

## Information Sheet: CSOS DISPUTE APPLICATION

- The applicant bears the onus of ensuring that all relevant information has been submitted to ‘make their case’, in other words, to ensure their application form is correctly completed and meets legislative requirements.
- The application form and any attachments may either be typed or handwritten. If typed, the font must be clear. Handwritten applications must be clear and legible.
- If an application is not clear and legible, whether typed or handwritten, the Applicant will be requested to submit a revised application that is clear and legible.
- If the applicant has different disputes against multiple respondents, generally separate applications will be required (each accompanied by the prescribed fee).
- Where the applicant is a community scheme, a copy of a resolution by the Executive Committee lodgement of the application.
- The application form must be signed by the applicant, unless the application form is signed by an applicant authorised representative, which must be indicated in the form.
- Where an applicant is represented, full particulars and contact details of the representative must be disclosed in the application form, including the capacity in which the representative acts (i.e. trustee, managing agent, etc.).
- The application must include the relief sought by the applicant, which relief must be within the scope of one or more of the prayers for the relief contemplated in section 39; the name and address of each person the applicant considers to be affected materially by the application; and the grounds on which the relief is sought.
- Information included in the application assists the conciliator, adjudicator, the respondent and any affected party to understand what the applicant is seeking and the reasons why the application has been made.
- If the relief sought relates to an order declaring any decision of an association or an executive committee to be void, and 60 (sixty) days has lapsed since the decision was taken, the applicant must together with the application for dispute resolution apply for condonation for late submission of an application to the Ombud. The application for condonation must include reasons for the failure to submit the application within the prescribed time frame.
- All applicants must attempt to resolve the dispute internally within the community scheme before seeking relief from CSOS.
- Once completed you must send the application form together with the required supporting documents for:
  - KZN, FS & MP to Email: [kzn-complaints@csos.org.za](mailto:kzn-complaints@csos.org.za)
  - GP, LIM, NW to Email: [gp-complaints@csos.org.za](mailto:gp-complaints@csos.org.za)
  - WC, EC & NC to Email: [wc-complaints@csos.org.za](mailto:wc-complaints@csos.org.za)

CSOS will register and assess your matter. Thereafter should it fall within the ambit of Section 39 of the CSOS Act, the parties will be requested by the Case Management Officer to prepare and file their responses. The matter may then proceed to Conciliation and Adjudication. No dispute fees are payable.

RELIEF SOUGHT IN TERMS OF SECTION 39 OF THE CSOS ACT, 2011. KINDLY TICK THE APPLICABLE BOX BELOW:

S39. An application made in terms of section 38 must include one or more of the following orders:

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**(1) FINANCIAL Issues**

(a)	An order requiring the association to take out <b>insurance</b> or to increase the amount of insurance	
(b)	an order requiring the association to take action under an <b>insurance policy</b> to recover an amount;	
(c)	an order declaring that a contribution levied on owners or occupiers, or the way it is to be paid, is incorrectly determined or unreasonable, and an order for the adjustment of the contribution to a correct or reasonable amount or an order for its payment in a different way;	
(d)	an order requiring the association to have its accounts, or <b>accounts for a specified period, audited</b> by an auditor specified in the order	
(e)	an order for the <b>payment or re-payment of a contribution or any other amount</b> ; or	
(f)	an order requiring a specified <b>tenant in a community scheme to pay to the association and not to his or her landlord</b> , all or part of the rentals payable under a lease agreement, from a specified date and until a specified amount due by the landlord to the association has been paid: Provided that in terms of such an order—	
	(i) the tenant must make the payments specified and may not rely on any right of deduction, set-off or counterclaim that he or she has against the landlord to reduce the amount to be paid to the association;	
	(ii) payments made by the tenant to the association discharge the tenant's liability to the landlord in terms of the lease; and	
	(iii) the association must credit amounts received from the tenant to the account of the landlord	

**(2) In respect of BEHAVIOURAL issues**

(a)	an order that particular <b>behaviour or default constitutes a nuisance</b> and requiring the relevant person to act, or refrain from acting, in a specified way;	
(b)	if satisfied that an <b>animal kept in a private area or on common areas</b> is causing a nuisance or a hazard or is unduly interfering with someone else's peaceful use and enjoyment of his or her private area or common area, an order requiring the owner or occupier in charge of the animal—	
	(i) to take specified action to remedy the nuisance, hazard or interference; or	
	(ii) to remove the animal;	
(c)	an order declaring that an <b>animal is being kept in a community scheme contrary to the scheme governance documentation</b> , and requiring the owner or occupier in charge of the animal to remove it; or	
(d)	an order for the <b>removal of all articles placed on or attached</b> illegally to parts of a common area or a private area.	

**(3) In respect of Scheme GOVERNANCE Issues**

(a)	an order requiring the association to record a <b>new scheme governance provision</b> consistent with a provision approved by the association;	
(b)	an order requiring the association to <b>approve and record a new scheme governance provision</b> ;	
(c)	an order declaring that a <b>scheme governance provision is invalid</b> and requiring the association to approve and record a new scheme governance provision to remove the invalid provision; or	
(d)	an order declaring that a <b>scheme governance provision</b> , having regard to the interests of all owners and occupiers in the community scheme, <b>is unreasonable</b> , and requiring the association to approve and record a new scheme governance provision—	
	(i) to remove the provision;	
	(ii) if appropriate, to restore an earlier provision;	
	(iii) to amend the provision; or	
	(iv) to substitute a new provision.	

**(4) In respect of MEETINGS**

(a)	an order requiring the association <b>to call a general meeting</b> of its members to deal with specified business;	
(b)	an order declaring that a purported meeting of the executive committee, or a purported general <b>meeting of the association, was not validly convened</b> ;	

(c)	an order declaring that a resolution purportedly passed at a meeting of the executive committee, or at a general meeting of the association—	
	(i) was void; or	
	(ii) is invalid;	
(d)	an order declaring that a <b>motion for resolution considered by a general meeting of the association was not passed</b> because the opposition to the motion was unreasonable under the circumstances, and giving effect to the motion as was originally proposed, or a variation of the motion proposed; or	
(e)	an order declaring that a particular <b>resolution passed at a meeting is void</b> on the ground that it unreasonably interferes with the rights of an individual	
<b>(5) In respect of MANAGEMENT Services</b>		
(a)	an order <b>requiring a managing agent to comply</b> with the terms of a person's contract of appointment and any applicable code of conduct or authorisation; or	
(b)	an order declaring that the <b>association does or does not have the right to terminate the appointment of a managing agent</b> , and that the appointment is or is not terminated.	
<b>(6) In respect of WORK PERTAINING TO PRIVATE AND COMMON PROPERTY</b>		
(a)	an order <b>requiring the association to have repairs and maintenance carried out;</b>	
(b)	an order requiring the relevant person—	
	(i) <b>to carry out</b> specified repairs, or have specified repairs made; or	
	(ii) <b>to pay</b> the applicant an amount fixed by the adjudicator as reimbursement	
	for repairs carried out or to be carried out in respect of the property by the	
	applicant;	
(c)	an order <b>requiring the association—</b>	
	(i) <b>to carry out</b> , within a specified time, specified works to or on the common areas for the use, convenience or safety of owners or occupiers; or	
	(ii) <b>not to carry out</b> specified works;	
(d)	an order declaring that the <b>association's decision to reject a proposal to make improvements on or alterations to common areas is unreasonable</b> , and requiring the association—	
	(i) <b>to agree</b> to the proposal; or	
	(ii) <b>to ratify</b> the proposal on specified terms;	
(e)	an order <b>requiring the association—</b>	
	(i) <b>to acquire, within a specified time, specified property</b> for the use, convenience or safety of owners or occupiers;	
	(ii) <b>not to acquire specified property;</b> or	
	(iii) <b>to dispose of specified property</b> , within a specified time;	
(f)	an order declaring that an owner or occupier reasonably requires <b>exclusive use rights</b> over a certain part of a common area, that the association has unreasonably refused to grant such rights and requiring the association to give exclusive use rights to the owner or occupier, on terms that may require a payment or periodic payments to the association, over a specified part of a common area; or	
(g)	an order <b>obliging an owner or occupier to accept obligations</b> in respect of a defined part of a common area.	
<b>(7) In respect of GENERAL AND OTHER ISSUES</b>		
(a)	an order declaring that the applicant has been wrongfully denied <b>access to information or documents</b> , and requiring the association to make such information or documents available within a specified time; or	
(b)	<b>any other order</b> proposed by the Chief Ombud.	