



The Community Schemes Ombud Service Act (No. 9 of 2011), which was assented to by the President on the 11th of June 2011, and promulgated on the 7th of October 2016, provides for the establishment of the Community Schemes Ombud Service (CSOS) as a public entity. The CSOS has been classified as a Schedule 3A Public Entity in terms of the Public Finance Management Act (Act No.1 of 1999) (PFMA).

(ADVERTISEMENT)
APPOINTMENT OF CSOS PANEL OF EXECUTIVE MANAGING AGENTS
(NATIONALLY)

In terms of Prescribed Management Rule (PMR) 28 (1) of the Sectional Title Schemes Management Act (No. 8 of 2011) a body corporate may by special resolution, appoint an executive managing agent to perform the functions and exercise the powers that would otherwise be performed and exercised by its scheme executives.

Executive Managing Agent means a person appointed to perform all the duties and obligations of a trustee, as set out under the PRM 28(3) of the Sectional Title Schemes Management Act.

Appointment of Executive Managing Agent:

The body corporate may, by special resolution, appoint an executive managing agent to perform the functions and exercise the powers that would otherwise be performed and exercised by the trustees.

Alternatively, members entitled to 25% of the total quotas of all sections may apply to the Community Scheme Ombud Service for the appointment of an executive managing agent.

Requirements for appointment as Executive Managing Agent:

The incumbent, alternatively the Principal of the incumbent managing agency firm must:

- Be registered as a Managing Agent at the Property Practitioners Regulatory Authority (PPRA) and have a valid Fidelity Fund Certificate or valid exemption or letter of compliance, and in addition have the relevant NQF5 qualification or equivalent;
- Have a thorough knowledge of the CSOS Act, Sectional Title Schemes Management Act; Companies Act, Housing Schemes for Retired Persons Act and South African Co-operatives Act, the Promotion of Administrative Justice Act as well as the Protection of Personal Information Act 4 of 2013 (POPI);
- Have excellent communication skills;
- Be in possession of a previously disadvantaged BBBEE Certificate or a Sworn Affidavit; and
- Be experienced, conversant and skilled in the overall management and administration of sectional title schemes, which includes but is not limited to:
 - the day-to-day management of the scheme;
 - liaising with unit owners, occupants and body corporate staff;
 - the hiring and firing of body corporate staff;
 - dealing with contractors and/or facilities managers;
 - attending to the monthly financial management of the scheme, sending out monthly levy statements and attending to limited debt collection on the body corporate's behalf;
 - financial reporting to members;
 - appointing service providers and liaison with service providers, as well as payment of body corporate service providers and other debtors;
 - preparing body corporate books for the annual audit;
 - arranging for general meetings and sending out notices;
 - preparing minutes;
 - ensure that statutory returns are attended to timeously;
 - submitting annual reports and returns to the CSOS in terms of the Act (see below);and
- dealing with internal dispute resolution proceedings before referring a matter to the CSOS.

This is a position that not only requires significant experience but demands commitment from the incumbent. It carries with it a great deal of responsibility. It is not a position to be taken lightly and candidates will be thoroughly vetted.

The candidate/company must take out professional indemnity insurance cover. The aforesaid indemnity insurance is insurance cover payable by the company itself and is over and above fidelity insurance as required in terms of the CSOS Regulations and the Property Practitioners Fidelity cover.

Key Performance Areas:

An executive managing agent

- Is subject to all the duties and obligations of a scheme executive under the Act and the rules of the scheme;
- Is obliged to manage the scheme with the required level of professional skill and care;
- Is liable for any loss suffered by the body corporate as a result of not applying such professional skill and care;
- Has a fiduciary obligation to every member of the body corporate;
- Must arrange for the inspection of the common property at least every six months; and
- Must report to every member of the body corporate on the administration of the scheme at least every four months.
- The reports of an executive managing agent must include at least the following details:
 - proposed repairs to, and maintenance of the common property and assets of the body corporate within the forthcoming four months;
 - matters the executive managing agent considers relevant to the condition of the common property and the assets of the body corporate;
 - the balance of each of the administrative and reserve funds of the body corporate on the date of the report, and a reconciliation statement for each fund; and
 - for the period since the appointment of the executive managing agent or from the date of the last report —
 - the expenses of the body corporate, including repair, maintenance and replacement costs; and
 - a brief description of the date and nature of all decisions made by the executive managing agent.

Contract of appointment and remuneration

- The Executive Managing Agent shall sign a service level agreement/ contract with the body corporate whereby a fee will be agreed upon and paid by the scheme to the Executive Managing Agent.

Cancellation of Contract:

- By the body corporate on two months' notice, if the cancellation is first approved by a special resolution passed at a general meeting, or
- By the managing agent on two months' notice; and
- The body corporate or trustees may by ordinary resolution cancel the management agreement in accordance with its terms or refuse to renew the management agreement when it expires.

Duration of Appointment:

- Three (3) years.

Enquiries: Ms. Asanda Taylor, Acting Senior Manager: Governance, Compliance & Enforcement

Applications, including a covering letter accompanied by a CV and copies of qualifications and relevant documents, must be addressed to the **Acting Senior Manager: Governance, Compliance & Enforcement, Ms. Asanda Taylor**, and e-mailed to EMACSOSPANEL@csos.org.za.

Closing Date: 05 September 2024