Balk v Matthews and Others

Case Number: **A35/18**

Judgment: **31 August 2018**

R.C.A Henney and P.A.L Gamble

BACKGROUND

[1] This is an appeal against certain parts of a ruling by an adjudicator (Adv GPC De Kock) pursuant to an application referred to him for adjudication in terms of section 48 of the Community Schemes Ombud Service Act 9 of 2011 ("the CSOS Act"). Specifically, the appellant seeks to review and set aside the adjudicator's order conferring a portion of the common property of the sectional title Scheme referred to below as an exclusive use area for the benefit of the third respondent's unit in the Scheme.

[2] The appellant abandoned his appeal against the ruling of the adjudicator against the prohibition of short-term rental of the units in the Scheme for periods of less than one month. This appeal is in terms of section 57 of the CSOS Act. In terms of this provision of the Act, an applicant (the appellant in this matter), the Association or any affected person who is dissatisfied by an adjudicator's order, may appeal to the High Court, but only on a question of law.

[3] The matter concerns the sectional title Scheme known as "The Victory" situated at 33/35 Camps Bay drive, Camps Bay ("the Scheme"). The Scheme consists of two sections (or units) and common property. Unit 1 comprises a ground floor apartment (approximately 361 m2) and Unit 2, a double story apartment situated on the first and second floors of the building (approximately 826 m2).

[4] The common property includes:

(i) a garden and pool on the ground floor (around Unit 1), depicted on a sketch plan before the adjudicator and referred to as 'GA1'. It is also referred to as 'the ground floor common property';

(ii) a balcony on the second floor; and

(iii) a basement floor providing eight parking bays.

[5] Unit 1 was purchased by the appellant in the Scheme in January 2009 in the name of an entity LivinAfrica (Pty) (Ltd). The appellant is therefore the beneficial owner of Unit 1, whereas the third respondent is the owner of Unit 2, which is occupied by the first and second respondents.

[6] The Scheme is what was referred to as a 'duet Scheme' with the appellant and the third respondent as the only members of the body corporate. Being a duet Scheme any attempt at internal dispute resolution would be futile where either of the two members of the Scheme would be unwilling to agree to a proposed resolution. The appellant's current participation quota is 30.4% and the third respondent's current participation quota 69.9%.

[7] At the time of the purchase of Unit 1, (for R13 275 000.00 on or about January 2009) the appellant was led to believe and believed that Unit 1 had exclusive use of the ground floor common property, the aforesaid GA1. The appellant also believed that GA1 was established as an exclusive use area ("EUA") for the benefit of Unit 1.

[8] The appellant further alleges that, except for one contribution for landscaping purposes received by the respondents, he paid for the upkeep and maintenance of the garden and pool on the second floor and de facto enjoyed exclusive use of the ground floor common property. About a year after the appellant acquired Unit 1, the third respondent purchased Unit on 2 December 2009 for R17 750 000. This unit was initially used by the first and second respondents who resided in Johannesburg and was only used as short-term holiday accommodation.

[9] During January 2013, they relocated to Cape Town and moved into Unit 2 on a permanent basis. After that and over time the relationship between the appellant and the first and second respondents soured to the extent that the body corporate became non-functional. This resulted in litigation between the parties, and it is during this time (2016) that the respondents discovered that the rights of the exclusive use of the garden and pool on the ground floor for the benefit of Unit 1 were not registered in terms of section 27 of the Sectional Title Act 95 of 1986 ("the STA") nor formally established in the Scheme's rules pursuant section 27A of the STA (now sections 10 (7) and (8) of the Sectional Titles Schemes Management Act 8 of 2011).

[10] The respondents began asserting that the garden and pool on the ground floor was common property not subject to any exclusive use in favour of Unit 1 and started using the

area as such.

[11] The Appellant on the other hand, asserted that the omission to establish the EUA over the ground floor common property in favour of Unit 1 was due to an oversight by the developer/conveyancer that established the Scheme. This fact was confirmed by the developer of the Scheme as well as the estate agent that sold the units to the appellant and the third respondent respectively.

[12] According to the appellant, the respondents nonetheless were not prepared to recognise that a mistake had been made, and persisted with the assertion that the garden and pool on the ground floor was not subject to any exclusive use rights for the benefit of Unit 1.

[13] It was for this reason, therefore, that the appellant made an application to the ombud in terms of section 38 of the CSOS Act for relief to rectify the omission by requesting that an order be made to establish an EUA over GA1 in favour of Unit 1 as that was the developer and the appellant's original intent.

[14] This application was opposed by the respondents who contended that the application should be dismissed, alternatively that half or a portion of the ground floor common property, be allocated to Unit 2 for its exclusive use in what the respondents referred to as the "*Salamonic solution*".

[15] In respect of the EUA's, the Adjudicator ruled that:

i. Unit 1 was granted exclusive use rights over an amended (reduced) area GA1 as depicted on Annexure A attached to his ruling; and

ii. Unit 2 was granted exclusive use rights over a new area - GA2 as depicted on Annexure B attached to his ruling.

THE APPEAL BEFORE THIS COURT

THE APPELLANT'S CASE

[16] Various grounds of appeal were raised by Mr Rosenberg SC on behalf of the appellant, which included whether the decision of an adjudicator in terms of the provisions of section 57 is reviewable, either in terms of PAJA or on the principle of legality. As will be shown further, there is no need for this court to make a definitive ruling regarding this question. It seems however, that after hearing the argument and the submissions made by Mr Rosenberg, the appeal turns on the question whether the Adjudicator had the necessary jurisdiction to grant the relief which he did. In this regard, Mr Rosenberg made the following submissions.

[17] Counsel argued that the adjudicator only had the jurisdiction to make an order conferring or designating the original GA1 as an EUA for the benefit of Unit 1, pursuant to section 39(3)(b) alternatively section 39(6)(f) of the CSOS Act, based on the facts of the case. He was empowered by section 54(l)(a) CSOS Act, to grant such relief to the appellant.

[18] It was further submitted the adjudicator had no jurisdiction, alternatively he acted illegally, by *mero motu* redrawing the layout plan in respect of the allocation of the EUA's on the ground floor common property, by reducing GA1 and allocating a portion of the EUA for the exclusive benefit of Unit 2 (identified as GA2).

[19] The respondents opposed the appellant's application before the Adjudicator, claiming that on the merits, the application should be dismissed. In the alternative, the respondents requested that the ground floor common property should be split and that a portion thereof should be conferred upon Unit 2 as an EUA. It is common cause that this last known alternative was referred to as the "*Solomonic solution*."

[20] In terms of section 38(2) of the CSOS Act, an application for relief under the Act must be made in the prescribed manner, lodged with the ombud, and accompanied with the prescribed application fee.

[21] According to Mr Rosenberg, the respondents' purported application for the so-called "*Solomonic solution*" as an alternative to the application being dismissed does not constitute an application that complies with section 38 of the CSOS Act. He further argued that the CSOS Act provides that only the ombud may refer an application to an adjudicator for determination and that the act does not make provision

for parties to refer the dispute or an application directly to an adjudicator by way of counter application or otherwise. In this regard, he referred to section 48 of the CSOS Act.[1]

[22] Mr Rosenberg further submitted that if the respondents were permitted to bring counter applications directly without following the procedure set out in the CSOS Act, it would result in the authority and the obligations of the ombud under sections 40 to 48 being circumvented or rendered nugatory. He therefore submitted that the respondents' purported counter application was a nullity and therefore the adjudicator did not have jurisdiction or the authority to order any of the relief sought by the respondents in the alternative in opposition to the main application.

[23] Counsel further submitted that the adjudicator also had no authority to condone the respondents' non-compliance with the mandatory provisions of the CSOS Act. According to Mr Rosenberg, even if there was a valid application (or counter application) for the relief granted in favour of the respondents, the adjudicator in any event, did not have jurisdiction to allocate GA2 to Unit 2, alternatively, that the adjudicator's decision in any event was arbitrary and irrational. This is borne out by the reasons he gave for making such a decision when he said that in his view, after having inspected the property that "*Unit 2 should have an EUA as part of s GA1*". This he says, was based on the adjudicator's apparent reasoning for reaching the conclusion that because of the respondents owning small dogs, allocation of GA2 will allow them to take the dogs out of this area without having to go through the garage and onto Camps Bay Drive.

[24] Mr Rosenberg submitted that the adjudicator did not explicitly state under which subsection of section 39 of the CSOS Act, the order allocating GA2 to Unit 2 was made. He submitted that it could only have been made either under section 39(3)(b) or section 39(6)(f). And according to him it is apparent from the adjudicator's reasons that he relied upon section 39(6)(f).[2] And if the adjudicator relied on section 39(6)(f) as his authority to make the order in respect of GA2, he argued that he had no jurisdiction to make an order under this section.

[25] Mr Rosenberg further argued that the reasons for this conclusion are that the respondents applied for half of the common property, alternatively, that the area identified as GA2 was to be allocated to Unit 2 as an exclusive use area under section 54(1)(a),[3] the adjudicator was limited to either granting or refusing the respondents application. He was not empowered to arbitrarily and *mero moto* redraw the layout plan, and to arbitrarily and without any rational reason, allocate any EUA in favour of Unit 2. He further argued that in any event, the respondents did not make out a case that they reasonably required exclusive used rights over GA2, nor was there any evidence that the body corporate unreasonably refused to grant such rights (there having been no such request made to the body corporate).

[26] According to Mr Rosenberg SC, these are jurisdictional requirements that must be satisfied before an adjudicator can make an order under section 39(6)(f). He submitted there was no evidence to satisfy these jurisdictional requirements and therefore the adjudicator had no jurisdiction to allocate GA2 as an EUA in favour of Unit 2 under section 39(6)(f). He further submits that even if the adjudicator had such powers he was required to afford the

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[1] This section reads, in relevant part: "(1) If the conciliation contemplated in section 47 fails, the ombud must refer the application together with any submissions and responses thereto to an adjudicator."

[2] Section 39: "An application made in terms of section 38 must include one or more of the following orders:

(6) In respect of works pertaining to private areas and common areas-

(f) an order declaring that an owner or occupier reasonably requires exclusive use rights over a certain part of a common area, that the association has unreasonably refused to grant such rights and requiring the association to give exclusive use rights to the owner or occupier, on terms that may require a payment or periodic payments to the association, over a specified part of a common area".

[3] Section 54(1): "If an application is not dismissed, the adjudicator must make an order-
(a) granting or refusing each part of the relief sought by the applicant".

parties the opportunity to make submissions in respect of the proposed re-allocation of the EAU on the ground floor common property prior to making such an order. This did not happen in this particular case and the adjudicator therefore failed to observe the principles of due process.

RESPONDENT'S CASE ON APPEAL

[27] The respondents' case on appeal is the following:

i. that the appellant chose the forum, and the dispute has been resolved and his complaints concerning the formal process adopted by the adjudicator in seeking a resolution of the dispute should not be countenanced by this Court;

ii. that absent a formal approach, the appellant could never have succeeded in obtaining the relief sought because the relief was not contemplated in terms of section 39 of the CSOS Act;

iii. that he chose to appeal, which appeal is limited by section 57 of the CSOS Act to a question of law;

iv. that in any event the adjudicator's order was neither irrational, nor arbitrary, especially in the light that the appellant displayed a desire to share GA1 with the respondents;

v. that furthermore, there has been no deprivation/ expropriation of property.

Quite the opposite is the case as the adjudicator's decision deprives the respondents of almost the entire common garden area.

[28] Based on these submissions, the respondents seek an order that the appeal be dismissed with costs, including the costs of two counsel. Alternatively, if the appeal is to be upheld then both orders (a) and (b) made in the adjudication stand to be set aside. In which event, each party should bear their own costs.

[29] The relief the appellant sought in the CSOS Act application to the ombud, that was eventually referred to the adjudicator and which is relevant to this appeal, was for the identification of an error reflecting in his favour an exclusive use area that was sold and intended that: "*The Garden Area (GA1) and pool be an exclusive use area for s 1*".

[30] It is common cause that the appellant sought that the error be rectified with a new body corporate rule in terms of which the garden area GA1 would become exclusive use area for the owner of Unit 1, because of the allegation that the conveyancer who registered the Scheme neglected to make GA1, an exclusive use area for Unit 1. In the proceedings before the adjudicator, the respondents filed a notice of opposition, wherein they sought an order for the rejection of the appellant's application, alternatively, that it be dismissed. The respondents' counterclaim was based on a nuisance removal of certain items from the property of the common property.

[31] The respondents, although they filed a counterclaim, sought no relief pertaining to the garden area GA1. They however, proposed by way of a suggestion and solution a division of the garden area, GA1, so they that they could have access to the grass area (for the dogs and braai's etc.). Their counterclaims therefore are of no relevance to this appeal. In the course of the adjudication, the area, GA1, and the respondents' *suggestion/solution* for its division were dealt with extensively. The appellant expressly indicated a willingness to share "GA1" with the respondents and his response to a suggestion by the arbitrator was for the portion of the garden area to be "*cordoned off*".

[32] The adjudicator, based on this, therefore made an order which is now being challenged on appeal. It also found that the relief sought by the appellant for rectification wasn't competent in terms of section 39 but he nonetheless *mero motu* proceeded with the dispute as advanced by the appellant in terms of section 39(6)(f). The adjudicator further stated that to refuse the application on this ground would just lead to a new application. He further was of the view that seeing that the application was before him he would like to resolve the issues. He found that the jurisdictional fact of section 39(6)(f) had been satisfied.

[33] The adjudicator found that the parties reasonably required exclusive used rights over GA1, and no decision

could be made by the body corporate as to whether or not the party peaceably required such exclusive use rights. According to the respondents, the only question of law to be decided before this Court is whether or not the adjudicator had jurisdiction to entertain relief sought by the appellant under section 39(6)(f).

[34] The respondents submit that the adjudicator had such jurisdiction because he was entitled to grant the relief and resolve the dispute by apportioning the disputed piece of common property between the two parties so as to protect both their rights/interests.

[35] Mr Bremridge, on behalf of the respondents, further submitted that in making the order the adjudicator granted the applicant his relief in substance, together with ancillary or ensuing relief which according to him, must be given a wide reading to achieve the purpose of the Act. Regarding the question whether the adjudicator had the necessary jurisdiction to come to the conclusion which he did, the respondents submitted that it was the appellant who chose the forum which the legislature expressly provided for a "*Service*"; to resolve disputes where it is peremptory that there be "*as little formality and technicality, as is consistent with the proper consideration of the application*".

[36] In this regard, the respondents contended that the process does not contemplate pleadings with claims and counter claims, and that the CSOS application is in essence an initiation document to commence dispute resolution. Therefore, the appellant's complaints as to the informal process adopted by the adjudicator and the consequent orders should not be countenanced by this Court. The respondents further submitted that, in any event, had this is informal approached not been followed, the appellant could never have succeeded in obtaining any relief.

[37] According to the respondents, the appellant's case is essentially that he would like to accept the benefits of informality because it rescues his otherwise fatal dispute resolution application, but is unwilling to accept a less technical approach insofar as the consequences are concerned, which was the adjudicator's consideration and application of the "*solution*" to the dispute that was proffered by the respondents.

[38] The respondents further argue that should this Court decide that the adjudicator had the jurisdiction to entertain the relief sought by the appellant by way of relief under section 39(6)(f), then that would be the end of the matter. There would therefore be no other questions of law before this Court in this appeal. In this regard, the respondents rely on the decision in *Media Workers Association of South Africa and Others v Press Corporation of South Africa Ltd* [4] where the Court held that an appeal on a question of law means "*an appeal in which the question for argument and determination is what the true rule of law is on a certain matter*."

[39] Mr Bremridge in a post hearing note, referred to the decision of Binns-Ward J delivered on 10 May 2018, in *Trustees for the Time Being of the Avenues Body Corporate v Shmaryahu* 2018 JDR 0622 (WCC) at para 25, where it was held that the relief under section 57 is closely analogous to that which might be sought on judicial review and that the appeal is accordingly one that is most comfortably niched with in the third category of appeals identified in *Tikly and others v Johannes N.O. and others 1963 (2) SA 588 (T)*. It seems, therefore, in the light of this decision that the respondents abandoned their stance that the decision of the adjudicator cannot be subjected to judicial review.

[40] The respondents have not, however, conceded that the adjudicator's orders, in respect of GA1 and GA2, were irrational or arbitrary for the following reasons:

i. the appellant expressed a desire to share area GA1 with the respondents and it is therefore difficult to conceive of competent grounds of review with which to impugn the decision to divide that area;

ii. even though the appellant argues that the parties did not have any opportunity to make submissions in respect of the "*reallocation*"; the record reflects that the parties discussed the "*solution*" proposed by the respondents in a number of instances. In this regard, the respondents point out that the appellant's representative made the following comment in the course of the hearing: "*We discussed the garden area. And it doesn't: appear that these in a particular area that, that the Matthews use that won't: have an impact on the privacy [indistinct]. So, we don't see*

[4] 1992 (4) SA 791 (A) at 795E.

how that is a practical possibility… **"**;

iii. The respondents indeed made out a case, (as the record revealed), in terms of section 39(6)(f), where the respondents made submissions in the course of the proceedings that they required area GA2 to provide a safe space for them to walk their dogs; that the area would provide the respondents with access to the garden and somewhere to braai and that in the absence of the respondents having use thereof, they would effectively be confined to their Unit;

iv. the adjudicator considered the second jurisdictional fact and concluded that any request to the body corporate for exclusive use rights to part of GA1, would have been futile.

[41] The respondents furthermore submitted that the complaint of the appellant ignored certain relevant considerations, and was ill-conceived because although the appellant complained that the adjudicator's order deprived him of his privacy in relation to ''*his pool*"; the pool in fact is common property and the appellant enjoys no right to privacy in respect thereof. It was the respondents' case at the hearing that considering how the property was built there was never any privacy to begin with. In this regard, the respondents further submitted that although the appellant complained that he and his staff now had more limited access to the area GA1, the appellant still has unfettered access to GA1.

[42] The appellant, even though he alleges that the adjudicator's order will diminish the value of Unit 1, provided no evidence to that effect before this Court. In fact Unit 1 has a vast, open, sea-facing, exclusive use area. The respondents further submit that there is no evidence that the prejudice he would suffer outweighs the benefits the respondents would gain and further argue that if anything the nett effect is a substantial gain for the appellant.

[43] According to the respondents, the appellant's complaint that the same objective could be achieved without disturbing his right to privacy and his right to use and enjoy Unit 1 or by retaining the status quo, the appellant in fact enjoyed and enjoys no right to privacy in respect of the common property. He also provided no other reasons as to why the creation of area GA2 disturbs his use and enjoyment of Unit 1.

ANALYSIS

[44] It is in my view, given the decision I am about to reach, not necessary to decide whether, the decision of the adjudicator, is subject to review or appeal.

[45] I agree with Mr Rosenberg's submission that the belated objection by Mr Bremridge in his further note to the Court about the fact that in the light of the *Avenues* judgment, the appellant did not follow the correct procedure, that it would not be in the interests of justice to dismiss the appeal solely on the basis that the appellant should have followed the process as outlined by Binns-Ward J in that judgment. I agree with Mr Rosenberg that this appeal should be adjudicated on the basis of the issues raised as argued before the Court. And for the conclusion, I am about to reach, it would be irrelevant whether such procedure were followed or not.

[46] In terms of the provisions of section 38(3)(a) of CSOS Act, an application to the ombud which requires determination must include a statement setting out "*the relief sought by the applicant, which relief must be within the scope of one or more of the prayers for relief contemplated in section 39.*" The relief requested was the following:

"The rectification of the error with a new Body Corporate ruling Reflecting Exclusive Use Areas as they were sold and intended: Garden Area (GA1) and pool be an exclusive use area for S 1."

[47] In my view, the adjudicator went beyond the scope of the relief that he was required to determine in terms of the provisions of section 38(3)(a). I agree with Mr Rosenberg, that he was only required to deal with the relief that was being sought by the appellant, which was either relief in terms of section 39(3)(b), which required him to make an order requiring the association to approve and record a new Scheme governance provision or, to make a finding in terms of section 39(6)(f). In terms of this provision, the adjudicator was required to make an order that an owner or occupier reasonably requires exclusive use rights over

a certain part of a common area, that the association has unreasonably refused to grant such rights and directing the association to give exclusive use rights to the owner or the occupier.

[48] It is common cause that the respondents did not ask for any relief in the manner that they were required to in terms of section 38. I further agree with Mr Rosenberg that relief that was not applied for cannot be granted *mero moto*. In terms of section 38, any person may make an application where such a person is a party to or affected materially by a dispute. The section further provides that the application must be made in the prescribed manner and as may be required by practice directives. It further must be lodged with an ombud.

[49] Furthermore, the application must include a statement setting out the relief sought by the applicant which relief must be within the scope of one or more of the prayers for the relief contemplated in section 39, as per section 38(3)(a). The respondents did not do this. Therefore, in my view, the respondents were not entitled to the relief that was granted to them. I do not agree with the argument of Mr Bremridge that such formalities need not be complied with. Firstly, because the provisions of section 38 must complied with, in order for an adjudicator to grant relief which must be within the scope of relief as section 39 and, secondly, for the very simple reason that the party who may be affected materially by such a decision like the appellant needs to know what relief would be sought from the adjudicator by another affected party.

[50] Lastly, the mere fact that the appellant chose to make use of the service in terms of which certain procedures were prescribed, does not mean that those formal procedures can be ignored by the adjudicator. The adjudicator was required to exercise his powers in terms of the jurisdiction afforded to him and could not, because the proceedings may be less formal, ignore the provisions within which he exercised his jurisdiction under the Act. I therefore agree with the argument that the adjudicator could not granted relief in terms of which he made a decision to allocate GA2 to the third respondent as an EUA, redrawing the layout plan of the allocation of the EU's the ground floor common property, by reducing GA1 and allocating a portion thereof as an EUA for the exclusive benefit of Unit 2. On the basis of this alone, I am of the view, that the adjudicator had no jurisdiction to make the decision which he did.

[51] It is also furthermore not clear whether the adjudicator determined whether the third respondent reasonably required exclusive use rights over a certain part of the common area. The basis for the findings of the adjudicator is to be found at paragraphs 32, 33 and 34, which states the following:

> *"[32] Mr Delport, for the respondents, provided me with a proposal for the granting of an EUA as part of section GA1 unit 2 (see Annexure A attached).*
>
> *[33] In my view, and having inspected the property, Unit 2 should have an EUA as part of section GA1, but not to the extent as proposed by Mr Delport. What I am prepared to grant is the portion that runs from the air conditioner units to the front of the property on Camps Bay drive, but only the section that runs in a direct line from the edge of the building to the road (see Annexure B attached). The new section is marked as section GA2.*
>
> *[34] The Respondents own small dogs and section GA2 will allow them to take the dogs out to this area without having to go through the garage onto, Camps Bay Drive, especially late at night or during bad weather."*

[52] According to Mr Bremridge, this provides proof that the adjudicator, in terms of the provisions of section 39(6)(f), found that the respondents had shown that they reasonably required exclusive use rights over certain part of a common area. In my view, no such evidence was produced for the adjudicator to have come to such a conclusion. This was clearly a decision arrived at *mero moto*. What the record shows was that the proposal was made by the legal representative of the respondents, without formally applying for such a relief. The proposal was considered by the adjudicator, who then came to the conclusion that a portion of the common area should be granted exclusive that runs from the air conditioning to the front of the property on Camps Bay drive, supposedly, because the respondents own small dogs, which would allow them to take the dogs out through this area, without having to go

the garage and onto Camps Bay drive.

[53] The decision was based on a jurisdictional fact, which had to be determined on the basis of evidence placed before the adjudicator in order for him to determine whether an owner or occupier reasonably required exclusive use rights. And as said earlier such an order can only be made where an application is formally made 'in terms of section 38(3)(a) with relief sought by an applicant in terms of section 39.

[54] In my view, the relief granted by the adjudicator to the appellant was inextricably linked to the relief granted to the third respondent that was based on his *mero moto* decision. The relief granted to the appellant, in my view, also falls to be set aside. The adjudicator had no jurisdiction to redraw the layout plan in respect of the allocation of EUAs on the ground floor common property, by allocating a portion of the ground floor common property, by granting exclusive use rights over the amended section GA1, as depicted on Annexure A and granting exclusive use rights to Unit 2 as depicted on Annexure B.

[55] In coming to the conclusion that the adjudicator lacked the necessary jurisdiction, I am of the view that the appeal must therefore succeed on a point of law.

[56] IN THE RESULT THEREFORE, I MAKE THE FOLLLOWING ORDER:

1. The appeal in terms of section 57 of the Community Schemes Ombud Service Act 9 of 2011 is upheld with costs;

2. Paragraphs (a) and (b) of the order of the Adjudicator Mr GPC De Kock dated 7 November 2017 are hereby set aside.

DATE OF HEARING: 7 November 2017
DATE OF JUDGMENT: 31 August 2018
FOR THE APPLICANTS: Joseph Maria Balk
FOR THE RESPONDENT: Marius Matthews, Kimberley Matthews and Skyscape Investments 110 cc