



WHITFIELDS
Elevating Lifestyles Since 1993

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Procedure for explanation to owners who want to lodge a complaint with the Community Schemes Ombud Service (CSOS)

The CSOS provide an alternative, impartial and transparent service for the resolution of unresolved disputes in community schemes. Established in terms of the Community Scheme Ombud Service Act, 2011 [Act 9 of 2011) the CSOS regulates the conduct of parties within community schemes and ensures their good governance. All disputes between parties living in a community scheme may lodge a complaint with the service, in terms of section 38 of the CSOS Act.

Any person in a community scheme may make an application to the CSOS, if such a person is a party to or is materially affected by a dispute, for mediation and adjudication.

Method of application for dispute resolution

Applications for Dispute Resolution may be lodged

- 1) in person (walk ins),
- 2) online on the website www.csos.org.za;
- 3) by e-mail on complaints@csos.org.za,
- 4) by fax on (010) 590 6154 and post.

For Gauteng Province the direct email address for complaints is gp-complaints@csos.org.za

For the Western Cape the direct email address for complaints is wc-complaints@csos.org.za

CSOS Head office phone number : (+27 10) 593 0533

All new applications must be captured on the Application for Dispute Resolution Form, which must be completed in full and all relevant information pertaining to the application must be recorded accurately to eliminate any ambiguity.

In the event of a late application the complainant must complete the Application for Condonation for Late Submission Standard Form

THE CSOS PROCESS ONCE A DISPUTE RESOLUTION FORM HAS BEEN SUBMITTED

Stage 1: Submission

Dispute Resolution Form is submitted to the relevant CSOS regional office and the complaint is then registered by the CSOS

Stage 2: Assessment

Once registered, the application will be assessed to determine validity.

There are grounds for which an application may be rejected by the CSOS for example:

- The matter falls outside of the jurisdiction of the CSOS



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- Failure to exhaust the internal disputes mechanism processes that exist within the particular community scheme
- Failure by the applicant to comply with the 14 day written request for further information
- Another competent authority such as a court of law and/or tribunal can best deal with the matter.
- Application for waiver of adjudication fees is denied.

Stage 2: Assessment (continued)

Where there is no internal dispute resolution mechanism in a community scheme, applicants are entitled to approach the CSOS directly.

Once it has been established that an application is valid and that the dispute is capable of being amicably resolved, the application will be set down for conciliation.

Step 3: Conciliation

At the conciliation stage, applications are categorised into:

Informal Type – quick telephone conciliation

Formal Type - conciliation hearing

All parties to a dispute participate in a conciliation hearing which is chaired by the CSOS Conciliator who is there to assist the parties in finding a resolution.

If the matter is not resolved, the conciliator will issue a Notice of Non-Resolution and Referral to Adjudication.

Step 4: Investigation and Adjudication

Matters that are referred for adjudication will be subject to a thorough investigation prior to presentation at the adjudication hearing.

The investigation process may include inter alia:

- 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.