

**ADJUDICATION ORDER IN TERMS OF SECTION 53 AND 54
OF THE COMMUNITY SCHEMES OMBUD SERVICE ACT NO.9 OF 2011**

Case Number: CSOS 237/WC/17

IN THE MATTER BETWEEN:

ALAN JOHN CURTIS

(Applicant)

and

**CLAIRE CULLEN
EDWARD CULLEN
SIMON CULLEN**

(Respondents)


ADJUDICATION ORDER

1. The Applicant is the owner of Unit 2 (Erf 2718), Roubaix Estate, 42 Cabriere Street, Franschoek, Western Cape.
2. The Respondents are the co-owners of Erf 2719 on the same Estate.

3. The adjudication hearings took place on 10 November 2017 and 19 January 2018 at the CSOS offices in Cape Town. On 19 January 2018 Mr Jim Ruddick represented the Respondents via Skype. I also did an inspection at the properties on the afternoon of 19 January 2018.
4. In brief, the background to this matter is that when the Respondents commissioned a survey of their plot as part of an application to put up a carport it was revealed that the Applicant's existing driveway was in fact on or partially on the Respondents' property.
5. The solution that was found was for the Respondents to sell a section of approximately 27.2 square metres of their property to the Applicant for use as a driveway and turning circle. The final measurement will still be subject to the exact measurement by a land surveyor.
6. The Respondents have signed a letter attached as **Annexure "A"** wherein they commit to this agreement.
7. I am satisfied that this is a just and reasonable outcome.
8. I accordingly make the following order:
 - a. Subject to the exact measurement of the relevant section of property by a surveyor, the Respondents are to sell that section of the property to the Applicant at R3 000,00 per square metre;

- b. The Applicant is to take all the necessary steps to have the section of the property measured and registered in his name and the Applicant will bear all the costs in this regard;
- c. No order as to the costs of this Application is made.
9. While the following paragraph should not be necessary in the light of the agreement reached, it remains for the sake of formality.
10. In terms of section 57 of the Community Schemes Ombud Service Act, 2011 (Act 9 of 2011) a person who is dissatisfied with an adjudicator's order is entitled to appeal to the High Court, but only on a question of law. The appeal must be lodged within 30 days after delivery of the order.

Signed at Cape Town on the 20th day of February 2018.



ADV GPC DE KOCK
CSOS ADJUDICATOR

