



## SETTLEMENT AGREEMENT IN TERMS OF SECTION 47 OF THE COMMUNITY SCHEMES OMBUD SERVICE ACT NO 9 OF 2011

Reference Number: CSOS - 262/WC/17

In the matter between:

JASON SPRIGGS  
APPLICANT

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And

GORDON PLACE BODY CORPORATE  
RESPONDENT

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### 1. SUMMARY OF DISPUTE

The Community Schemes Ombud Service received an application for dispute resolution from Mr Jason Spriggs (Applicant) alleging the following against the respondent:

- The Scheme, consisting of 11 units, originally was pet friendly, but at a special general meeting held on 10 February 2015 a required majority of owners decided to no longer allow pets, with an exception for existing pets.
- A meeting was thereafter called in February 2018, but a 75% majority was not achieved in order to amend the rule.
- The majority of owners, by email, after the meeting expressed the view that they were not fully aware of the consequences of the new rule and the general feeling is that it is discriminatory. This applies especially to owners who are investors as it limits their ability to rent out units. As such, barring one owner, all owners in writing expressed the view that they are in favour of allowing pet subject to certain rules.
- The trustees discussed the matter in detail and agreed on a new set of rule for pets, which allow pets and which clearly set out the terms and conditions under which owners will in future allow pets.

- These rules were unofficially distributed to all owners and comments were received. One owner expressed the view that pets should not be allowed, but the other owners agreed to the new rules, with some making some minor comments and seeking clarification.

**2. SETTLEMENT AGREEMENT**

During the Adjudication Hearing held on 15/05/2018 the parties agreed as follows:

- The attached rules, marked Annexure A, will apply to the Scheme pending approval thereof of at a general meeting to be held by not later than 31 July 2018. Should the rules not be approved at such meeting by the requisite majority, the rule adopted on 10 February 2015 will stand.
- Pending the meeting, the trustees will consult with owners to refine the rules, especially insofar as the period for which dogs are to be allowed unattended is concerned and special consent by trustees in the case of an old large dog.

Name: Jason Spriggs Signature [Signature] (Applicant) – Date: 15-5-2018

Name: Pierre Jonburk Signature [Signature] (Respondent) - Date: 15/5/2018  
DUNCAN SLABBER

Confirmed by: Hannchen Louw Signature [Signature] (Conciliator)

Date: 15/5/2018