

20 January 2017

**Circular 01-2017**  
Evergreen Villages

Dear Evergreen Resident,

**COMMUNITY SCHEMES OMBUD SERVICE (CSOS)**

A number of residents have requested more information about the CSOS levy charge. We apologise for not providing more comprehensive information sooner, which we hope to remedy with the information below.

The CSOS Ombudsman has been established to further protect the rights of residents in community schemes. 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. The CSOS provides an Alternative Dispute Resolution service. This entails the resolution of disputes outside of the courts. This method is often preferred as the most cost effective and speedy way of settling disputes through methods such as conciliation and adjudication.

In terms of the Act the term "community scheme" means any scheme or arrangement in terms in which there is shared use of and responsibility for parts of land and buildings, including but not limited to:

- a sectional titles development scheme
- a share block company
- a home or property owners association
- a housing scheme for retired persons
- a housing co-operative as contemplated in the South African Co-operatives Act, 2005 (Act 14 of 2005)



An application can be made to the CSOS Ombudsman in respect of concerns with regard to financial and governance issues, management services, private and common areas and other issues pertaining to community life, provided that members have exhausted all internal dispute resolution mechanisms. Application forms to commence the process can be obtained and submitted online via the CSOS website at [www.csos.org.za](http://www.csos.org.za). This website provides all of the information a resident may need to pursue a matter via the CSOS Ombudsman.

Once it has been established that an application is valid and that the dispute is capable of being resolved, the application will be set down for conciliation. Should conciliation fail to resolve the matter it will be referred for further investigation and arbitration. 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.

In terms of the Act community schemes are obliged to register with CSOS. Evergreen is in the process of doing so on behalf of all of our villages and the service is immediately available to residents to utilise if they feel that a dispute has been reached on a particular matter.

Finally, the Act stipulates (as explained in the notice from Nigel Matupire) that schemes are required to collect levies from 1 January 2017. This levy (not exceeding R40 per month) is paid over to CSOS and used to fund the office of the Community Services Ombudsman.

I trust that you will find this information useful.

Regards,

A handwritten signature in black ink, appearing to read "Derek Drew", is written over a horizontal line.

Derek Drew  
**MANAGING DIRECTOR**