



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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CITY OF JOHANNESBURG v RAND PROPERTIES (PTY) LTD 2007 SCA (RSA)

The Supreme Court of Appeal (Harms ADP, Scott, Farlam, Nugent and Cloete JJA) today issued its judgment in this appeal. The appeal concerns in the main the right of a local authority to order occupiers by notice to vacate a building because it is necessary for their safety or the safety of others.

The SCA noted that the court below had found after an inspection that the condition of the buildings concerned was appalling, abysmal and at times disgraceful; that the occupants were in an emergency situation; and that there existed fire and health hazards. The occupants are mostly desperately poor, had no formal employment and many had no income.

The central dispute was whether the City of Johannesburg is precluded from exercising its powers to order persons to vacate unsafe buildings unless it first provides them (or at least tenders to provide them) with adequate alternative housing. A subsidiary question that arose was whether such alternative housing must be within the inner city itself.

The SCA found that the powers of the City to order the vacation of unsafe buildings are not dependent upon its being able to offer alternative housing to the occupants. But the SCA also found that the eviction of occupants triggers a constitutional obligation upon the City to provide at least minimum shelter to those occupants who have no access to alternative housing. It further held that the shelter that the City is obliged to provide need not necessarily be located within the inner city as demanded by the respondents.

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