

Supreme Court of Appeal 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.

Sable Hills Waterfront Estate CC v Sable Hills Waterfront Estate Home Owners' Association NPC

The SCA today dismissed the appeal by the developer of the Sable Hills Waterfront Estate against a judgment of the Gauteng Division, Pretoria of the High Court holding it liable to pay levies on each of the erven laid out and shown on the general plan of the estate, notwithstanding that they were not yet registered under separate title in the Deeds Registry.

The developer contended that it was the owner of a single property in the estate, namely, the remainder after certain sales of stands and units had taken place and been registered. As such it argued that in the apportionment of levies it should only pay a single levy in respect of that one property. The home owners' association contended that it had to pay a levy in respect of each stand shown on the general plan.

The SCA held that the issue was to be determined on a proper interpretation of the articles of association of the home owners' association under which the power to raise levies was given to the board of directors. The articles provided that levies should be apportioned equally between the owners of stands and units in the estate. The SCA

held that having regard to the wording of the relevant article when viewed in context that meant that the levies had to be apportioned among the stands shown on the general plan and not the stands as they existed as separate entities registered in the Deeds Registry. Accordingly the appeal was dismissed with costs.