



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

**Case Number: CSOS 248/WC/17**

**IN THE MATTER BETWEEN:**

**JACQUES MAREE**

(Applicant)

**and**

**BANTRY ROCKS BODY CORPORATE**

(Respondent)

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**ADJUDICATION ORDER**

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1. The Applicant has launched this application as the representative of Bantry Rocks Body Corporate, 30 Victoria Road, Bantry Bay, Western Cape.
2. The adjudication hearing took place on Tuesday, 30 January 2018 at the CSOS offices in Cape Town.

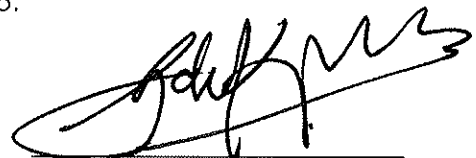
3. In brief, the Applicant seeks relief in terms of section 6(9) of the Sectional Titles Schemes Management Act (8 of 2011) ("the STSMA") and in terms of this section a body corporate or an owner who is unable to obtain a special or unanimous resolution may approach the chief ombud for relief.
4. The background is that the scheme adopted management rules in 1984, including Rule 52, which creates and allocates exclusive use areas (parking bays). This was done under the 1971 Sectional Titles Act. The trustees attempted to formalise the exclusive use areas by adopting a new management rule in terms of section 10 of the STSMA.
5. A unanimous resolution and new rule was tabled for adoption at an AGM held on 19 January 2017. However, an 80% quorum was not present and the resolution could therefore not be voted on. All persons present were in favour of the adoption of the new rule. Allocation and creation of the new exclusive use areas remain the same as per the 1984 rules.
6. I am satisfied that the relief should be granted and, in any event, there is no opposition by any member of the scheme.
7. In terms of Section 54(1) of the Community Schemes Ombud Service Act No.9 of 2011 ("the CSOS Act") and adjudicator's order can have the effect of any type of body corporate resolution.

8. I accordingly make the following order:

- a. the Application is granted and the resolution as contained in Annexure "A" (attached) is hereby approved;
- b. no order as to costs is made.

9. 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 30<sup>th</sup> day of January 2018.



ADV GPC DE KOCK  
CSOS ADJUDICATOR

