



SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal

DATE 30 March 2021

STATUS Immediate

Chester v Snowy Owl Properties and Another (Case no 23/2020) [2021] ZASCA 30 (30 March 2021)

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Today the Supreme Court of Appeal (SCA) handed down its judgment on the appellants' appeal against the order of the Western Cape High Court, Cape Town (high court).

At the heart of the appeal was the interpretation of clause 22.1 of the sales agreement concluded between the parties in respect of The Manor house (a heritage property dating back to the 1760's) situated in Oranjezicht, Cape Town together with adjacent properties situated within the Amphitheatre Sectional Titles Scheme regulated by the Amphitheatre Body Corporate constituted in terms of s 36 of the Sectional Titles Act 95 of 1986. The owners of properties within the St John's Estate including the Body Corporate were members of the St Johns Home Owners Association (HOA).

The high court, agreed with the respondent, Ms Lefson that clause 22.1 contained suspensive conditions that inter alia, the HOA as the body vested with the interests of all home owners in the Scheme had to sign the Undertakings and Consents Agreement for the sale to be enforceable between the parties.

Consequently, and in the absence of the signature of the HOA, the high court dismissed the claims of the appellant for damages arising out of a purported breach of the sales agreement and those suffered as a result of the failure of the sale to succeed. The SCA confirmed the order of the high court and dismissed the appeal with costs.