

**Subject:** CSOS 4333/WC/22

**From:** Tammy Lee <Tammy.Lee@csos.org.za>

**Date:** 2022-09-23, 10:28 am

**To:** Alex van Niekerk <manager@kleinbronestate.co.za>, Theo Fitchat <theo@cluedapp.co.za>

Dear All

Kindly find the attached notice for your attention.

Please take note that the above matter will be allocated to an appointed Conciliator for a hearing.

At this stage, please omit from sending further submissions as that directive will come from the Conciliator.

Full details of the hearing will be communicated by the Conciliation unit in due course.

Regards

**Tammy Lee**

Case Management Officer

WC Regional Office

T: 021 001 2569 | C: 083 703 3830

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A green banner with white and yellow text. On the left is the CSOS Connect logo. In the center, it says 'INTRODUCING CSOS CONNECT'. On the right, it says 'CONNECTING WITH OUR CUSTOMERS FROM WHEREVER THEY ARE 24/7' and 'A self service digital solution bringing convenience and ease in accessing CSOS services at the click of a button.' The CSOS Community Schemes Ombud Service logo is in the top right corner, and the website 'www.csos.gov.za' is in the bottom right corner.

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**About the Community Schemes Ombud Service**

The Community Schemes Ombud Service (CSOS) is the regulatory authority for all community schemes in South Africa. Our mission is To facilitate and maintain a world-class dispute resolution service to promote good governance of community schemes by providing education and training to all relevant stakeholders.

We are located at Building 4, Berkley Office Park, 8 Bauhinia Street, Highveld Techno Park, Centurion, Gauteng, South Africa. For more information about the CSOS, please call 0800 000 653, or visit [www.csos.org.za](http://www.csos.org.za)

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**Subject:** RE: CSOS 4333/WC/22

**From:** Alex van Niekerk <manager@kleinbronestate.co.za>

**Date:** 2022-09-22, 04:49 pm

**To:** Tammy Lee <Tammy.Lee@csos.org.za>

Dear Tammy Lee,

Attached the responding statement as well as all applicable attachments from the Kleinbron Estate Board of Trustees.

We would like to make the following request:

***We request that this matter is being moved straight to adjudication due to the following reasons.***

1. Mr. Fitchat have clearly stated in his submission that the Kleinbron Estate rules does not apply to him.
2. Mr. Fitchat have repeatedly challenged the Kleinbron Estate HOA to take legal action.
3. Mr. Fitchat indicated he will only abide by a court order.
4. Even in his email dated 19 September 2022 to CSOS **he dismisses** the case to be heard by CSOS.
5. He also challenged CSOS in his email dated 19 September 2022.
6. In this application (and email dated 19 September 2022) Mr. Fitchat maintains he will not abide by the Kleinbron Estate rules, and even challenge CSOS to prove him wrong, thus clearly showing there is no possibility of a compromise.

Mr. Fitchat is ingenious in his submissions, responses, and communications in an attempt to intimidate CSOS.

As such, and taking all of the above into consideration, Mr. Fitchat herewith request CSOS to move this matter direct for adjudication or ruling on the papers, as there is no reasonable expectation to resolve this matter in an amicable manner.

Kind regards

**Alex van Niekerk**

Landgoed Bestuurder – Estate Manager



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**From:** Theo Fitchat <theo@cluedapp.co.za>

**Sent:** Monday, 19 September 2022 08:06

**To:** Tammy Lee <Tammy.Lee@csos.org.za>

**Cc:** Alex van Niekerk <manager@kleinbronestate.co.za>; Info <info@kleinbronestate.co.za>; Kleinbron Estate <kleinbron@kleinbronestate.co.za>; Mninawa Bangilizwe <mbangilizwe@hotmail.com>; wc-adjorder@csos.org.za; William Payne <william.john@csos.org.za>

**Subject:** Re: CSOS 4333/WC/22

Dear CSOS,

The respondent submitted his response for case 4333/WC/2022 on 9 September 2022, which was before 16 September 2022, as requested by CSOS. No response was provided by CSOS or by the applicant regarding the respondent's response.

The applicant, Kleinbron Estate, did not attempt to mediate or exhaust any remedies with the respondent before approaching CSOS.

CSOS has issued a Final Adjudication Order regarding the respondent's security cameras, which was in the respondent's favour.

The last correspondence obtained from the applicant, was that the applicant had withdrawn from the dispute about the respondent's security cameras.

Due to the abovementioned inconsistencies, the application for case 4333/WC/2022 appears to be of questionable origin.

The respondent considers case CSOS 4333/WC/2022 dismissed on the abovementioned grounds.

Should CSOS or the applicant not agree with the dismissal, then CSOS and/or the applicant is put to the proof thereof.

Regards,

Theo Fitchat

On 2022-09-09 02:14 pm, Theo Fitchat wrote:

Dear Ms Lee,

Please see the following Dropbox link for my response and addendums to Kleinbron Estate's application.

[https://www.dropbox.com/sh/5ytv1gg6vp9x4vc/AAAFuqpsH\\_UmR3rVagLN5EDa](https://www.dropbox.com/sh/5ytv1gg6vp9x4vc/AAAFuqpsH_UmR3rVagLN5EDa)

Regards,

Theo Fitchat

On 2022-09-09 02:01 pm, Theo Fitchat wrote:

Dear Ms Lee,

Please see attached the addendums for my response to Kleinbron Estate's application.

Regards,

Theo Fitchat

On 2022-09-09 12:13 pm, Theo Fitchat wrote:

Dear Ms Lee,

Please see attached my response to Kleinbron Estate's application.

Regards,

Theo Fitchat

----- Forwarded Message -----

**Subject:**CSOS 4333/WC/22

**Date:**Fri, 9 Sep 2022 07:26:46 +0000

**From:** Tammy Lee <[Tammy.Lee@csos.org.za](mailto:Tammy.Lee@csos.org.za)>  
**To:** Theo Fitchat <[theo@cluedapp.co.za](mailto:theo@cluedapp.co.za)>  
**CC:** [manager@kleinbronestate.co.za](mailto:manager@kleinbronestate.co.za)  
<[manager@kleinbronestate.co.za](mailto:manager@kleinbronestate.co.za)>

Dear Mr. Fitchat

*As instructed by the provincial Ombudsman in terms of section 37 of the Community Schemes Ombud Service Act 9 of 2011, the CSOS Act.*

Please find attached the notice in terms of section 43 of the CSOS Act and respond on or before the **16<sup>th</sup> day of September 2022.**

Regards

**Tammy Lee**  
Case Management Officer  
WC Regional Office

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—Attachments:—

CSOS 4333 GP 22 S47.pdf

125 KB

ForwardedMessage.eml	14.4 MB
KLEINBRON ESTATE REPLY-CSOS 4333WC22-22-Sept 2022.pdf	1.2 MB
HOA Responce 03 - Constitution.pdf	1.0 MB
HOA Responce 04.pdf	535 KB
HOA Responce 05.pdf	477 KB
HOA Responce 06 - Minutes Trustee Meeting 14 Februarie 22.pdf	152 KB
HOA Responce 07 Complaints Received from Residents.pdf	2.5 MB
HOA Responce 08 RESPONDENTS ELECTRONIC LETTER DATED 19 SEPTEMBER 2022.pdf	1.1 MB
Addendum 04 (Fitchat) - 2022.03.23 CSOS M.Johnson Estate Manager Email.pdf	120 KB
HOA Responce 01 KLEINBRON ESTATE HOMEOWNERS ASSOCIATION RULES 11 APRIL 2022.pdf	2.6 MB
HOA Responce 02 - HOA Rules (07 Sep 2015).pdf	580 KB