

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: 17 September 2012

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.

City of Johannesburg v Changing Tides 74 (Pty) Ltd and 97 others
(The Socio-Economic Rights Institute of South Africa intervening as amicus curiae)

This appeal arose from an application for the eviction of the occupiers of a commercial building called Tikwelo House in Doornfontein, Johannesburg. The building had been ‘hijacked’ and was no longer under the control of its owner. It was unfit for human habitation and was occupied by people, who were extremely poor. An order for their eviction had been granted by the South Gauteng High Court, at the instance of the owner, in an unopposed application. The SCA, in a judgment delivered last Friday, remitted the case to the high court, because the original order had been granted without the court having all the relevant facts before it. Accordingly all parties to the appeal agreed that the original order had to be set aside and the case remitted to the high court on terms in regard to the investigations to be conducted and the evidence to be obtained before fixing a date for the eviction order to be granted.

The issues in the appeal revolved around the obligations of the Johannesburg Municipality to provide alternative emergency

accommodation for those who were facing eviction from the building. The court dealt with the obligations of all parties to litigation of this kind, setting out the information that had to be provided to the court hearing applications of this type and dealing with a number of important procedural issues to be followed in eviction proceedings. It stressed the need for expedition in cases where the occupiers were living in unhealthy and unsafe circumstances. The judgment builds upon previous jurisprudence in the SCA and the Constitutional Court in regard to the right to housing.