



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

Date: 6 June 2017

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*

*TINA GOOSEN & OTHERS v THE MONT CHEVAUX TRUST* (148/2015) [2017] ZASCA  
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1. The Mont Chevaux Trust (the trust) is the owner of the farm known as Silver Oaks situated near Wellington in the Western Cape (the farm). The trust obtained the farm for the benefit of the Austin family. The seventeen appellants also occupy the farm. The trust applied in the magistrate's court of Wellington for an order evicting the appellants from the farm in terms of the Extension of Security of Tenure Act 62 of 1997 (ESTA). The magistrate's court granted the order sought. The eviction order came before the Land Claims Court (LCC) on automatic review in terms of ESTA. The LCC confirmed the eviction order. The appellants appealed to the Supreme Court of Appeal (SCA) against the confirmation order of the LCC.

2. Today the SCA dismissed the appeal and, save in respect of the seventeenth appellant, confirmed the eviction order. The SCA held that the provisions of ESTA had been complied with in respect of the first to sixteenth appellants (the appellants). It held that as a result of the presence of the appellants on the farm and their collective conduct, the Austins found themselves in an intolerable and desperate situation. The SCA accepted that the execution of the eviction order will render the appellants homeless but pointed out that the appellants are living in appalling conditions on the farm. The SCA found that the Drakenstein Municipality was constitutionally obliged to provide the appellants with emergency accommodation upon their eviction. In the circumstances the SCA suspended the operation of the eviction order for a period of 90 days from the date of its order and ordered the Drakenstein Municipality to provide the appellants with emergency housing within 75 days of the date of its order.

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