by the Executive Committee of The Estate Homeowners Association, raised concerns regarding persistent noise disturbances originating from Stand 10 at The Estate. The respondents, registered co-owners of the property, were alleged to be operating a Sangoma Training School, resulting in disruptive noise levels that infringed upon the tranquility of the residential neighbourhood.

The noise disruptions, which included loud singing, chanting, drumming, whistling, and screaming during various hours, significantly impacted the quality of life for numerous residents. Despite repeated pleas and warnings,

the respondents failed to address the issue, prompting the Executive Committee to seek intervention through the CSOS.

In their defence, the respondents did not submit any counterarguments or seek relief, exacerbating the gravity of the allegations against them.

The adjudicator meticulously assessed the evidence presented, emphasizing the balance of probabilities and the credibility of witnesses. The crux of the matter centred on the alleged behavioural issues outlined in section 39(2) (a) of the CSOS Act, specifically addressing the unreasonable noise disturbances caused by the respondents' Sangoma Training School.

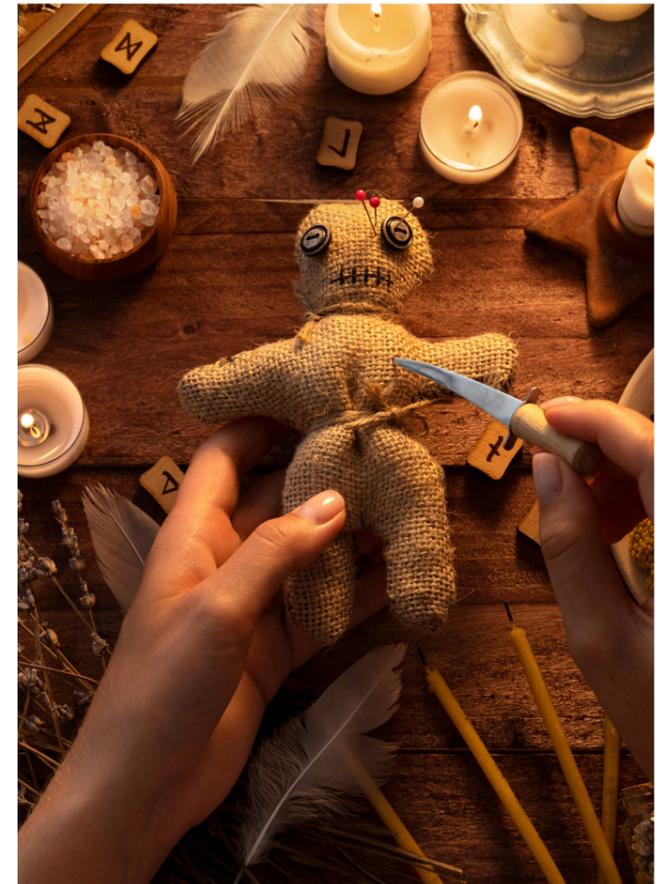
Acknowledging the constitutional right to religious practices, the adjudicator underscored the importance of balancing individual freedoms with communal obligations. While freedom of religion is protected, it must be exercised equitably and within the framework of established community regulations. Citing legal precedents and principles of neighbour law, the adjudicator determined that the noise disruptions exceeded the boundaries of expected toleration,

constituting an actionable nuisance as defined by the CSOS Act.

**In light of the evidence presented and the findings made, Adjudicator issued a decisive order:**

The relief sought by the Applicant under section 39(2)(a) of the CSOS Act was granted. The 1st and 2nd Respondents were compelled to cease all activities causing noise nuisance at Stand 10, within 30 days of receiving this order.

The adjudication outcome serves as a testament to the effectiveness of legal mechanisms in resolving community disputes and upholding the rights of homeowners within residential schemes. By striking a balance between individual freedoms and communal responsibilities, the ruling reinforces the imperative of respectful cohabitation and adherence to established regulations in shared living spaces. As The Estate Homeowners Association moves forward, the resolution of this dispute sets a precedent for proactive conflict resolution and the preservation of peaceful residential environments.



**You don't need a lawyer to solve a dispute. Let's talk.**

**Get it sorted!**

Levy overcharge?

No repairs?

Parking problems?

**FILE A DISPUTE**

**CSOS**  
Community Schemes Ombud Service

# CONTACT US!



## HEAD OFFICE

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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) or [www.csosconnect.org.za](http://www.csosconnect.org.za)