

SharedLiving

Jan - Mar 2026

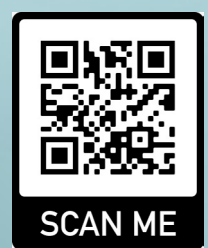
Issue 32

WHAT THE SCA RULING MEANS FOR COMMUNITY SCHEMES, AND WHY CSOS REMAINS THE FIRST POINT OF JUSTICE

FROM 1 APRIL 2026 ALL CSOS DISPUTES GO ONLINE



ALL THE DETAILS OF OUR UPCOMING OFFICE MOVE



Accountability, Excellence, Independence, Integrity

www.csos.org.za



Gedeelde Lewe Ukuhlalisana Tsamisana Ho Dulisana Mmoho



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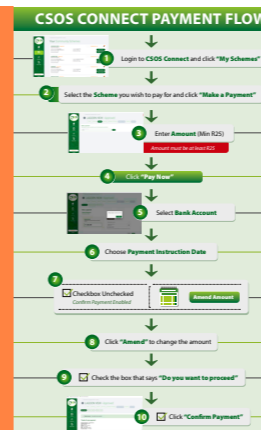
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VISION: A credible, world class OMBUD SERVICE for community schemes in South Africa.

MISSION: To promote harmonious community schemes by providing regulation, education and accessible dispute resolution services to all relevant stakeholders

VALUES: Accountability, Excellence, Independence, Integrity

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Affordable Reliable Justice

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ACTING CHIEF OMBUD'S FOREWORD



Dear stakeholders,

This message is not about celebrating a year gone by. It is about addressing what stakeholders experience daily when they engage with CSOS, what is working, and what is not.

Let me begin by acknowledging our stakeholders. Your patience, continued engagement, and candid feedback have not gone unnoticed. We are acutely aware of the frustration caused by delayed adjudication outcomes, unanswered correspondence, and challenges in accessing timely support. These are not abstract concerns; they affect real people living in community schemes across the country. While we do not minimise these experiences, we remain committed to addressing them in a way that is both practical and accountable.

The past year has been one of transition. CSOS experienced a change in leadership, welcomed a new Board, and continued to deliver on its legislative mandate during a period of heightened operational pressure. Managing these demands has not been without difficulty. However, it has also compelled the organisation to confront

long standing structural issues, most notably the adjudication backlog, in a more deliberate and sustained manner.

We recognise that references to a "historical backlog" may, for some stakeholders, sound familiar and even frustrating. It is therefore important to explain what has changed. During this financial year, CSOS introduced additional adjudication capacity by appointing 66 part time adjudicators, including dedicated quality assurance adjudicators. This was not a short term intervention, but a structural adjustment aimed at improving how cases are processed and finalised.

As a result, adjudication is no longer managed in the same manner as in previous years. Matters are now moving through a defined and monitored process, supported by increased

capacity and strengthened quality assurance. While backlogs have not disappeared overnight, their management is more controlled, measurable, and subject to closer oversight than before.

Rather than making broad assurances about timelines, CSOS will account for its progress through a report to be issued after the close of the financial year. This report will focus on outcomes and trends, not intentions. In doing so, we aim to shift the conversation from expectations to evidence.

Equally important is the standard of adjudication orders issued. Experience has shown that poorly reasoned decisions lead to reviews in the High Court, resulting in additional costs and delays for affected parties. Our approach therefore balances progress with quality,

recognising that durable and defensible orders are central to meaningful dispute resolution.

This year also marks a significant milestone for the organisation, ten years since CSOS became operational nationally. Established under the Community Schemes Ombud Service Act 9 of 2011, CSOS was created to regulate, monitor, and promote sound governance in community schemes, while offering an accessible alternative to court based dispute resolution. Since becoming fully operational in October 2016, the Service has continued to adapt to the evolving needs of shared residential living in South Africa.

One of the most visible signs of this evolution is CSOS Connect, the organisation's official online platform. Many community schemes and managing agents already use CSOS Connect to



pay levies, register schemes, submit governance documents for review, and manage scheme profiles. With the introduction of dispute lodgement on the platform, these services are now consolidated within a single system, providing a clearer record and greater visibility from submission to resolution.

From 01 April 2026, all new disputes must be lodged via CSOS Connect. New dispute applications will no longer be accepted by email. Disputes already sent by email before 01 April 2026, and not yet finalised, will continue to be handled via the email processing the past, email based lodgement often resulted in fragmented communication and uncertainty around case progress. A single online system allows parties to track their disputes, receive updates, and access information directly, without reliance

on parallel communication channels.

CSOS is also reviewing the current levy model prescribed in the regulations. The existing formula relies heavily on accurate levy information provided by schemes, which presents verification and administrative challenges. A simpler and more transparent approach would benefit both community schemes and CSOS. Engagements with government are underway, and community schemes will be afforded an opportunity to provide input. Further details will be shared in due course.

In addition, CSOS regional offices are in the process of relocating to better serve stakeholders. The Gauteng Regional Office will be moving to the Die Anker Building as of 01 April, adjacent to Centurion

Mall, while relocation processes for the KwaZulu Natal and Western Cape offices are also underway. Updated addresses will be communicated once finalised.

This edition of SharedLiving contains important updates, including new practice directives and recent rulings, as well as guidance on what these developments mean for you as a CSOS stakeholder. We encourage you to engage with these updates and to continue providing feedback as we move forward.

Trust is built over time, through consistency and measurable progress. CSOS remains committed to earning that trust. Enjoy the read!

**Warm Regards,
Lesiba Seshoka
Acting Chief Ombud**



You don't need a lawyer to solve a dispute. Let's talk.

Get it sorted!

FILE A DISPUTE

YEARS OF IMPACT

Strengthening Communities

Celebrating a decade of service excellence in community scheme governance

2016 – 2026

Building Trust. Enforcing Accountability.

FROM 01 APRIL 2026, ALL CSOS DISPUTES GO ONLINE



Live in an estate, complex, or retirement village? If you plan to lodge a dispute with CSOS, what you need to know is changing

From 01 April 2026, all new disputes must be lodged online through CSOS Connect. CSOS will no longer accept new dispute applications by email. This applies to owners, tenants, trustees, managing agents, and anyone who needs to formally raise a dispute with CSOS.

The change marks a major shift in how disputes are handled, and for many residents, it addresses long standing frustrations with the process.

Disputes in community schemes often involve everyday issues: noise complaints, levy disputes, parking, pets, conduct rules, maintenance failures, or disagreements with trustees or managing agents. In the past, lodging a dispute could involve long email chains, missing documents, and uncertainty about whether your complaint was being actioned.

CSOS Connect changes this experience. According to Acting Adjudicator General, Mr Abraham Masilo, the move to a single online system is about visibility and trust. "When people can log in, see where their dispute is, and receive updates directly from the system, it removes confusion and gives confidence in the process. No one should be left wondering what happened to their complaint." CSOS introduced the Dispute Resolution Module on CSOS Connect earlier this year as part of a phased rollout. That transition now becomes mandatory.

FROM 01 APRIL 2026:

- All new disputes must be submitted via CSOS Connect;
- Disputes already sent by email before 01 April 2026, and not yet finalised, will continue to be handled via the email process;
- This means existing cases will not be affected, while all new matters will follow one clear online route.



WHAT IS CSOS CONNECT?

CSOS Connect is the organisation's official online platform. Many schemes and managing agents already use it to:

- Pay CSOS levies
- Register schemes
- Submit governance documents for review
- Manage scheme profiles

Adding dispute lodgement to the platform brings everything into one place, one account, one record, and one system that keeps track of progress from start to finish.

USING CSOS CONNECT ALLOWS USERS TO:

- Check the status of a dispute without phoning or emailing
- Receive notifications when there is movement on a case
- Upload documents securely and know they are received
- Keep all correspondence linked to the dispute in one place

For residents who have previously felt unsure or disconnected from the process, this change offers greater clarity and peace of mind.



HOW TO LODGE A DISPUTE ON CSOS CONNECT

To lodge a dispute, users must first access the CSOS Connect Public Portal using a web browser. Existing users can log in with their username and password, while first time users will need to register and create a profile. Assistance with registration or profiles is available via the CSOS call centre on 0800 000 653.

Once logged in, users are taken to a dashboard. From there, the dispute process begins by selecting Disputes or Lodge a Dispute, followed by New Dispute Application.



APPLICANTS WILL BE GUIDED STEP BY STEP TO:

- Select or capture the relevant community scheme
- Confirm their own details
- Capture details of the person or body they are lodging the dispute against
- Describe the dispute, including the issue involved and steps already taken
- Indicate the outcome they are seeking
- Upload supporting documents

Before submission, the information is reviewed, the Terms and Conditions are accepted, and the dispute is formally submitted. A reference number is then issued, allowing the dispute to be tracked on the system.



HELP IS AVAILABLE

CSOS has put support in place to assist users, including those who may be unfamiliar with online systems.

For technical or profile related support, users can contact:

- support@csosconnect.org.za
- mosam@csosconnect.org.za
- thembelihlem@csosconnect.org.za
- kholelam@csosconnect.org.za

For assistance specifically with lodging a dispute, contact:

- lebogang.khumalo@csos.org.za
- nombuso.jiyane@csos.org.za
- dennis.boshomane@csos.org.za

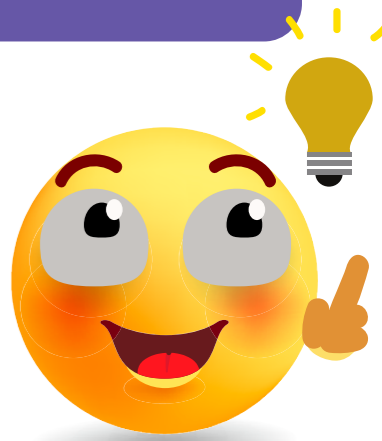


WHAT YOU SHOULD DO NOW

Residents who may need to lodge a dispute in future are encouraged to:

- Register on CSOS Connect if they have not already done so
- Ensure their profile details are correct
- Familiarise themselves with the dispute section of the platform

As 01 April 2026 approaches, CSOS's message is clear: online lodgement is no longer an option, it is the standard way forward.



WHAT THE SCA RULING MEANS FOR COMMUNITY SCHEMES, AND WHY CSOS REMAINS THE FIRST POINT OF JUSTICE



The Community Schemes Ombud Service (CSOS) enters this moment with a renewed sense of direction, thanks to a recent ruling by the Supreme Court of Appeal (SCA). For years, a single question has echoed through community schemes across the country: When conflict arises, must disputes be taken to CSOS first, or can parties head straight to the High Court? At last, the SCA has broken the uncertainty.

In the matter of Parch Properties 72 (Pty) Ltd v Summervale Lifestyle Estate Owners' Association, the court cleared the air and reshaped long-held assumptions. Its judgment reaffirms that homeowners, trustees, HOAs, sectional-title bodies and even developers still have the choice to approach the High Court directly, an option many believed had faded away.

From the moment CSOS was established, its purpose was clear: to offer a reliable, affordable justice for resolving community scheme-related disputes. The High Court has always remained part of the justice ecosystem, but without CSOS, many residents, owners, and trustees lacked an affordable pathway to justice. Before the CSOS Act, scheme disputes were channelled directly into the court system an intimidating and often expensive route that ordinary members of the public struggled to access. CSOS was designed precisely to fill that gap.

In recent years, however, an earlier court decision created an unintended ripple effect. Many stakeholders interpreted it to mean that only in "exceptional circumstances" could a community-scheme dispute go directly to court.

That interpretation bred confusion: some believed they were compelled to start with CSOS, while others feared the courts were no longer open to them at all.

The SCA's ruling has now brought welcome resolution. In simple terms, the court affirmed that the High Court has concurrent jurisdiction and that the CSOS Act does not restrict or dilute that authority. Rather than placing the two institutions at odds, the ruling draws a clear line of complementarity. Stakeholders are free to choose the forum that best fits their needs, and that choice depends entirely on the nature and urgency of the dispute.

"This ruling reaffirms our purpose: to make justice accessible, affordable, and reliable justice. The SCA has confirmed that CSOS is not here to limit access to the courts, but to expand the pathways available to communities. Our role as the first point of justice remains central to strengthening governance and stability within community schemes, said the Acting Chief Ombud, Lesiba Seshoka.

The decision does not diminish CSOS; it sharpens its focus. Most disputes within community schemes, matters involving governance, rules, levies, conduct, and the daily frictions of shared living, belong naturally within the CSOS framework. These issues are often best resolved through conciliation, mediation, and adjudication informed by a deep understanding of community-scheme dynamics. CSOS offers a space where disputes can be addressed without the adversarial posture of traditional litigation, allowing relationships within schemes to be preserved rather than fractured, Seshoka further said.

At the same time, the ruling recognises that certain matters will always require the authority and urgency of the High Court. The SCA has simply clarified that both forums stand side by side, each

serving its purpose in strengthening governance within the sector.

For trustees, owners, managing agents, and sector professionals, the ruling brings a renewed sense of certainty. They no longer need to fear choosing the "wrong" starting point. Instead, they can confidently assess the nature of the dispute, determine the level of urgency, and decide whether the specialised, conciliatory environment of CSOS or the immediate authority of the High Court is most appropriate. The decision shifts the conversation away from procedural anxiety and back where it belongs: resolving the real issues affecting people's homes and communities.

For CSOS, this ruling arrives at a time of strengthening capacity and renewed commitment to service. The organisation continues to invest in improved adjudication efficiency, sector education, and regulatory oversight, elements that contribute directly to better-governed, better-functioning schemes. The courts, meanwhile, remain ready to intervene when their authority is needed/required.



WHAT THE 2025 CONSOLIDATED PRACTICE DIRECTIVE MEANS FOR YOU



Somewhere in South Africa right now, a body corporate trustee is telling a domestic worker she needs to wear a name tag to walk across the common property. Somewhere else, an owner is being denied access to his own home because he owes three months of levies. And in another complex, a body corporate is charging an owner a R5 000 fine, debited to his account that same afternoon, no hearing, no warning, no recourse.

These are not rare incidents. They happen every week across the country's 70000 community schemes. And until now, many schemes believed their conduct rules gave them the authority to do exactly this.

They were wrong. And now they have no excuse

not to know it.

On 18 July 2025, the Community Schemes Ombud Service published the Consolidated Practice Directive 1 of 2025, its most significant statement yet on the limits of trustee and body corporate power.

The Directive expands the list of rules CSOS regards as "undesirable": provisions that are unconstitutional, discriminatory, or inconsistent with South African law. During any quality assurance process or adjudication, CSOS may now reject, and order that the said provision be removed, amended, or replaced outright.

Here is what the Directive covers, and what it

means for you.

Domestic Workers

Rules governing the movement and conduct of domestic workers have long been a hot spot in community schemes. The Directive is unequivocal: the Bill of Rights applies inside gated complexes just as it does everywhere else in the country. Any rule that forbids domestic workers from receiving visitors, prevents them from speaking to one another on common property, or requires them to walk around with a name tag or identity pass is unconstitutional and will be struck down. These provisions are incompatible with the constitutional values of human dignity, equality, and freedom of movement.

There is, however, an important distinction. A rule requiring domestic workers to be registered with the estate manager or security personnel before entering the scheme is not undesirable, that is a legitimate security measure. The line is between reasonable access management on the one hand, and discriminatory restriction of movement on the other.

Animals and Pets

Pet rules are among the most disputed in community scheme life, and the Directive draws a careful line. Contrary to what many owners assume, a Community Scheme is legally permitted to prohibit pets entirely, a blanket no-animal rule is not in itself undesirable.

There are, however, two firm limits. First, a pet ban cannot apply to a person who requires a medical, guide, hearing, or assistance animal. Such animals must be permitted automatically, regardless of what the rules say. Second, where a scheme introduces a new no-animal rule after previously allowing pets, it cannot force existing pet owners to give up animals they already have. New law/provisions does not apply retrospectively. Those animals are protected under what the Directive calls the "grandfather clause", the owner may keep that pet for its natural life, though the scheme may prohibit replacing it when it dies.

What is undesirable is inconsistency without

rational justification. A scheme may set pet policies, but those policies must apply consistent, rational criteria to all animals. If your scheme allows dogs but bans cats with no defensible reason, that rule will not survive scrutiny.

Access to Your Home

An owner's right to access their own property is fundamental, it is not a privilege that a trustee, an HOA board, or a body corporate can withdraw at will.

Rules preventing a member, tenant, or occupier from accessing their property for non-payment of levies will not be passed /approved by the CSOS and are classified as undesirable. No scheme may cut off biometric access, remove gate codes, or physically bar entry as a self-help remedy for a levy dispute. Due process must be followed, and any restriction requires a court or adjudicator's order. Access to one's home is a core element of property ownership, it cannot be used as a lever of pressure by scheme management.

No More On-the-Spot Fines

This is one of the most widely abused areas in community scheme governance. Trustees do not have the authority to impose fines unilaterally or on the spot. The power to levy a penalty is a formal disciplinary mechanism, not a personal enforcement tool, and it must follow a prescribed process.

Any fine imposed without written notice, an opportunity for the owner to respond, written reasons, and a cap at the defaulting owner's monthly levy is procedurally invalid. Arbitrary or excessive fines can be overturned by CSOS.

The Directive sets out a two-stage process. On a first transgression, the scheme must issue a written notice explaining the offence, advise the member to stop, give a timeframe for compliance, and allow the member to dispute the matter and meet with the trustees. No fine may be imposed at this stage. Only on a second transgression for the same offence, following the same written process, may a fine be levied, and it must not exceed the relevant monthly levy. Rules that allow trustees



to simply debit an owner’s account without this process are undesirable and will be removed.

Forced Estate Agency and Rental Arrangements

Two related rules appear with surprising frequency in scheme governing documents, and both are undesirable.

Any rule requiring an owner to use a specific estate agent or property practitioner when selling or letting their unit is unconstitutional. This imposes an unreasonable limitation on the owner’s right to market and sell their property through a practitioner of their own choosing, and CSOS will not register such a rule.

Similarly, any rule requiring an

owner to use only a specific short-term rental platform, such as Airbnb, when listing their unit is undesirable. Mandating a single platform creates a consumer monopoly and restricts the owner’s autonomy unreasonably. A scheme may, however, require short-term rental platforms to be registered with the estate manager for security purposes.

Voting Rights Cannot Be Removed for Levy Arrears

Some schemes include rules that strip members of their voting rights simply because they owe levies. This is unlawful.

A member’s right to vote on ordinary resolutions can only be restricted after a court or adjudicator has issued a

judgment or order for payment of the outstanding amount, not before, and not by trustee decision alone. Any rule that seeks to deny a member their vote outside of this process will not be approved.

Schemes Cannot Force Owners to Evict Tenants

Rules that purport to give a body corporate or HOA the power to compel an owner to evict their tenant are unconstitutional, whether the eviction is sought because of a conduct rule breach or for any other reason.

A scheme cannot force a member to evict their tenant. Where a tenant breaches scheme rules, the scheme may impose penalties on the owner for the breach. But ordering an eviction

is not within the scheme’s power. Disputes involving tenant evictions must be referred to the Rental Housing Tribunal.

Towing of Vehicles

Parking disputes are a constant source of conflict in community schemes, and many schemes have rules that authorise trustees to tow vehicles parked on common property. These rules are undesirable. Trustees cannot authorise the towing of a vehicle. A scheme may impose a penalty for illegal parking or make provision for the clamping of a vehicle’s wheels if this is specifically included in the rules, but towing is not a remedy available to trustees. Rules that permit towing will be removed.

Cultural and Religious Practices

Rules that prohibit the slaughtering of animals for cultural or religious purposes are unconstitutional and will not be registered. The Constitution protects the right to practise one’s religion and culture, and this protection extends into community schemes.

A scheme may, however, set reasonable conditions for ritual slaughter, including advance written notice to trustees, confirmation of the date, type of animal, and the credentials of the person conducting the slaughter, as well as a local authority clearance and SPCA confirmation. What a scheme cannot do is prohibit the practice outright.

Use of Cannabis

Following the Constitutional Court’s judgment in Minister of Justice v Prince, the private use and possession of cannabis by an adult in private is lawful. Community schemes cannot override this constitutional protection.

Any rule that seeks to restrict or prohibit the use or cultivation of cannabis inside an owner’s private unit is undesirable and will not be registered. An owner’s unit is their private space, and what they do within it, within the limits of the law, is beyond the reach of a conduct rule.

This does not mean schemes are powerless. A scheme may lawfully prohibit the smoking or use of cannabis on common property, in shared spaces, or in ways that constitute a nuisance to other residents. The distinction is between private use inside a unit, which is protected, and use that affects the shared environment, which may be regulated.

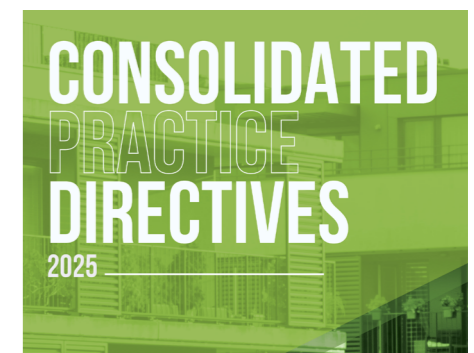
“The publication of this Directive is not the end of the process; it is the beginning of enforcement” said the Acting Adjudicator General Abram Masilo. He has called for schemes to take the new Directive seriously and align their governing documents without delay.

“Community schemes must understand that the Consolidated Practice Directive is not a suggestion, it is a framework that governs how schemes are expected to operate. We are urging all

schemes to review their rules now, identify anything that falls within the undesirable categories, and bring themselves into compliance proactively. CSOS is here to support schemes that want to do the right thing, but we will act decisively where schemes choose not to”, he further said.

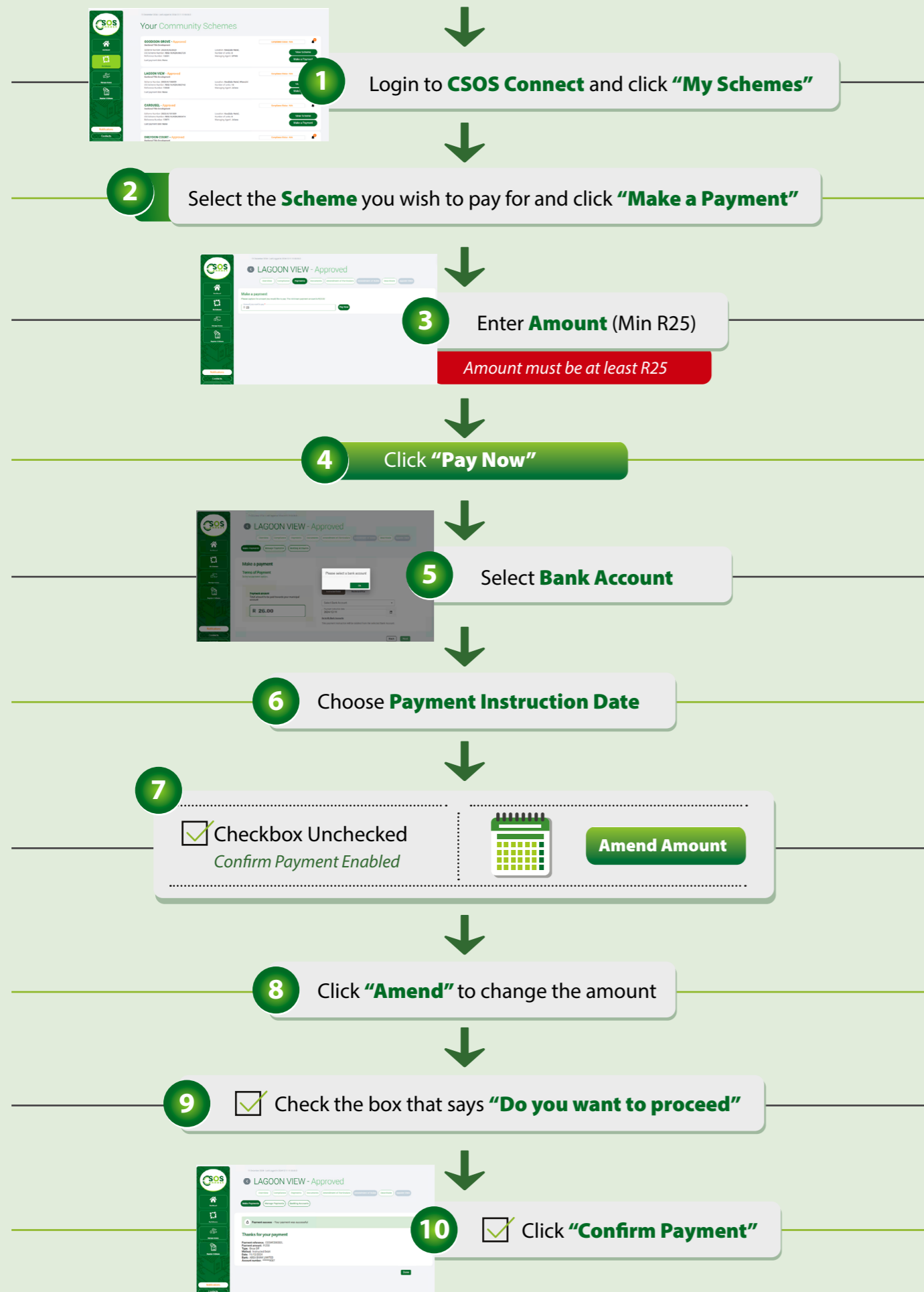
Masilo also said that to give the Directive real teeth, CSOS is deploying enforcement and compliance officers to conduct regular and unannounced site visits across the country. These officers are authorised to assess whether a scheme’s governing documents, management rules, conduct rules, financial records, and registration certificates, are current, lawful, and CSOS-stamped. Non-compliance discovered during a visit will have consequences for trustees and managing agents alike.

Schemes must also be registered on the CSOS Connect platform at www.csosconnect.org.za and must comply with the Protection of Personal Information Act (POPIA), including the appointment of a registered Information Officer.



READ ME

CSOS CONNECT PAYMENT FLOW



NOTICE: WE ARE MOVING!

As of 01 April, 2026 the CSOS Head Office and Gauteng Service Centre will be relocating to a new building; our telephone number remains the same.

OUR NEW BUILDING LOCATION IS AT:

Die Anker Building, 1279 Mike Crawford Road, Centurion, Tel no: 0800 000 653



Should you have any questions on the relocation, please feel free to contact us.

We look forward to meeting you at our improved office space!!



Pet disputes may seem small from the outside, but inside shared living they can ignite fierce battles. Cats wandering through gardens, dogs barking at odd hours, or trustees debating whether “too many” animals are on the property, these are the everyday scenes that land before the CSOS.

In Trustees of Greenhaven Body Corporate v Kunene, trustees of a sectional title complex clashed with the occupants of unit 3 after discovering cats on the property without prior approval. The scheme’s conduct rules were clear enough: no animals or pets may be kept on the property without prior approval of the trustees. When an audit of pets was conducted in October 2022, the Kunene household

was among those found to be keeping cats without permission. They were required to apply. They did. Their application was denied, not because the trustees objected to the animals, but because they believed there were already too many cats on the premises. A notice was served in May 2023 requiring the cats to be removed. The owners refused.

A sequence of notices followed, a fine of R500 for keeping the pets, another fine for failing to act, and an attempted compromise: the trustees resolved that the owners could keep their cat on condition that white mesh be installed in the opening windows of the unit to prevent the animal from roaming the common property. That condition was never met.

By the time the matter came before CSOS Adjudicator Lindiwe Bulu in February 2026, the body corporate was seeking two orders: first, that the white mesh be installed; and second, if that failed, that the cat be removed from the premises entirely.

Upon her findings, Adjudicator Bulu was satisfied that the cat was causing a nuisance. It was roaming the common property, entering other units, and messing in the gardens. On that basis, she granted the order compelling the owners to install the white mesh within 30 days. But she refused to order the cat’s removal. Her reasoning drew directly on the principle of reasonableness.

The body corporate’s own

conduct rules, she noted, gave the trustees the power to remove an unauthorised animal from the premises. Crucially, the trustees had chosen not to exercise that power. Instead, they had reached a compromise, allowing the cat to remain on condition that the mesh be installed. “The order matched the scale of the problem. The cat was a nuisance, but the issue could be solved by keeping it contained. Removing the animal altogether was unnecessary when a less drastic solution had already been agreed upon”, said Adjudicator Bulu.

The ruling brings sharper definition to the 2025 Consolidated Practice Directive: community schemes can regulate pets through bans, conditions, or approval processes, but their power stops where rights and fairness

begin. Assistance animals cannot be refused, long-standing pets cannot be ejected retrospectively, and rules cannot be enforced selectively.

The case also turns on the nuisance principle. Trustees may step in when an animal genuinely disturbs neighbours or causes damage, but any response must be proportionate. Removing a pet is a measure reserved for situations where all else has failed.

For trustees, the message is one of even-handed, measured enforcement. For owners, it is a reminder that approval is not automatic, yet decisions must still be reasonable, transparent, and mindful of the protections afforded to pets that have been part of the household long before any rule change.



Complex neighbours keeping you up at night?

0800 000 653
 Talk to us about your rights, visit [CSOS.org.za](https://www.csos.org.za)



CONTACT US!



- 1 CENTURION:** Die Anker Building, 1279 Mike Crawford Road, Centurion
- 2 DURBAN:** 7TH Floor Aquasky Towers, 275 Anton Lembede Street, Durban
- 3 POLOKWANE:** Standard Bank Square, 49 Hans Van Rensburg St, Polokwane
- 4 BALLITO:** Suite 6; Second Floor, Regency House, 3 Douglas Crowe Drive Ballito
- 5 GEORGE:** 14 CJ Langenhoven Road, George Central
- 6 MBOMBELA:** Block 1 Riverside Office Park, 1 Aqua Street, Riverside Park Extension 24, Mbombela
- 7 BLOEMFONTEIN:** Suite 11, Hydro Park 2, 135 – 141 President Reitz Avenue, Westdene, Bloemfontein
- 8 RUSTENBURG:** New Heights, 67 Brink Street, Rustenburg