

Good day Pearl ... 28 June 2021

Re: Case - CSOS 00800/KZN/20

As we have not received a formal email from you CANCELLING the proposed new Microsoft Teams Meeting, we have just resent an email to you, prior to this email, with a copy of Mervin Dorasamy's email confirming that Conciliation will not take place as the matter has now been referred direct to Adjudication. Do you know this? Have you been duly informed.

We need to know that you yourself know that this matter has been referred to Adjudication. **Mr. Mervin Dorasamy says in his email below**, that we will receive further correspondence from you.

We presume that this 'Further Correspondence' is in fact confirmation that the Microsoft Teams Meeting has been cancelled.

Please confirm that you have been briefed by Mervin Dorasamy that the proposed Microsoft Teams Meeting has been cancelled, in lieu of the fact that a decision has been made to go straight to 'Adjudication'.

Please also confirm that all parties have been informed accordingly.

We do not want any confusion or conflict with half the members of the parties involved thinking that there is still a Conciliation meeting via a Microsoft Teams Meeting, with other half knowing that the matter has been set direct for Adjudication.

All members of all parties involved in this matter, must be informed of the fact that this matter has been referred straight to Adjudication.

Please understand our concern in two days the 1st July is already upon us! That is the date of the new proposed Microsoft Teams Meeting.

We look forward to your confirmation that you know of this decision yourself and that there are no communication issues.

Thank you,

A. R. Stanford-Smyth altecdiving@gmail.com

(On several occasions I do instruct my proxy agent Jean L R Hughes to send emails on my behalf – his email being: jandb@netactice.co.za)

Please remember include both our email addresses at all times

From: Jean L R Hughes <jandb@netactive.co.za>

Sent: Friday, 25 June 2021 21:16

To: 'Pearl Mthethwa' <Pearl.Mthethwa@csos.org.za>

Cc: Al Stanford-Smyth <altecdiving@gmail.com>; 'Mervin Dorasamy' <mervin.dorasamy@csos.org.za>

Subject: RE: A R Stanford-Smyth appeal for a new Microsoft Teams Meeting schedule

Importance: High

Good day Pearl ...

Just to let you know that Mr. Mervin Dorasamy has decided that this matter is to go direct to Adjudication.

“The outcome of most ‘conciliations’ never come to a solution, in fact 99% of the time they end up in an automatic follow-up Adjudication Process.”
(This was mentioned in our previous email of 31 May/2021 contained herein in this thread.)

Going straight into Adjudication is the best decision and indeed what is currently required!

I presume all parties involved, will be notified of the cancellation of your proposed Microsoft Teams Meeting.

Please keep me informed of any correspondence.

I note with concern that on several occasions (not your fault) correspondence from CSOS officials has been addressed to Jean L R Hughes ... yet I have not been copied.

Please include both email addresses at all times - Jean L R Hughes and myself namely: jandb@netactive.co.za and altecdiving@gmail.com

Thank you,

A. R. Stanford-Smyth altecdiving@gmail.com

(On several occasions I do instruct my proxy agent Jean L R Hughes to send emails on my behalf – his email being: jandb@netactice.co.za)

From: Pearl Mthethwa <Pearl.Mthethwa@csos.org.za>

Sent: Friday, 25 June 2021 12:14

To: [Jandb@netactive.co.za](mailto:jandb@netactive.co.za); robgrantdavis@gmail.com

Subject: FW: A R Stanford-Smyth appeal for a new Microsoft Teams Meeting schedule

Good Day Sirs

Please note that the above matter is set down for conciliation on 1 July 2021 at 10:00 am and a notice of set down has been sent to the parties.

Kindly confirm your contact details to be used by a conciliator on the day of the hearing.

Your prompt response will be appreciated .

Regards

Pearl Mthethwa

Conciliator KZN Office

7th Floor, Aquasky Towers, 275 Anton Lembede Street, Durban, 4000

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



Regards

Pearl Mthethwa

Conciliator

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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 1st Floor Building A, 63 Wierda Road East, Sandton, Johannesburg, Gauteng, South Africa. For more information about the CSOS, please call +2710-593-0533, or visit www.csos.org.za

Disclaimer:

The information contained in this communication from pearl.mthethwa@csos.org.za sent at 2021-06-25 12:14:04 is confidential and may be legally privileged. It is intended solely for use by jandb@netactive.co.za and others authorized to receive it. If you are not jandb@netactive.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.

From: Mervin Dorasamy <mervin.dorasamy@csos.org.za>

Sent: Wednesday, 23 June 2021 11:18

To: Jean L R Hughes <jandb@netactive.co.za>

Cc: Jabulani Maphanga <Jabulani.Maphanga@csos.org.za>

Subject: Re: A R Stanford-Smyth appeal for a new Microsoft Teams Meeting schedule

Dear Mr Stanford-Smyth,

I have looked into your concerns outlined in your emails to me. My assessment of the query you raised entailed me looking into Microsoft Teams and the technical aspects of the conciliation meeting that was set up. I apologise for any delay. You provide very convincing proof that you attended the meeting. The glitches if any was not due to any fault on your part. Your application could not therefore be closed because of your supposed "non-attendance".

You have paid the dispute fee of R50 for the CSOS service and the matter was not yet dealt with on the merits. You deserve a fair process to ventilate your dispute.

The file is therefore re-opened. Mr Maphanga, the first Conciliator is unwell at the moment and I do not want to delay this matter until his return to the office. I have requested the another Conciliator to set down the Conciliation at the soonest. I have asked this Conciliator to determine from you what the best way is for you to have this conciliation. I will monitor this.

From: Jean L R Hughes <jandb@netactive.co.za>

Sent: Monday, May 31, 2021 3:13 PM

To: Mervin Dorasamy

Cc: Jabulani Maphanga; CSOS INFO; Nompumelelo Mthethwa

Subject: A R Stanford-Smyth appeal for a new Microsoft Teams Meeting schedule

CSOS Admin: Case - CSOS 00800/KZN/20

Attention: MERVIN DORASAMY

REGIONAL OMBUD:

KZN, MP & FS

Dear Mervin,

I am in receipt of your letter dated: **26 May 2021 – Thank you!**

However, it is with the greatest respect that I feel, I should discuss my situation with you direct, as I do not accept the fact that my case (and that of the others I am acting for) should be 'closed', simply due to Technical failures. It is not a case of 'Not Attending'. It is a case of 'The Applicant could not join the meeting due to Technical Faults'. Our case is vital in the sense that it is primarily all about SAFETY ISSUES and routine SAFETY PROTOCOLS & PROCEDURES not adhered to! (I myself have experienced an occurrence whereby I was nearly decapitated by falling glass panes!)

I attended the meeting! I was there for more than an hour. The fact that there were issues with the

'software' is not my problem. I was there 'early'. I took a photo (2 photos in fact – see attachment) of my setup in front of my p.c., waiting for that ever-important invitation. I just sat there and waited for an hour. Nothing happened. Nobody summoned me to do anything. Finally, I got an SMS from one of the participants – Pinky Ntando who told me that the meeting was cancelled. I was shocked. I also learnt that my proxy agent – Jean LR Hughes, using Microsoft Teams on his Cellphone did not manage to join in. The link did not work for him, and he has a 'Top-Of-The -Range-Samsung-Note-10' Smart Cellphone! (How does CSOS assist the poor people who can only afford cheap Nokia Cellphones?)

I take extreme exception to the fact that CSOS is so quick to close my file through no fault of mine, yet when the chairman of Stralenberg Body Corporate emailed Jabulani to inform him that he could not attend the first Digital meeting (24 minutes before start time) due to a relative who took ill, that was okay for him. CSOS was happy to oblige and schedule a new date and time for him.

I immediately applied to Jabulani to reschedule another meeting, (Email attached for your perusal.) Maybe Jabulani inadvertently did not inform you that we (The Applicant & I) could not 'join' or 'enter' into the meeting.

There is no way in the World I would miss this opportunity to join in on the conciliation! Before the meeting, I emailed Jabulani that I would be attending, and likewise Jean LR Hughes emailed Jabulani that he was also joining the meeting. (We can email proof)

How it all started:

The first meeting was for the 28th April/2021

I received the email from Jabulani about a scheduled Microsoft Teams meeting on the 14th April/ 2021. I was immediately concerned about this platform because I have never heard about it before. Ideally, I would have liked a physical meeting in a board-room, rather than a Digital meeting of any sort. But I understand that with the Covid-19 situation, digital meetings are becoming more and more popular. Similarly, technological failures are constantly occurring!

We (My proxy agent Jean LR Hughes and I) received the notice on the 14th April/ 2012.

We continued to email our new concerns to all concerned, even Jabulani, as we decided it was important to have our responses done in writing ahead of time before the Digital Meeting in case we experience 'digital connection problems'. The written emails would be our back-up against digital failures.

I extract, copy & paste the very last paragraph of one of our emails sent by my Proxy Jean L R Hughes to Jabulani whereby we emphasised our concern regarding Digital Meetings. We wanted to put forward as much details/ responses in writing because we are aware of Digital Meetings having problems with 'connecting people'. (Please refer to our last sentence in **Bold type font** below) One just has to go to <https://techcommunity.microsoft.com/> onto the online forums and see how easy these meetings can fail. There are numerous complaints! There are numerous reasons that cause failures, such as firewalls interfering, device specs, software updates, ISP's not up-to-date, server issues, the list is endless. Here is the extract to Jabulani as explained:

In closing we would like to place on record that we are resorting to written responses simply due to the fact that there may be issues whereby Internet Servers could crash or be faulty and all kinds of problems can occur to break the connection. Additionally, there may be

some abusive shouting, poor sound quality, echoes, etc., etc, and that would just be totally unacceptable. **We might have only one chance to attend this Digital Meeting and if it fails at least we have our case in writing.**

The above paragraph was emailed to Jabulani as recorded:

From: Jean L R Hughes <jandb@netactive.co.za>
Sent: Wednesday, 28 April 2021 00:57
To: 'Jabulani Maphanga' <Jabulani.Maphanga@csos.org.za>
Cc: 'Nompumelelo Mthethwa' <Nompumelelo.Mthethwa@csos.org.za>
Subject: CSOS 00800/KZN/20 - Major Concerns regarding Safety Protocols bot being applied
Importance: High

*Having shown our concern then about Digital Failures, it is surprising that Jabulani did not inform us that if the Digital Meeting failed, the case file would just be closed. Had he done so, we would have insisted on having a “Trial Microsoft Teams Meeting” before each real meeting was scheduled, given that Microsoft Teams did not appear to be as stable as the general public reports from time to time.

Moving on ...

Then on the day of the meeting, on the 28th April/ 2021 the chairman Rob Davis emailed Jabulani the following:

From: Rob Davis <robgrantdavis@gmail.com>
Sent: Wednesday, 28 April 2021 09:36
To: Jabulani Maphanga <Jabulani.Maphanga@csos.org.za>
Subject: Re: Invitation to Conciliation CSOS 00800/KZN/20

Good Morning Jabulani

I have a family issues that has come up this morning and will not be able to attend the virtual meeting today.

My apologies but I must sort out my mother first. Would it be possible to reschedule this meeting.

Kind regards Rob Davis

****That is 24 minutes before the meeting starts! The very last half-hour!**

Then Jabulani sends us an email notifying us of the new scheduled date and time!

Why should Rob Davis get special privileges? (At the time we had no qualms about his issues – we understand Family comes first!)

Our case is very important. Equally important as it concerns major SAFETY ISSUES. It is extremely important to all whom I act for! In fact Pinky Ntando, one of the owners I act for attended the meeting and actually got through successfully. My proxy agent Jean LR Hughes

sent her the 'link' from Jabulani, and she managed to succeed. Closing our case file, means turning your back on poor Pinky's concerns! Closing our case file means turning your back on all the others I act for, and including myself!

We respectfully ask for another meeting to be scheduled, and this time we will be arranging a trial 'connection test' with all of us in the group, prior to the rescheduled meeting. Perhaps this is something we should have done before. I do not know why Jabulani does not insist on having a trial test. (In fact, as a rule - CSOS, should engage in a pre-trial 'connection test' every time, as far as I am concerned.)

Technical failures cannot be a just reason to abruptly close the file. That would indeed be unjust & unconstitutional as our rights to a fair hearing would be jeopardised! It would also mean that you are happy to turn a blind eye to major SAFETY ISSUES raised which if ignored, could endanger people's lives. As previously mentioned in my opening paragraph, I myself have experienced an occurrence whereby I was nearly decapitated by falling glass panes! Please could Jabulani schedule a new meeting! We look forward to an amicable response!

In the same manner that we had no qualms about the chairman Rob Davis being granted a re-scheduled meeting, I am sure that all the participants of the Body Corporate and indeed including the Property Management company would not have any objections for a re-scheduled meeting! We are talking about one hour of everybody's time! One hour for everybody to have a fair hearing! (I am not sure if we can opt for a 'ZOOM' meeting which is an alternative digital meeting system that is easy to work with.) However if you decide on another Microsoft Teams meeting then we will certainly do a few trial runs before the new date.

*If you decide against a second postponement given that on average, the outcome of most 'conciliations' never come to a solution anyway, and 99% of the time they end up in an automatic Adjudication Process, then we are okay with that as long as you confirm that our matter is not closed (our file is not closed) (our file is re-opened) and that you will be taking into consideration all our 'emailed complaints and our 'emailed relief requests'.

Not only is it unconstitutional and unjust, It would be criminal to ignore these MAJOR SAFETY ISSUES that are an integral part of our application.

Thank you,

A. R. Stanford-Smyth