

Mini Summary**Case No: 24014/2013****Zelpy 1866 (Pty) Ltd v Rosa Gomes**

The applicant applied for a stay of proceedings instituted by the respondent pending the determination of the dispute between the parties by way of alternative dispute resolution.

Held:

- The applicant has met the jurisdictional requirements and discharged the onus of proof for staying of the proceedings.
- The respondent failed to discharge the onus in making a strong case for being absolved from referring the dispute to adjudication.
- The application for stay of the proceedings is granted. The application instituted by the respondent is stayed pending the determination of the dispute between the parties by an adjudicator as provided for in the lease agreement.
- The cost of the application for stay of the proceedings be paid by the respondent on a party and party scale.