

Affordable Reliable Justice

23 April 2020

CSOS NOTICE TO ALL BODIES CORPORATE – DISCONNECTION BY THE TRUSTEES OF ELECTRICITY OR WATER TO SECTIONS IN A SCHEME

It has come to the attention of the CSOS that there are instances where Trustees are disconnecting and/or reducing services in cases where unit owners' default on the payment of their levies during the lockdown.

The termination or reduction of *any service* (i.e. water, electricity or gas) to a section has always been unlawful - **remains unlawful during the lockdown** – and will continue to be unlawful after the period of lockdown has been uplifted by Government, *irrespective of what is contained in a Body Corporate's Rules*.

Please note that any contravention of the Regulations to the Disaster Management Act of 2002 is a criminal offence and can be reported directly to the South African Police Service (SAPS). Alternatively, the CSOS will, on application, issue an adjudication order on an *ex parte* basis which will include a direction to the SAPS to ensure that the order is given effect to.

For your reference you may view the Court order that affirms this notice: [Niehaus v High Meadow Grove Body Corporate \(40667/2018\) \[2018\] ZAGPJHC 712 \(13 November 2018\)](http://www.saflii.org/za/cases/ZAGPJHC/2018/712.html) / <http://www.saflii.org/za/cases/ZAGPJHC/2018/712.html>

Regards,

NDIVHUO RABULI

Chief Ombud (Acting)

