



# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

Association incorporated under section 21 of the Companies Act 1973 (as amended)

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## NEWSFLASH

29 April 2020

Home Owners  
Mossel Bay Golf Estate  
MOSSEL BAY

Dear Home Owner

HIGH COURT OF SOUTH AFRICA (WESTERN CAPE DIVISION, CAPE TOWN): IN THE MATTER MOLL (APPLICANT) vs MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION (HOA) (RESPONDENT)

In the judgement of the matter pertaining to the review of an Arbitration award in favour of the HOA the Honourable Judge, E Steyn, of the High Court, Western Cape Division, made the following judgment on 28 April 2020.

"I agree with the argument on behalf of the HOA that, in view of the established facts and legal principles, the arbitrator had jurisdiction to try the parties' dispute and that his refusal to postpone the arbitration was not irregular. It follows that his awards must stand and that the application should be dismissed with costs. I also agree that the court should show its displeasure with the conduct of the applicants who resorted to inordinately and unnecessary voluminous court papers, where the bulk of the documents filed were irrelevant, in their quest to raise challenges that defy logic. In any event the relevant clauses of the governing documentation provide for a punitive cost order. The crisp question of jurisdiction and postponement could have been addressed fully and much more succinctly.

Order: The application is dismissed with cost on attorney/client scale, including the reasonably incurred travelling costs of the respondents.

The Board of the Home Owners Association trust that this judgement will bring closure to this matter.

Kind regards

Mossel Bay Golf Estate HOA, Board of Directors