



DISPUTE RESOLUTION

**IN MATTERS ARISING FROM THE CONSTITUTIONAL RELATIONSHIP BETWEEN MEMBERS
THEMSELVES OR BETWEEN MEMBERS AND THE ASSOCIATION**

REGULATION

**ADOPTED BY THE BOARD OF TRUSTEES IN TERMS OF CLAUSE 18.6.1 OF THE CONSTITUTION
ON 22 FEBRUARY 2022**

1. Should any dispute, question or difference arise between MEMBERS, or between a MEMBER or MEMBERS and the KRAAIBOSCH COUNTRY ESTATE AND KRAAIBOSCH MANOR HOME OWNERS ASSOCIATION, out of or in regard to:
 - 1.1 the interpretation of; or
 - 1.2 the effect or implementation of; or
 - 1.3 their respective rights or obligations under; or
 - 1.4 a breach of the CONSTITUTION,
such dispute, question or difference shall be dealt with in the manner set out in this Regulation.
2. In the event a complaint that has the potential to develop as a dispute, question or difference as envisaged in clause 1, the BOARD OF TRUSTEES shall attempt to settle the complaint in a conciliatory manner.
3. In a complaint (that arises from clause 1) concerning a MEMBER or MEMBERS with another MEMBER or MEMBERS, the MEMBER or MEMBERS who wish to refer a complaint to the BOARD OF TRUSTEES for consideration, must give a written notice to the CHAIRMAN of the BOARD OF TRUSTEES which notice shall contain the following information:

- (a) Full particulars of the MEMBER or MEMBERS issuing the notice.
 - (b) Full particulars of the alleged conduct that caused the dispute or complaint, including the names and details of the parties involved, date, time and place of the alleged conduct, and full particulars of the conduct itself.
 - (c) The type of remedy that is requested and/or how the matter must be resolved.
 - (d) Proof that a copy of the written notice to the CHAIRMAN was delivered to the MEMBER or MEMBERS referred to in this sub-clause.
- 3.1 The CHAIRMAN, after receipt of the notice referred to in clause 3, shall within 21 (twenty one) days call the MEMBERS or MEMBERS concerned to a meeting in an attempt to resolve the matter.
- 3.2 If the Chairman is unable to resolve the matter, he shall report in writing to the BOARD OF TRUSTEES that he was unable to resolve the matter. If the BOARD OF TRUSTEES agrees that the matter cannot be resolved by them, the MEMBER or MEMBERS concerned must be given written notice accordingly. This must be done not later than 60 (sixty) days after the notice in clause 3 was received by the CHAIRMAN.
- 3.3 On receipt of the notice in clause 3.2 the MEMBER or MEMBERS may, at their cost, institute proceedings in any Court of Law of competent jurisdiction or refer the matter to the Ombud in terms of Section 38 of the Community Schemes Ombud Services Act, 2011 (Act No. 9 of 2011).
4. In a complaint (that arises from clause 1) by a MEMBER or MEMBERS against an individual TRUSTEE or individual TRUSTEES, the MEMBER or MEMBERS who wish to refer a complaint to the BOARD OF TRUSTEES for consideration, must give a written notice to the CHAIRMAN of the BOARD OF TRUSTEES which notice shall contain the following information:
- (a) Full particulars of the MEMBER or MEMBERS issuing the notice.
 - (b) Full particulars of the alleged conduct that caused the dispute or complaint, including the names and details of the TRUSTEE or TRUSTEES involved, date, time and place of the alleged conduct, and full particulars of the conduct itself.
 - (c) The type of remedy that is requested and/or how the matter must be resolved.

- (d) Proof that a copy of the written notice to the CHAIRMAN was delivered to the TRUSTEE or TRUSTEES referred to in this sub-clause.
- 4.1 The CHAIRMAN, after receipt of the notice referred to in clause 4, shall within 21 (twenty one) days call the MEMBERS or MEMBERS and the TRUSTEE or TRUSTEES concerned to a meeting in an attempt to resolve the matter.
- 4.2 If the Chairman is unable to resolve the matter, he shall report in writing to the BOARD OF TRUSTEES that he was unable to resolve the matter. The BOARD OF TRUSTEES shall investigate the matter in such reasonable manner as they shall decide. If the matter cannot be resolved by them, the MEMBER or MEMBERS concerned must be advised accordingly. This must be done not later than 60 (sixty) days after the notice in clause 36.5 was received by the CHAIRMAN.
- 4.3 On receipt of the notice in clause 4.2 the MEMBER or MEMBERS may, at their cost, institute proceedings in any Court of Law of competent jurisdiction or refer the matter to the Ombud in terms of Section 38 of the Community Schemes Ombud Services Act, 2011 (Act No. 9 of 2011).
5. In a complaint (that arises from clause 1) by a MEMBER or MEMBERS against an EMPLOYEE or EMPLOYEES of the Association, the MEMBER or MEMBERS who wish to refer a complaint to the BOARD OF TRUSTEES for consideration, must give a written notice to the CHAIRMAN of the BOARD OF TRUSTEES which notice shall contain the following information:
- (a) Full particulars of the MEMBER or MEMBERS issuing the notice.
 - (b) Full particulars of the alleged conduct that caused the dispute or complaint, including the names and details of the EMPLOYEE or EMPLOYEES involved, date, time and place of the alleged conduct, and full particulars of the conduct itself.
 - (c) The type of remedy that is requested and/or how the matter must be resolved.
 - (d) Proof that a copy of the written notice to the CHAIRMAN was delivered to the EMPLOYEE or EMPLOYEES referred to in this sub-clause.

- 5.1 The CHAIRMAN, after receipt of the notice referred to in clause 4, shall within 21 (twenty one) days call the MEMBERS or MEMBERS and the EMPLOYEE or EMPLOYEES concerned to a meeting in an attempt to resolve the matter.
- 5.2 If the Chairman is unable to resolve the matter, he shall report in writing to the BOARD OF TRUSTEES that he was unable to resolve the matter. The BOARD OF TRUSTEES shall investigate the matter in such reasonable manner as they shall decide. If the matter cannot be resolved by them, the EMPLOYEE or EMPLOYEES concerned must be advised accordingly. This must be done not later than 60 (sixty) days after the notice in clause 36.5 was received by the CHAIRMAN.
- 5.3 On receipt of the notice in clause 5.2 the MEMBER or MEMBERS may, at their cost, institute proceedings in any Court of Law of competent jurisdiction or refer the matter to the Ombud in terms of Section 38 of the Community Schemes Ombud Services Act, 2011 (Act No. 9 of 2011).
6. In the event that a MEMBER or MEMBERS, who referred a dispute, question or difference with the TRUSTEES or the ASSOCIATION to the Ombud in terms of Section 38 of the Community Schemes Ombud Services Act, 2011 (Act No. 9 of 2011) and withdraws such referral before the matter is concluded, the TRUSTEES or the ASSOCIATION may request the Ombud to make an order regarding the cost incurred by the TRUSTEES or the ASSOCIATION and the MEMBER or MEMBERS may not contest this.
7. In the event that the TRUSTEES or the ASSOCIATION referred a dispute, question or difference with a MEMBER or MEMBERS to the Ombud in terms of the Community Schemes Ombud Services Act 2011 and withdraws such referral before the matter is concluded, the MEMBER or MEMBERS may request the Ombud to make an order regarding the cost incurred by the MEMBER or MEMBERS and the TRUSTEES or the ASSOCIATION may not contest this.
8. This Regulation does not prevent a MEMBER or MEMBERS to invoke the provisions of clause 36 of the Constitution to refer a matter to arbitration.
9. The definitions contained in the CONSTITUTION apply *mutatis mutandis* to this Regulation.