DYKES VAN HEERDEN
ATTORNEYS AND CONVEYANCERS

OMBUD SERVICES FOR SECTIONAL TITLES AND COMMUNITY SCHEMES

Till now, there has not been a cost effective dispute resolution mechanism for any type of a dispute that arises in Sectional Title or other Community Schemes that does not involve expensive legal costs. This will however be changed by a new piece of legislation (the Community Schemes Ombud Services Act No. 9 of 2011 – "the CSOS Act") that has been signed into law.

The main purpose of the Act is to regulate and monitor governance documents, to promote good governance and to provide for public access to a governance documents of Community Schemes and to provide for an alternative dispute resolution mechanism for disputes relating to the administration of Community Schemes.

The Act will also be applicable to Sectional Title Schemes, Share Block Companies and Home Owner's Associations.

Any governing body, owner or occupant of such a community scheme who may have a dispute with another person/entity with a material interest in that scheme will be able to refer such a dispute to the Ombud who will attempt to resolve the matter through a process of conciliation before making a ruling and his decision will carry the same weight as a court order. However, until such time as the Act comes into operation (which date is still to be announced), the Ombud can only advise on disputes and assist parties with conciliation and not make rulings.

For now, disputes can be referred to the Ombud by completing the application form available on their website at www.csos.org.za and submitting the application via e-mail to complaints@csos.org.za . For telephoninc enquiries the Ombud can be contacted at Tel: (010) 593 0533.

dvh Going Beyond

The DVH group is a national group of attorney practices with offices situated in the Western Cape, Gauteng, and Kwa Zulu Natal.

www.dvh.law.za or scan the QR to contact us.

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