



INTERNAL DISPUTE RESOLUTION PROCESS

Stage 1: New application

The first step of the dispute resolution process includes receipt, registration and acknowledgement of a new application.

All new applications must be captured on the Application for Dispute Resolution Form

The Application for Dispute Resolution Form must be completed in full and all relevant information pertaining to the application must be recorded accurately to eliminate any ambiguity.

Applications for Dispute Resolution may be lodged in person (walk ins) and by e-mail.

To CEO offices at: ceo@pecanwoodhoa.co.za

Stage 2: Assessment

Once registered, the application will be assessed to determine validity.

There are grounds for which an application may be rejected by the DR Committee for example:

- The matter falls outside of the jurisdiction of the Committee
- Failure by the applicant to comply with the 14 day written request for further information
- Another competent authority such as a court of law and/or tribunal can best deal with the matter.
- Application for waiver of adjudication fees is denied by the Pecanwood Estate Homeowners Association NPC, should the party wish to make use of the South African Association of Mediators, rather than the Pecanwood Internal Dispute panel.

Once it has been established that an application is valid and that the dispute is capable of being amicably resolved, the application will be set down for conciliation.

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Step 3: Conciliation

At the conciliation stage, applications are categorised into:

Informal Type – quick telephone conciliation

Formal Type - conciliation hearing

All parties to a dispute participate in a conciliation hearing which is chaired by the Portfolio Director: Legal, who is there to assist the parties in finding a resolution in partnership with any candidates of the RD Committee as he may deem necessary.

If the matter is not resolved, the conciliator will issue a Notice of Non-Resolution and Referral to the Adjudication.

Step 4: Investigation and Adjudication

Matters that are referred for adjudication will be subject to a thorough investigation prior to presentation at the adjudication hearing. The Adjudication will be done by a committee set up by the Director Legal as described in this document.

The investigation process may include inter alia:

- Requests for additional information and/or documentation
- Requests for sworn statements or affidavits
- Analysis of photo evidence
- The review of all relevant and applicable legislative and other prescripts.

At the adjudication hearing the Adjudicator will consider all the evidence presented and will hand down a determination which is binding on all parties to the dispute.

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The Internal Dispute Resolution Process Map

Take on Process

- Registration of complaint by reference number; issue of acknowledgement letter.
- Escalate matter to complaints manager for assessment
- Assessment Process - Complaints Manager
- Screening of complaints to determine jurisdiction by Legal Portfolio
- (1) if rejected -reject and send rejection letter and close matter
- (2) if accepted - accept and proceed to conciliation – allocate the matter to a conciliator Committee.

Conciliation

- (1) Conduct preliminary enquiry
 - (a) *Informal route – quick resolutions*
 - (i) Facilitate telephonic resolution and resolve the matter – settlement agreement and matter is closed
 - (b) *Formal Route*
 - (i) Issue notice of set down to parties (21 days' notice)
 - (ii) Formal conciliation hearing with both parties present
- (a) Resolved - settlement agreement and matter is closed
- (b) Unresolved - matter is referred to investigations for adjudication and the issue of adjudication notice and notice of non-resolution.

Investigation

- (1) Information gathering and evidence collation
- (2) Conduct and inspection in-loco if required
- (3) Determine applicable legislative framework
- (4) Produce and investigation report with recommendations.

Adjudication – until finding is made

Adjudicator to evaluate the evidence and make a decision.

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- (1) Review of the documentary evidence and decision
 - (a) Adjudicator makes a finding and issues an adjudication order, with appropriate remedial

Action– Matter is then closed

- (2) Adjudicator Issues an Adjudication Notice with a date of the hearing
 - (1) Formal Adjudication Hearing is held
 - (2) Adjudicator makes a finding and issues an adjudication order and appropriate remedial

Action – matter is then closed

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APPLICATION FOR DISPUTE RESOLUTION

Kindly complete the form in a legible manner and all pages must be completed.

Details of person making this Application:

Please fill in Block Letters

Full Names: _____

Surname: _____

ID Number: _____

Tel No: (home/work): Cell Phone: _____

Email: _____

Age: Gender: _____

Address: _____

Name of Scheme: Unit No: _____

Street Name: _____

Suburb: _____

City: _____

Province: Postal Code: _____

Postal address of Applicant (if different from above): _____

PO Box No: Suburb: _____

City: _____

Province: Postal Code: _____

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The application pertains to which type of matter:

- Financial Issues
- Governance Issues
- Meetings
- Management Services
- Private Areas and Common Areas
- General and Other Issues

Other (please specify) _____

Has legal proceedings been instituted i.e. Summons, Administration Order herein:

- Yes
- No
- Not sure

Details of person(s) / Community Scheme you are making the application against:

(If more than one person, please state details under additional information)

Details: _____

Address: _____

Tel No: (home/work): _____

Email: _____

Details of application/alleged breach:

Please legibly set out all the facts which you consider having bearing on this application, including dates, places and persons involved.

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Exhaustion of other remedies:

What has been done to try to resolve this application? Please describe what you have done, who you have talked to and what they offered to do.

Relief sought:

What remedy are you requesting? How do you want the problem to be solved?

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Declaration and Signature of applicant:

I, _____ declare that the above information is true and correct to the best of my knowledge. I agree that the information I have given in this form may be used or disclosed to process and resolve this application.

Signature of Applicant

Date

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