



## THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**From:** The Registrar, Supreme Court of Appeal

**Date:** 24 March 2026

**Status:** Immediate

***The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal***

*Rowland and Others v Logos Carriers CC (376/2024) [2026] ZASCA 36 (24 March 2026)*

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The Supreme Court of Appeal today dismissed an appeal, together with three interlocutory applications, brought by occupiers of Portion 79 of the Farm Morningstar No. 141 in the City of Cape Town against an order of the Land Court directing their eviction in favour of Logos Carriers CC (Logos), a transport business.

Logos purchased the property at a public auction in November 2019 for R2 000 000, intending to use it as a truck depot and family home. Despite having paid approximately R862 380 in mortgage instalments, Logos was wholly unable to take occupation of the property. Before commencing proceedings, Logos extended multiple invitations to mediate, offering the occupiers a mediator and a venue of their choosing. Those invitations were not taken up.

The Land Court granted an eviction order on 16 August 2023. It granted partial leave to appeal to the SCA, limited to its refusal of a counter-application for court-supervised mediation and its refusal to strike out certain evidence. The appellants separately applied to this Court for leave to appeal against the eviction order itself and, belatedly, sought to amplify their grounds of appeal to challenge the Land Court's jurisdiction.

The SCA dismissed all four applications and the appeal on the following grounds.

Section 21 of the Extension of Security of Tenure Act 62 of 1997 (ESTA) creates a voluntary mediation mechanism at the instance of a party before the Director-General; it does not empower a court to compel mediation. The peremptory mediation provisions introduced by subsequent amendment apply only to proceedings instituted on or after 1 April 2024 and were therefore not engaged. Even if a residual discretion existed, the Land Court exercised it judiciously: Logos had made multiple good-faith offers to mediate that the appellants ignored for over two years..

The evidence targeted was either common cause or had been substantially admitted. It was directly relevant to the context in which mediation was offered and refused, and to the assessment of the appellants' conduct. The application was accordingly unsustainable. As regards the fourth appellant, cited as the class of occupiers of the property, a legally represented party bears the obligation to place all material facts before the court; a party cannot participate through legal representatives, withhold relevant evidence, and then, on appeal, impugn a discretion on the basis that those facts were not considered.

The appellants sought, four years after the proceedings commenced and without explaining the delay, to argue that the first appellant's monthly income exceeded the prescribed maximum of R13 625 for an ESTA occupier, thereby depriving the Land Court of jurisdiction. The answering affidavit contained only

a bare assertion that some occupiers earned above the limit, without stating the first appellant's income, producing any supporting documentation, or raising the matter as a distinct point in limine. The issue was not properly pleaded, the respondent had no opportunity to investigate it, and the replying affidavit proceeded on the basis that no jurisdictional challenge had been raised. Additionally, the first appellant had throughout the proceedings below asserted the benefit of ESTA's protections; he could not, on appeal, disavow that Act to defeat the court's jurisdiction. In any event, the Land Court's ancillary jurisdiction under s 22(2)(c) of the Restitution of Land Rights Act 22 of 1994 would have permitted the eviction of any person found not to be an ESTA occupier, as bifurcated proceedings in different courts would have been contrary to the interests of justice.

The balance of interests under s 11(3) of ESTA favoured Logos. The occupation was not established with the consent of any prior owner. The Land Court addressed the probation officer's concern about suitable alternative accommodation by directing the City of Cape Town to provide emergency accommodation to those who would otherwise be rendered homeless. No misdirection in the exercise of the Land Court's discretion was identified. Furthermore, on the first appellant's own evidence, he owns and resides on the adjacent property and has no cognisable interest in resisting the eviction order.

The first, second and fourth appellants were directed to pay the respondent's costs jointly and severally.

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