



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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Status: Immediate

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

SP & C CATERING INVESTMENTS (PTY) LTD v THE BODY CORPORATE OF WATERFRONT MEWS AND OTHERS

1. The Supreme Court of Appeal today dismissed an appeal by SP & C Catering (Pty) Ltd, the sectional title developer of Waterfront Mews, against a judgment of the North Gauteng High Court. SP & C had, at the time of registering the sectional title development scheme, reserved for itself the right to extend and complete the scheme within a period of ten years from the date of registration, ie by August 2008. The developer had encountered a number of obstacles in its attempts to complete the extensions and, shortly before August 2008, had brought an urgent application for a court order extending the period of ten years for a further ten years. The application was opposed by 16 of the unit owners in Waterfront Mews. Judge Botha, in the high court, had refused to grant the application on the basis that the court had no power, whether statutory or 'inherent', to grant such an order.

2. The SCA upheld his finding in this regard. A further contention, raised only at the appeal stage, to the effect that on a proper interpretation of s 25 of the Sectional Titles Act 95 of 1986, the right to complete the development had not lapsed, was rejected by the SCA.

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