



**ADJUDICATION ORDER IN TERMS OF SECTION 54 OF THE COMMUNITY SCHEMES OMBUD SERVICE
ACT NO 9 OF 2011**

REFERENCE NO: CSOS 0002393/GP/17

In the matter between:

**CHAPMANS PEAK BODY CORPORATE
APPLICANT**

and

**L K GALANE
RESPONDENT**

Date of adjudication 3 September 2018

ORDER

EXECUTIVE SUMMARY

This matter concerns a claim by the Applicant against the Respondent for arrear levies in the amount of R6 105,23.

FINDINGS

The adjudicator finds that the Respondent is indebted to the Applicant in the amount of R6 105,23 in respect of arrear levies.

INTRODUCTION

THE PARTIES

1. The Applicant is the Chapmans Body Corporate. The Applicant is a body corporate as contemplated in section 2 of the Sectional Titles Schemes Management Act 8 of 2011.
2. The Applicant was represented at the adjudication by the Managing agent Mr G Vosloo of JRL Property Management CC.
3. The Respondent is Mr L K Galane the registered owner of unit 6748 Molepe Close, Heuwelsig, Celtisdal, 0157. The Respondent did not attend the adjudication despite proper service of the notice of set down of the adjudication on the Respondent.

BACKGROUND

4. This is an application for dispute resolution in terms of Section 38 of the Community Schemes Ombud Service Act No. 9 of 2011 "the Act." The application was made in the prescribed form and lodged with the Gauteng Provincial Ombud office situated at 1st Floor Block A, 63 Wierda Road East, Sandton.
5. The application included a statement of the details of the application which includes the relief sought by the Applicant which relief is within the scope of prayers for relief contemplated in Section 39 of the Act, as will more fully appear in the evidence. The application in general terms complies with Section 38 of the Act.
6. The adjudication hearing took place on 3 September 2018 at the Gauteng offices of the Community Schemes Ombud Service. This application is brought as a result of a referral sent by the Gauteng Provincial Ombud in terms of section 48 of the Act, which Notice of referral was communicated to both parties.
7. Accordingly, the adjudicator has jurisdiction to hear the dispute.

ISSUE TO BE DECIDED

8. The issue to be decided is whether the Respondent is indebted to the Applicant in the amount of R6 105,23 (six thousand one hundred and five rand, twenty three cents) in respect of arrear levies.

THE APPLICANT

9. The Applicant made submissions at the adjudication that the Respondent is indebted to the Applicant in the amount of R6 105,23 (six thousand one hundred and five rand, twenty three cents) in respect of arrear levies.

10. The Applicant handed up a statement of the Respondents indebtedness to the Applicant as proof of the Respondents indebtedness to the Applicant.

APPLICANT'S PRAYERS

11. The Applicant asks for an order that the adjudicator finds that the Respondent is indebted to the Applicant in the amount of R6 105,23 and for an order that the Respondent settles the full amount due to the Applicant.

CONSIDERATION OF THE EVIDENCE

12. It is not in dispute that the Respondent is indebted to the Applicant in the amount of R6 105,23 in respect of arrear levies and service charges.
13. The adjudicator is therefore satisfied that the Respondent is indebted to the Applicant in the amount of R6 105,23 and finds that the Respondent is indebted to the Applicant in the amount of R R6 105,23.

Accordingly, arising out of the adjudication hearing on 3 September 2018, I make the following order:

ORDER

- (i) The Respondent, who is the registered owner of unit 6748 Molepe Close, Heuwelsig, Celtisdal, 0157 is indebted to the Applicant in the amount of R6 105,23 in respect of arrear levies.
- (ii) The full outstanding amount of R6 105,23 is due and payable by the Respondent to the Applicant, within fourteen days (14) days of date of this order.
- (iii) In addition to the payment in (ii) above, the Respondent must pay the full monthly levy amount, together with service charges due to the Applicant as invoiced monthly by the Applicant.
- (iv) There is no order as to costs.

RIGHT OF APPEAL

The parties attention is drawn to the following sections of the Act:

Section 56 (1) –

“If an adjudicators order iswithin the jurisdiction of the Magistrates Court, the order must be enforced as if it were a judgment of such Court....”

Section 56(2) –

“If an adjudicators order isbeyond the jurisdiction of the Magistrates Court, the order must be enforced as if it were a judgment of the High Court....”

Section 57 (1)-

“If an Applicant or the association or any affected person who is dissatisfied by an adjudicators order, may appeal to the High Court, but only on a question of law.”

DATED AT JOHANNESBURG ON THIS 9th OF SEPTEMBER 2018.



P A BECK

ADJUDICATOR

CHAPMAN'S PEAK BC / GALANE 0002393/GP/17