



## Sectional Title Dispute Settlement

### Sectional Title disputes?

Equillore offers a dedicated arbitration service for all categories of sectional title disputes.

We provide a simple, fast and affordable arbitration process for body corporates and owners, aligned with Rule 71 of the Management Rules of the Sectional Titles Act.

### How does it work?

Any party to the disputed claim can refer the matter to Equillore by completing the referral form, available at [www.equillore.com](http://www.equillore.com).

1. Equillore will immediately notify the other party of the referral and arrange a date and venue for a conciliation meeting, the first step in our multi-tier process.
2. At this conciliation, chaired by a qualified mediator, the primary goal is to assist parties to reach a mutually acceptable settlement.
3. Each party is offered the opportunity to state their case, and to identify common ground and points in dispute. This creates an environment conducive to structured and focused negotiation, and to finding agreement.
4. If the parties reach an agreement, the mediator will confirm and formally record it. If not, the

parties may elect to instruct the mediator to make a final award.

5. This settlement agreement, whether by consent or by award, is final and binding, and if needs be, can be made an order of court.

### What if no agreement is reached?

The parties can select an appropriate course of action from the following options:

1. If the parties believe that an agreement is close, they may elect to have a further conciliation meeting.
2. If it is clear that, due to the complexity of the matter, more substantial effort will be required, a specialised mediator can be appointed.
3. Only if it is clear that no agreement is possible, the parties can elect final arbitration or to revert to court.

The mediator records the detailed minutes, the decisions made as outlined above, as well as the issues the parties agree upon and the issues remaining in dispute, and the dates and responsibilities for the next steps.

This detailed recordal ensures that the case proceeds expeditiously to the next step, and is compliant with the requirements of the court.



## Costs

1. Costs are defined, capped and are budgeted in advance.
2. Costs are paid by the referring party. Such costs will become cost in the cause and will form part of the settlement agreement or award.
3. The cost of referring a dispute to Equillore, which includes the cost of the 2 hour conciliation is R3750, subject to terms and conditions.
4. If the matter is referred to mediation or arbitration, the costs will be determined by the seniority of the mediator or arbitrator and the time taken to conclude the matter.

## The Mediators and Arbitrators

All mediators are accredited by the Dispute Settlement Accreditation Council (DiSAC), in line with international standards. They are governed by the Equillore Code of Conduct and philosophy of early settlement of disputes.

In addition to training in the skills of mediation and arbitration, they also have experience in insurance matters.

In letter and in spirit of the recent changes made in the court processes and legislation, as well as the King 3 report and Companies Act, the media-

tors and arbitrators are required to play a proactive role to curb unnecessary costs and to avoid the waste of time.

Their goal is to enable quick and fair settlement agreements and to ensure that parties who chose not to use lawyers are not at a disadvantage.

## Why use Equillore?

Equillore is a trusted third party that offers cutting edge dispute processes while remaining rooted in tradition.

We use a multi-tier approach to conciliation, mediation and arbitration that is uncomplicated, innovative and integrated with the civil justice system and the new rules of court.

Our electronic case management system keeps track of all events and exchanges of information and documents, and provides parties with web-based access to case status and progress information.

Equillore has managed in excess of 45,000 disputes over the last decade, settling over 80% of these at conciliation.

This translates to major savings in time and money for both parties involved in a dispute.

[www.equillore.com](http://www.equillore.com)  
0861 258 852



**EQUILLORE**  
Enabling Dispute Settlement