

Reference Number: CSOS 60/EC/17

IN THE MATTER BETWEEN:

VILLA D'OROPA BODY CORPORATE

(Applicant)

and

FRANCOIS DU PLESSIS

(Respondent)

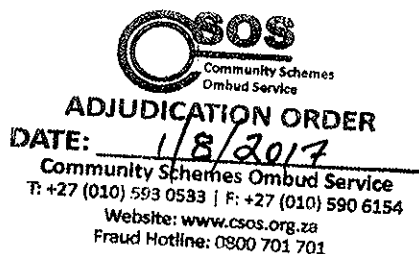
ADJUDICATOR'S ORDER

1. This matter was set down for adjudication on Tuesday, 1 August 2017 at 09:00 at the offices of The Housing Development Agency, 5th Floor, Fairview Office Park, 66 Ring Road, Greenacres, Port Elizabeth.
2. Mrs C van Heerden and Mr J Walas represented the Applicant as managing agents. The Respondent did not arrive at the adjudication notwithstanding having been sent the Notice of Set Down.

3. I deemed it fit to proceed with the adjudication and Mrs van Heerden and Mr Walas proceeded to present the Applicant's case as contained in the original application.
4. The relief sought in the application was as follows:
 - a. An order for the payment of all outstanding contributions and any other amount in favour of the scheme in terms of section 39(1)(e) of the Community Schemes Ombud Service Act (9 of 2011) (the CSOSA); and
 - b. A cost order against the debtor for the payment of all costs incurred by the applicant in this matter.
5. The following was shown to have been done to prove the Applicant's application:
 - a. As per the written resolution dated 6 June 2016 the Trustees resolved to accept and implement the estimated Income and Expenditure for the period 1 March 2016 to 28 February 2017;
 - b. On 9 February 2016 the managing agent circulated a notice to all owners in respect of the revised estimated income and expenditure for the period 1 March 2016 to 28 February 2017;
 - c. On 6 June 2016, the owners ratified the estimate of income and expenditure for the same period. Directly following the AGM a trustees' resolution was passed in this regard. The relevant minutes were attached.
 - d. Debt Collection Procedure was applied as directed by the owners at the AGM held on 6 June 2016 as contained in paragraph 14(c) of the minutes;

- e. On 21 December 2016 a Final Notice was sent to the debtor as required in terms of the Management Rules 25(2) and 25(4). Despite the notice the debtor remained and remains in default.
6. I am satisfied that it has been proven that the Respondent is indebted to the Applicant in the amount of R6 118.41.
7. The managing agents have asked that an amount of R890.75 be added to the above amount as the costs of recovery and I am satisfied that this amount can be added. This order will entitle the Applicant to recover the amount of R890.75 in terms of Management Rule 25(5).
8. In terms of section 39(1)(e) of the CSOSA the Respondent is hereby ordered to pay the Applicant the total amount of **R7 009.16**.
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 Port Elizabeth on the 1st day of August 2017.



Gide Kock

**ADV GPC DE KOCK
ADJUDICATOR**