



28 September 2023

Dear members

Media release: eThekweni Court case

SAPOA has noted with concern the recent reports in The Mercury newspaper, and the comments ascribed therein to eThekweni mayor Mxolisi Kaunda. In the article it is incorrectly reported that the Pietermaritzburg High Court “dismissed an application brought by [SAPOA] challenging the property rates on vacant land in the city”. It is further reported that the mayor had told members of the city’s executive committee that the judgment “showed that decisions taken by the municipality were prudent”.

As pointed out later on in the article, the court application was brought in two parts, with the first part seeking to interdict the municipality from enforcing the excessive rates on vacant land, whilst the second part, being a judicial review of the impugned decisions are still pending. It was only the interdict that was dismissed, with the judicial review still proceeding. SAPOA is currently awaiting the delivery of the record that led to the decision to double the rates randage on vacant erven, which the municipality is obliged to deliver. The delivery of the record is a necessary step in the review Without the record both the litigants and the Court are disadvantaged in their task to interrogate the decision.

The delivery of the record by the municipality is now substantially overdue, and SAPOA has unfortunately had to bring an application to compel delivery thereof, due to the municipality’s refusal to abide by the court rules to deliver this important information. The record is to be delivered by 3 October 2023, failing which the application to compel delivery thereof will be set down on the court roll. Only once the record has been provided will SAPOA be able to supplement its papers with the information that is required to proceed with the judicial review. It is therefore premature in the extreme to say that the municipality’s actions in doubling the rates randage “were prudent”. In fact, the Court made no pronouncement on this aspect.

We wish to emphasise that, prior to embarking on the present litigation, we had engaged the municipality over a substantial period of time to address the concerns of excessive rates on vacant properties. It was only after the municipality had reneged on its previous undertakings, and refused to engage further with SAPOA, that litigation was commenced in the interests to protect its members and members of the public who own vacant properties within the municipality.

SAPOA will continue to monitor property rates in this, and other municipalities, in order to protect property owners against excessive property rates.

Kind Regards,

Neil Gopal

Chief Executive Officer

SOUTH AFRICAN PROPERTY OWNERS ASSOCIATION NPC t/a SAPOA – REG NO 1966/008959/08

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