



ADJUDICATION ORDER
DATE: *12 January 2020*
Community Schemes Ombud Service
T: +27 (010) 593 0533 | F: +27 (010) 590 6154
Website: www.csos.org.za
Fraud Hotline: 0800 701 701

Case Number: CSOS02911/KZN/18

IN THE MATTER BETWEEN

DIRECTORS OF SODWANA BAY LODGE SHAREBLOCK

APPLICANT

and

G E BENNETT

RESPONDENT

ADJUDICATION ORDER

1. Introduction

1.1 This is the dispute application in terms of Section 39(1)(e) of the Community Schemes Ombud Service Act No. 9 of 2011 (“the CSOS Act”), that is the dispute in respect of financial issues.

1.2 The matter was set down for adjudication for 21 January 2020 at 09 h00 a.m.

1.3 A Notice of Set Down was sent on 04 November 2019 via email to both parties.

2. Discussion

2.1 It must be noted that despite the Notice of Set Down being sent timeously, there was no appearance by either party. Neither did we received a request for postponement of the matter from either party.

2.2 Notwithstanding the fact that the Notice itself has a note that is drawn to the attention of the parties in the dispute which reads as follows, "**PLEASE TAKE NOTE OF THE FOLLOWING:**

- **No Legal representation is allowed** at the conciliation and adjudication meeting, unless at the adjudication the adjudicator and all parties consent or the adjudicator after considering the nature of the questions of law raised by the dispute, the relative complexity and importance of the dispute and the competitive ability of the parties to represent themselves in the adjudication, concludes that it would be unreasonable to expect the party to deal with the adjudication without legal representation.
- Where a Scheme is represented by a Trustee and/or Managing Agent, the required **resolution/consent** must be produced on the date of the hearing of this matter.
- CSOS will not reschedule any dates for hearings. If exceptional circumstances exist, the parties must motivate for a re-scheduling and provide proof of reason (e.g. death; illness etc.) prior to the hearing date.
- A party who requires an **interpreter** must advise CSOS immediately upon receipt of the notice of set down." (my underlining)

2.3 As I had alluded earlier that we did not receive any request for postponement from either party. Further it is my considered view that the Applicant ought to have attended the adjudication hearing as it is *dominus litis* in this dispute.

2.4 In the absence of compelling and substantiated reasons for not attending the adjudication hearing the application stands to be dismissed.

3. Conclusion

3.1 Having said the above, the application is hereby dismissed.

DATED AT DURBAN ON THIS DAY 22 JANUARY 2020



ADJUDICATION ORDER
DATE: 22/01/20
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A handwritten signature in black ink, appearing to read 'Thulani Khambule', written over a horizontal line.

THULANI KHAMBULE

ADJUDICATOR