

Attention: **Nompumelelo Mthethwa**

Case Management Officer

Case: CSOS 00800/KZN/20

KZN Provincial Office

275 Anton Lembede Street 7th Floor Aquasky Towers Durban

T: 031 001 4215

Reply to The Chairman - Mr. Rob Davis

At the outset, I emphasize that it is certainly not (nor never has been) my intention to become embroiled in any emotional or personal acrimonious disputes.

By way of background, it must be remembered that not only do I represent myself in this matter, but also the interests of several other tenants whom have had the courage to come forward and report on various irregularities, aggressive behaviour and a major breach of Safety Rules, just to name a few!

For the purpose of clarity and ease-of-reference, I split Mr. Davis's response in separate paragraphs, in **BLUE type font** herein below. (All paragraphs are exactly as he has presented, with all grammar errors, nothing changed/ deleted nor added, just spaced out to allow my response to fit in.)

CSOS

Ref number CSOS 00800/ KZN/ 20 To whom it may Concern.

I will try and respond the best as I can to Mr Stanford -Smyth concernsas, As I am the newly elected Chairman and all these allegations happend before I was elected to the position of chairman.

As newly elected chairman, you Mr. Davis, must exercise the utmost good faith, honesty and integrity, care and diligence in performing your functions as a Body Corporate Trustee and/or as Chairman. This is no different to the same rules that apply to the Board of Service of the Community Schemes Ombud Services of Act 9 of 2011, Clause 11 – Fiduciary Duty and Disclosure.

I don't believe that any safety bissues were breached by the body corporate as alleged . And that no Blind eye was turned to any of Mr Stanford-Smyth complaints.

Nonsense Mr. Davis! You and Mr. Frost know full well that there have been numerous Safety issues breached! You are protecting Mr. Frost & Manna Van Rensburg, and that does not auger well with the integrity of the Body Corporate. You are supposed to be impartial without bias! You and Mr. Frost know full well that a Trustee cannot resign. The rule is that their time served lapses at the AGM. This rule is confirmed by your Body Corporate minutes, in the 2019 Body Corporate AGM, held on the 30 November/ 2019. **(See attachment: AR Stanford-Smyth Exhibit-A.)**

Nonsense! You are now being dishonest. Let me remind you that you have a fiduciary duty to all the owners and tenants to be totally honest, impartial, and present the facts as they are. (We can provide written and/or photographic proof of every Safety Breach or Aggressive inappropriate behaviour we allege!) The outgoing Chairman must do a proper 'hand-over' procedure with the new incoming chairman, so that all Safety issues raised and all allegations made, within the previous 12 months, or even the 'previous years' leading up to the AGM, must be addressed by the Body Corporate, and presented by the new chairman. It is illegal to hide these issues and they must be dealt with on a point-by-point basis. Mr. Frost obviously did not attend the AGM because he knows he is guilty as accused! Mr. Frost cannot exonerate himself, simply by not attending the AGM. I must emphasize: as newly elected chairman, you Mr. Davis, must exercise the utmost good faith, honesty and integrity, care and diligence in performing your functions as a Body Corporate Trustee and/or as Chairman. This is no different to the same rules that apply to the Board of Service of the Community Schemes Ombud Services of Act 9 of 2011, Clause 11 – Fiduciary Duty and Disclosure.

[I do believe that the issue is a personal disagreement between the previous chairman and Mr Stanford-Smyth.](#)

Incorrect! Your statement: 'you believe', is indicative of the fact that this is simply your own 'personal opinion'. Please read through my opening paragraph to Nompumelelo Mthethwa which states that it is certainly not (nor never has been) my intention to become embroiled in any emotional or personal acrimonious disputes. Additionally, I am representing other folks in this matter. It is not just all about 'me'. Are you saying that each of all the other folks involved, do not have 'personal disagreements' with Mr. Frost, only me?

On the contrary Mr. Davis, you are now becoming 'personal' in defending the previous chairman – Mr. Frost. You need to know when to take off your Rob

Davis cap, and put on your Body Corporate Chairman cap! You cannot mix business with pleasure, scams and fabrications!

I don't believe that the 2020 AGM was illegal in any way, as the attached minutes will verify.

What facts if any, did you establish to qualify making such a ludicrous statement? Did you not exercise and apply due diligence in your quest for the truthful answer? We don't care what you believe. What you believe is no different to what the 'drunk urinating gardener' believes! As the newly appointed chairman you can't act on what you believe, you have to act on facts!

This dispute is not about what 'you believe', it is about you being a puppet on a string, being manipulated and influenced by the duo: chairman at the time Mr. Frost and Mr. Van Rensburg.

There are a lot of ways to describe the 2020 AGM. Illegal, unlawful, inappropriate, a deliberate scam to hide, a hoax, the list is endless. However, it is illegal because the Issues raised by myself and others who I represent were not tabled at the 2020 AGM.

By the way, take another good long hard look at your 2020 AGM minutes. There are many faults. This AGM report has been done in great haste purely because Nompumelelo Mthethwa was putting you under pressure to respond. You knew you and your Body Corporate members had to quickly make up an AGM report very quickly. This AGM you attach has not been saved in PDF format to secure and lock all the data. Very unprofessional. This is indicative of a 'rushed report' to save face against CSOS, because to date, nobody has received the minutes of the 2020 AGM.

Look at this error which mentions the year 2018 as opposed to the year 2019.

3. CONFIRMATION OF THE MINUTES OF THE AGM HELD ON 1 DECEMBER 2018

There are lots of issues that prove this AGM meeting is 'UNLAWFUL'. Nobody has been issued with the AGM Minutes report. Explain that! Mr. Frost did not pass on or address all the Safety and Aggression issues AS WE REPORTED THEM – That is illegal.

Mr Manna Van Rensburg was not appointment illegally at the meeting as he is a memberof staff and ourstaff do not need to be appointed at every AGM.

Immaterial how you put it. He should have never have been reinstated as caretaker, due to the extremely aggressive manner in which he addresses people's complaints, and his illegal actions. All complaints, mainly by the elderly get fobbed off aggressively, and issues are just swept under the carpet. I myself, have experienced extreme aggression from this man, verbal, written and on the odd occasion physical threatening confrontations! There are incidences, whereby his actions may even be categorised as being 'racist'.

This has been a pattern spanning a few years now. The Body Corporate members, run by Mr. Frost, Mr. Van Rensburg and their dear friend 'John the plumber' have been operating as a law unto themselves! You cannot 'cherry-pick' who you want to quote and what incident you want to quote. The problem here is that you are still wearing your Rob Davis cap. You must take it off and put on your Body Corporate cap! Don't be misguided by lies and fabrications! Deal with FACTS.

Another recent nasty incident that has been reported which involves Mr. Van Rensburg, (which you omit to mention) is that he has been guilty of pouring dangerous pool acid chemicals into the pool whilst people are swimming, both young children and adults swimming in amongst the concentrated pool acid. Then when members of the Community WhatsApp group send messages complaining about this, Mr. Van Rensburg has the audacity to defend himself. Mr. Davis, is this is the kind of individual you want as 'caretaker'?

(See attachment: AR Stanford-Smyth Exhibit-B.)

I think that Mr Stanford-Smyth is out of order in calling our residents elderly ladies who don't know what is going on at the AGM. He also says that Mrs Joan Korb was the Chairlady at the time this is completely untrue as Mr Frost was the chairman at the time.

Please do not capitalise on grammar errors I might have made. Look at the big picture! Yes! The elderly ladies don't know what's been going on. Those who are Body Corporate members are played like puppets, and the harsh truth never told to them. Those elderly ladies who are not Body Corporate members are too scared to lodge any complaints! They get the full onslaught of Mr. Van Rensburg Aggression and Phillip Frost aggression. If they (elderly ladies) are not part of that small inner circle operated and manipulated by Frost and Van Rensburg, they will not get any cooperation from the Stralenberg Body Corporate.

Lastly the body corporate is not required to keep our account in a trust account as Mr Stanford-Smyth alleged .

One can only wonder why there is such strong resistance in establishing a Trust Account. It is the industry preferred method!

Yours Sincerely Robert Davis

Chairman Stralenberg Body Corporate 2021.

In conclusion may I say this:

Mr. Davis, it is apparent to anybody reading this response that your remarks are basically targeted at me. Why is it that you don't answer to any of the other complaints?

For example:

.....

----- Forwarded message -----

From: Jean L R Hughes <jandb@netactive.co.za>
Sent: Monday, 11 January 2021 22:00
To: 'kzn-complaints@csos.org.za' <kzn-complaints@csos.org.za>
Cc: 'robgrantdavis@gmail.com' <robgrantdavis@gmail.com>
Subject: A.R. Stanford-Smyth email records for CSOS No.1
Importance: High

----- Forwarded message -----

i Pinky Mnguni residing in flat no. 12 Stralenberg found Manna busy letting air out of my car tyre with a sharp object because my car was parked in front by da loading zone while i was quickly unpacking my groceries I caught him right handed and put a stop to it. If you need anything plz contact me 0827700272 /0787394445.

Are you happy with this incident? Was Mr. Van Rensburg reprimanded, issued with a written warning? Was he fired for this despicable behaviour? If not why? Are we looking at a 'Racism' issue here.

Another example:

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From: Jean L R Hughes <jandb@netactive.co.za>
Sent: Monday, 11 January 2021 22:15

To: 'kzn-complaints@csos.org.za' <kzn-complaints@csos.org.za>

Cc: 'robgrantdavis@gmail.com' <robgrantdavis@gmail.com>

Subject: A.R. Stanford-Smyth email records for CSOS No.5

Importance: High

A.R. Stanford-Smyth email records for CSOS No.5 for your perusal

Good morning Natasha ...

One last report.

I thought to highlight this report from a lady nicknamed 'Pinky'. (There are 2 ladies with that same nickname - Pinky)

This is a typical example of how a tenant prefers to approach Al Stanford-Smyth with her problem. as opposed to the abusive Body Corporate team of Phillip and Manna.

This is recorded in her own handwriting as per the 4 attached pages labelled as ... Pinky-1 to Pinky-4.

Why did chairman Phillip Frost not table this issue in the Agenda? As of July 2020 the matter has not been resolved?

Complaint lodged in April/ 2017 ... not resolved in over 3.5 years, and still waiting for finalisation.

The next question is:

If this issue has been going for so long, was it placed on the Agenda List in:

2017 AGM

2018 AGM

2019 AGM

2020 AGM

If it was tabled onto the Agenda List during one of the AGM's listed above, please accept my humble apologies for the error.

If it was ... why was it not carried forward to each following Agenda, until it was resolved.

Makes you think doesn't it?

Thank you,

Jean L R Hughes (Proxy) / Al Stamford-Smyth

(^Note: Attachment pertaining to this email has been reproduced as 1 PDF document)

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Mr. Davis, has this issue been resolved? If not why not? Are you not shocked in realising that the Body Corporate has not fixed Mrs. P. Ntando's (Pinky's) leaking roof for several years now! This is Pinky of Flat 6 Patron House block. **(See attachment: A.R. Stanford-Smyth Exhibit-C.)** Read her story! Why has the problem not been resolved? You have building insurance. This problem could

have been resolved within a few days if you made a claim with your Insurer, who no doubt would have appointed professionals to resolve the matter. Mr. Frost and caretaker Mr. Van Rensburg try and fix the problem themselves, then give up and never complete the task! Mr. Davis, after all this, you still think that Mr. Van Rensburg should still be retained as 'caretaker'? Preposterous! What is the reason that you neglect this task?

Is this another 'Racism Issue' ?

*When Mr. Frost has a problem, he receives prompt action. Is this because he is white? Makes you think doesn't it?

Another example:

How to chase away good owners!

Mr. Frost & Mr. Van Rensburg has succeeded in chasing away a lovely new owner. The former lady is from flat 7a. I only know her name Mrs Francis. In 2019 bought her flat but never moved in and sold it in 2020. Her Phone number is 083 232 4221 she told me she would have no problem explaining her experience, with the body corporate and Mr Frost in their lies and ill-treatment to her.

A lady of substance, one owner that was an asset to our building and now sadly missed. She told me and Mrs H Els from flat 4a that she (Mrs Francis) has never been so ill-treated in her entire life! The reason for her to sell her flat at a big financial loss to her, was to save her personal wellbeing and health

I would like to add I am also a newcomer to this community and have experienced the same bad treatment. Mr. Frost & Mr. Van Rensburg chased her away, just like he tried to chase me away by saying that I must get a life and go back to where I came from as I am not welcome here! He told me this verbally on several occasions and even in the WhatsApp Group!

(See attachment: AR Stanford-Smyth Exhibit-D.)

Have you terminated Mr. Van Rensburg's 'Caretaker' contract, as it is obvious that this Body Corporate has no intention of reprimanding any staff, nor firing them!

It is obvious that Mr. Van Rensburg and yourself are great friends. However, you need to be impartial and act as a responsible chairman, and terminate his position as caretaker. We demand that you replace him with immediate effect!

A.R. Stanford Smyth

3A Patron House/ Stralenberg