

Subject: RE: CSOS4333/WC/22

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

Date: 2022-10-11, 11:02 pm

To: William Payne <william.john@csos.org.za>, William Payne <william.john@csos.org.za>

CC: Theo Fitchat <theo@cluedapp.co.za>

Dear William,

Attached our reply to Mr. Fitchat submission, which will also be our final submission in this case.

Kind regards

Alex van Niekerk

Landgoed Bestuurder – Estate Manager



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

Sent: 11 October 2022 16:20

To: William Payne <william.john@csos.org.za>

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

Subject: Re: CSOS4333/WC/22

Dear Mr Payne,

Please see attached my final written submission.

The Word format version of my document is available at the following location:

https://www.dropbox.com/sh/5ytv1gg6vp9x4vc/AAAFuqpsH_UmR3rVagLN5EDa

Regards,

Theo Fitchat

On 2022-09-30 08:04 am, William Payne wrote:

CSOS Ref. CSOS-4333/WC/22

(per email)

ADJUDICATION : REQUEST FOR ANY FINAL WRITTEN SUBMISSIONS

1. I refer to this matter and in which you are a party or representative in the dispute to be adjudicated at CSOS.
2. CSOS is taking appropriate precaution against the further spread of COVID-19 (Coronavirus). CSOS has undertaken to go on dealing with the adjudications of disputes without the need to

meet parties face to face. This is aimed at protection against the virus for you and for the CSOS staff.

3. Although you have provided your responses in this dispute, we are affording you a final opportunity to submit any written submissions 11 OCTOBER 2022.
4. This matter will be adjudicated on the papers in the file without any attendance by the parties in terms of section 48, 50, 51 read with section 53 & 54 of the CSOS Act 9 of 2011.
5. We aim to deal with your matter as quickly as possible, with less formality and technicality as provided for in the CSOS Act 9 of 2011 but in a fair manner, hence our request for any final written submissions.
6. If you have nothing further to add, you may so indicate. You may also indicate whether the dispute was resolved or whether you in fact desire to withdraw the application for dispute resolution.
7. An order will be issued upon receipt of the submissions. **(Submissions must preferably be in word format).**
8. Take note that any final written submissions must not introduce new evidence based on new facts and allegations never previously submitted or filed.
9. **All parties** will and must be copied in on all correspondence at all times.
10. Should a party fail to timeously make a written submission to the CSOS and the other party regarding a matter, as requested by the Adjudicator, he or she will be automatically barred from making the said submission thereafter save with the specific consent of the Adjudicator.
11. The parties are prohibited, on their own accord, from communicating with the Adjudicator other than for the reasons mentioned above.
12. The due date is 11 OCTOBER 2022.

Regards

William Payne

Compliance Investigator

WC Regional Office

124 Adderley Street 8th Floor Constitution House Cape Town

T: 021 001 2569 | C: 066 302 5576

www.csos.org.za Fraud Hotline 0800 701 701



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

Disclaimer:

The information contained in this communication from william.john@csos.org.za sent at 2022-09-30 08:04:18 is confidential and may be legally privileged. It is intended solely for use by theo@cluedapp.co.za and others authorized to receive it. If you are not theo@cluedapp.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful.

— Attachments: —————

CSOS4333-WC-22 - Final HOA Submission.pdf

581 KB

Dear CSOS,

The Kleinbron Estate Manager and Trustees take note of the final reply and recommendations made by Mr. Fitchat. We are however, on the one hand saddened by him becoming personal and on the other hand making assumptions, which we all know are the mother of all mistakes.

Despite the aforementioned we wish to highlight the following:

1 – Mr. Fitchat as a resident is automatically a HOA member and therefore his recommendation that all residents must have a minimum qualification is impractical and would be applicable on him to.

Further, as a resident and HOA member Mr. Fitchat is bound to any rule amendment or rule additions from time to time, found to be reasonable and approved as such by CSOS.

Furthermore, as a HOA member Mr. Fitchat is not a consumer and as such said act is not applicable. We are also not sure if he has purchased anything from the Estate that we are unaware of.

2 – Mr. Fitchat is incorrectly trying to indicate on many occasions in his final reply that the previous two cases filed by neighbours had any relation to the current matter regarding a rule. In fact, Mr. Fitchat is contradicting himself on more than one occasion within his final reply document, as well as between his final reply and his initial reply and is therefore adjusting his answers as it suits his case best.

There is only one truth and therefore there will always be one version or one story, when you are not telling the truth, it always results in many versions, or many stories of the same facts as is presently the case.

3 – It is also the opinion of the Trustees that the Estate Constitution and Rules are clear and unambiguous, apparently not to all residents. It is further our opinion that when having to interpret two contradicting versions of the same rule, one needs not look any further than what is the most likely interpretation.

As such, the trustees will bound itself by whatever discission is made by CSOS in this matter as it will create certainty going forward.

Kind regards

Alex van Niekerk

On behalf of the Kleinbron HOA and Board of Trustees.