

# 2ND CSOS INDABA 2024



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**12-13  
SEPTEMBER 2024**

 **BOLIVIA LODGE,  
POLOKWANE, LIMPOPO**



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**Promoting Well Governed,  
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Community Schemes.**





# CSOS OR COURT? PICK YOUR BATTLEGROUND

- Rise of disputes in community schemes due to proximity living.
- Importance of dispute resolution through negotiation, mediation, or adjudication.
- Should disputes be taken to CSOS or the courts first?

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# THE PURPOSE OF CSOS

- **Access to Justice**
  - Accessible, cost-effective, dispute resolution mechanism
  - Reduce financial burdens associated with access to courts
- **Judiciary Support**
  - Alleviate pressure on court system
  - Specialised role
  - Comments by Deputy Judge President of Johannesburg High Court

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## KEY CASE LAW

- **The *Manhattan Place Case***
  - Court held that disputes under CSOS's jurisdiction must be referred to the Ombud before going to court.
  - Specialist bodies handling disputes before courts.
- **General Principles**
  - Courts discourage litigation when CSOS can handle the dispute.
  - Judicial intervention allowed only under "*exceptional circumstances.*"

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## EXCEPTIONAL CIRCUMSTANCES FOR APPROACHING COURTS FIRST

- **Definition and Application**
- **Sorronto Case**
  - Court ruled that the case should have been referred to CSOS.
  - Reinforces CSOS's primary role in straightforward disputes.
- **Port O'Call Case:**
  - Different outcome: High Court heard the case due to unique facts concerning permanent alterations and urgency.

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## CSOS'S ROLE IN ALLEVIATING THE JUDICIAL BURDEN

- **Court Backlogs**
  - Chief Justice Zondo's Judiciary Annual Report 2022/2023
  - Performance stats highlight the urgent need to reduce the case load on the judiciary.
  - CSOS is playing an essential role in ensuring justice is administered efficiently across South Africa.
- **Careful Evaluation by Stakeholders**
- **Risk of Costs Orders and Referral to CSOS**

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# CSOS AND JUDICIARY AS A LIVING LEGAL SYSTEM

- **Divergent Views**
  - Just as judges across different court divisions may hold differing views on the same issue, CSOS adjudicators may also have varied interpretations.
- **A Sign of a Working System**
  - Not signs of weakness
  - But always room for improvement

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