

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG LOCAL DIVISION, JOHANNESBURG)

Case Number: **2026-187849**

(1)	REPORTABLE: No
(2)	OF INTEREST TO OTHER JUDGES: No
(3)	REVISED: No
28/08/2026	
DATE	SIGNATURE

In the matter between:

THE GROVE UNIT 7 (PTY) LTD

Applicant

and

STANLEY WEINSTEIN N.O.

First Respondent

THE BODY CORPORATE OF THE GROVE

Second Respondent

REDBURN INV INC.

Third Respondent

NUMBER TWO GROVE CC

Fourth Respondent

122 DAISY 2025 (PTY) LTD

Fifth Respondent

MANALIS INTERNATIONAL (PTY) LTD

Sixth Respondent

GEFEN YAFFE TRUST	Seventh Respondent
TANDAVANTU PROP (PTY) LTD	Eight Respondent
BANDIT OEM TRADING 102 (PTY) LTD	Ninth Respondent
PALMARINE (PTY) LTD	Tenth Respondent
BUCKEYE PARACHUTTE TRUST	Eleventh Respondent
CRAIG VERMAAK	Twelfth Respondent

JUDGMENT

MANOIM J:

1. The Grove is a sectional title scheme in northern Johannesburg with eleven units. The first respondent, Stanley Weinstein (Weinstein), was appointed as the administrator in December 2009 in terms of section 46 of the then Sectional Titles Act, no 95 of 1986 (the old Act), and he has continued to occupy that position since then.
2. No time limit was imposed on his appointment because it was made under the old Act. Instead, the order provided that his term could be ended either at his instance or at that of any owner in the scheme "... on good cause shown".
3. However, on 29 July 2026, by way of a letter from his attorney, he advised the members of the sectional title that he wished to resign from that position and tendered his resignation with immediate effect. That is the immediate problem. The members of the scheme, who have been in dispute for some time, cannot

agree on the way forward. All are agreed on one issue: that Weinstein should be removed as the administrator.

4. One member of the scheme, the Grove Unit 7 (Pty) Ltd, which owns the eponymous unit 7, has, via its director Leonard Friedland (Friedland), brought this urgent application in which it seeks two forms of relief:
 - a. The removal of Weinstein (this is uncontroversial, and no one, not even Weinstein, opposes this);
 - b. The appointment of another administrator. The applicant proposes a Mr Craig Vermaak, someone with experience in administering sectional title schemes. This appointment is sought in terms of section 16 of the Sectional Titles Scheme Management Act, 8 of 2011, (the Act).¹
5. The latter relief is opposed by at least two owners of units in the scheme, one being a Mr Gefen, who owns two units and, through a family trust interest, owns another. He is supported by another person, also a family member. He then purported to act for two other members who have now gone on oath to say they gave him no such authority to do so. Two other units are vacant, so at best this application concerns the interests of the remaining nine.
6. Although all the units are owned by corporate entities, as cited in the heading, in truth they are controlled by the personalities that reside or otherwise take care of them, and for this reason I have taken the liberty of referring to them by

¹ The old Act has been amended in certain respects, one of which is the replacement of section 46 of the old Act with section 16 of the new Act with effect from 7 October 2016. See section 20 of the new Act.

name in certain instances, because that is what drives the dynamic in this dispute.

7. Thus, when the context requires, I will refer to the applicant, Grove 7, as Mr Friedland, and to the respondents as the Gefen-led respondents, as Mr Gefen owns some of them whilst serving as the main protagonist for the others.
8. The Gefen-led respondents oppose the application on two grounds. First, that it is not urgent, and second, that even if it was urgent, the proper remedy was not to appoint an administrator but for the owners to elect new trustees at an annual general meeting.
9. The applicant does not, as is normal in the urgent court, set out a date by which relief needs to be granted. Rather, the applicant sketches an ongoing deterioration in the governance of the scheme, which justifies intervention sooner rather than later. The fact that the applicant apprehends a slow drip rather than a sudden flood should not close the urgent court's door to it. But the trigger date is the date of the tendered resignation of Weinstein, which was on 29 July 2026. This application was then brought on 5 August 2026.
10. The applicant has a right to have the scheme governed properly. On Friedland's version there are two reasons why this is not happening, both of which are causes for concern. First, the scheme historically required an administrator hence the appointment of Weinstein. That need has not gone away. But now Weinstein has made it clear he wants to go. On the applicant's version, not disputed by the respondents, Weinstein is the administrator in name only. He has ceased to exercise those functions, although it is not clear when this came about. (Weinstein has also filed an affidavit in the matter in which he records

that he has no objection to an order for his removal. Weinstein admits the problems with the administration of the scheme. However, he denies he should be held responsible. He blames the difficulties on the relationships between the members and records that his own relationship with Friedland was conflictual.)²

11. Secondly, and equally concerning, the response to this gap in governance has led to some of the owners, including the Gefen-led ones, to set up their own bank accounts in which levies are paid and from which certain of the services are to be paid.
12. The applicant has not made payments to this account. The respondents, and Weinstein, allege that he owes R1,5 million to the body corporate. The applicant in turn alleges that he has made payment of R1,5 million on behalf of the Scheme. He also encloses in his replying affidavit a recording of a purported conversation with Gefen in which the latter suggests that he and Friedland are the only ones who pay. Resolving this payment dispute is not the purpose of this application. What this does illustrate is the level of conflict between the owners over contributions, which will not be easily resolved. Certainly, Mr Weinstein has not been able to do so, he is candid in his affidavit about the challenges he faced.
13. Nor is the fact that there are disputes among the members new. In a decision made in April this year, Bester AJ observed, after noting the fact that Weinstein had been appointed to be the administrator, that notwithstanding this:

² Weinstein says the following in his affidavit: *"The history of The Grove has regrettably been characterised by persistent disputes amongst owners themselves, non-payment of amounts due to the Body Corporate, litigation, severe financial constraints and an absence of the degree of cooperation required for the effective administration of a sectional title scheme."*

*“However, disputes remained rampant, and monies to cover expenses, including litigation expenses for the recovery of levies, continued to fall short. It seems that more than fifteen years of external administration had done little to resolve the strife in this small community.”*³

14. Insofar as some other owners are concerned, here Friedland and Gefen make common cause. Two owners (of units 1 and 6) have seemingly abandoned their units, leaving them vacant for some time. According to Gefen, their arrears amount to several hundred thousand rands, and Weinstein has “*seemingly done nothing to deal with these absent member[s]*”. This disclosure supports the applicant’s case. If members are not paying and the body corporate is accumulating substantial ongoing arrears without any meaningful response from the administrator, urgent intervention of the kind sought by the applicant is warranted, given the tendered resignation of the administrator. I am satisfied on urgency given that the applicant has acted expeditiously since Weinstein made his announcement. Although arguably the applicant could get relief in the normal course, it will not remedy problems that are ongoing, and hence substantial relief will not be achievable.⁴ Although the respondents complained of not being given sufficient time, they have filed a substantial set of papers by way of answer.
15. The respondents argued that if Weinstein goes there is no need to have him replaced and the body corporate can hold an annual general meeting and elect

³ Unreported decision of *Friedland and others v Body Corporate of Grove Sectional Title Scheme* case number: 34482/2018. The reference is made to a settlement agreement of 2019.

⁴ *East Rock Trading 7 (Pty) Ltd v Eagle Valley Granite (Pty) Ltd and Others* 2012 (2) SA 506 (GSJ).

new trustees. On their version there is no need for an administrator and for members to be burdened with that person's fees.

16. But if the respondents had wanted this form of relief, they could have brought their own application or a counter-application. They have not done so. The applicant is the only member of the body corporate to take the initiative. Given the divisions over finances, it is unlikely that any new trustee or trustees will be in a position to resolve the disputes between owners. More likely, this will lead to further friction and a prolonged stalemate.
17. But the most serious criticism of the respondents is Gefen's claim to represent all the respondents whom he purports to represent in the answering affidavit. Here arithmetic matters. Gefen claimed the support of five out of the eleven owners. Two owners, it is common cause, have absented themselves for some time. This means that five out of the remaining nine members constitute a majority.
18. Since then, however, the applicant has obtained affidavits from the owners of two units denying that they gave Gefen any such mandate. They also deny knowing of, or attending, the meeting he claimed they had attended. Because this was raised in reply, Gefen's response to the alleged misrepresentation is not before me. At the very least, however, the affidavits undermine the contention that a majority of owners oppose the application and support the alternative of holding an annual general meeting. It therefore makes no difference whether the relevant total is all eleven members or only the nine active members. On either basis, only three owners oppose the relief, and they

do not constitute a majority. Gefen's assertion that most owners opposed the relief is therefore not borne out by the facts.

Conclusion

19. Weinstein would not have been appointed as the administrator of the Grove Scheme in 2009 unless the requirements for the appointment of an administrator had been met. There is no evidence that, despite the passage of time, this situation has changed.
20. The present application seeks to remove Weinstein and to replace him, albeit under the new Act, by another administrator. This might mean a lower threshold of proof is required. However, I need not decide this point.
21. If this was a new application to appoint an administrator in terms of the Act, without regard to the prior appointment, then the following threshold or jurisdictional fact would have to be satisfied. In terms of section 16(2)(a)(i) of the Act such an appointment is appropriate if the court finds that there is:

“evidence of serious financial or administrative mismanagement of the body corporate, and

(ii) that there is a reasonable probability that, if it is placed under administration, the body corporate will be able to meet its obligations and be managed in accordance with the requirements of this Act”
22. The section refers to this power to appoint as one exercised by a Magistrate's Court. But in the recent decision of *Spotprops 34 (Pty) Ltd v Body Corporate of Bridgetown and Others* [2026] ZAGPJHC 171, this issue was discussed in

detail, and Wilson J concluded that, notwithstanding the text, this jurisdiction is still retained by the High Court. Both parties are agreed that this decision is correct, as do I, and for that reason I do not have to consider the jurisdiction point any further.

23. I now consider the two other requirements in section 16(2). The applicant alleges that financially and administratively the body corporate under the administration of Weinstein has deteriorated to a position of serious dysfunction. Thus, according to the applicant and not seriously disputed, are the following states of affairs:

- a. reports required under the original appointment order have not been rendered for a substantial period;*
- b. basic services have previously been interrupted for non-payment;*
- c. concerns exist regarding insurance, unpaid managing agents and cash-flow difficulties;*
- d. questions arise regarding the administration of the Body Corporate's funds and the remuneration paid during Weinstein's tenure;*
- e. documents required pursuant to enforcement processes have allegedly not been furnished.*

24. The respondents' contention is that they have resolved the problem by what amounts to self-help. They have set up a bank account and are paying service providers. But here lies the rub. This unofficial shadow form of administration is supported by some, but not all of the owners. Indeed, the applicant does not

contribute to this but makes some payments directly. It is no solution that an arrangement that falls outside of the Act's governance precepts justifies why the application is not urgent or that the appointment of an administrator is unnecessary.

25. It is precisely because there has been such an unorthodox arrangement that disputes will abound, as some will claim to have paid whilst others will claim there was no obligation on them to do so. This is also the reason that the trustees are unlikely to be able to find a trustee or trustees who are not caught up in this conflict on one side or the other. This is a small scheme, and so the pool of candidates will be limited to the protagonists to past disputes or, if there are any neutrals, they would likely be those who do not wish to get involved.
26. The only realistic solution lies in the appointment of a new administrator who is in a position to take charge of the administration, ascertain which members have paid their dues and which haven't, as well as resolve the anomaly of the unauthorized bank account. Moreover, this person can take charge of paying creditors, ensuring levies are paid and recovering from those who have not.
27. No objection has been made to the person of Mr Vermaak, who according to his curriculum vitae has the necessary experience to act as an administrator.⁵ The new Act does not allow for the ever-green appointment period that the prior Act allowed.

⁵ Of particular interest in his cv is the following statement: *"I am skilled in managing distressed and high-conflict environments requiring strategic turnaround, implementation, governance restructuring, financial oversight, compliance rectification, and operational recovery."*

28. I am satisfied that the applicant has made out a case for both the removal of Mr Weinstein (relief that no one opposes) and the appointment of an administrator, and that Mr Vermaak is qualified as a candidate to perform this duty. That appointment nevertheless requires some added detail. The applicant suggests in reply that the appointment be for a two-year period and the obligations of the administrator be set out in the order. I have followed this suggestion. With this appointment and these obligations, I am satisfied that there is a reasonable probability that the Body Corporate of the Grove will eventually be administered in a manner that meets the requirements of the Act.
29. In summary, all parties support the relief that Mr Weinstein's period of office be terminated. The remaining relief meets the necessary requirements for the appointment of an administrator in terms of the new Act. The Gefen-led respondents, whilst opposing the appointment of an administrator, do not propose a credible alternative and have not in any event brought a counter-application.

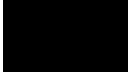
Costs

30. Although all the owners were cited as respondents, the applicant only sought costs against those members who opposed. Only five apparently elected to oppose. However, from the replying affidavit it appears that only three of these five were the 'true' opponents viz. the seventh, ninth and eleventh respondents. These respondents jointly and severally should be liable for the costs of this application.

ORDER

1. The application is heard as one of urgency in terms of Uniform Rule 6(12), and the ordinary forms and service are dispensed with to the extent necessary.
2. The appointment of the First Respondent, Stanley Weinstein N.O, as administrator of the Body Corporate of The Grove is terminated from date of this order.
3. The Twelfth Respondent, Craig Vermaak, is appointed administrator of the Body Corporate of The Grove for a fixed period of two years from the date of this order.
4. The administrator is appointed upon terms empowering and requiring him, inter alia, to:
 - a. take possession of all books, banking records, accounting records, levy records, minutes, contracts and other property belonging to or relating to the Body Corporate;
 - b. establish and reconcile the financial position of the Body Corporate;
 - c. ensure that all monies of the Body Corporate are held and administered through accounts lawfully maintained for the Body Corporate;
 - d. attend to collection of levies and lawful recovery of arrears;
 - e. secure and maintain appropriate insurance;
 - f. attend to essential services and contractual obligations;
 - g. convene and preside over meetings required under the STSMA and prescribed management rules;

- h. report in accordance with s 16(4) of the STSMA; and
 - i. restore the Body Corporate to ordinary member and trustee governance as soon as reasonably practicable.
- 5. The First Respondent is ordered, within ten (10) days of service on him of this order, to deliver to Vermaak all books of account, financial records, bank statements, vouchers, invoices, correspondence, minute books, levy records and all other documents and property of the Body Corporate in his possession or under his control.
- 6. Costs are awarded against the seventh, ninth and eleventh respondents jointly and severally, the one paying the others to be absolved, on a party and party scale, counsel on Scale B.



MANOIM J
JUDGE OF THE HIGH COURT
JOHANNESBURG

Appearances

For the applicant:	LCM Morland
Instructed by:	Warrener De Agrela & Associates Inc.
For the respondents:	I Strydom
Instructed by:	Vardakos Attorneys
Date of hearing:	18 August 2026
Date of Judgment:	28 August 2026