



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL

1 December 2017

STATUS: Immediate

**WIERDA ROAD WEST PROPERTIES (PTY) LTD v SIZWENTSALUBAGOBODO
INC (1156/16)**

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

The Supreme Court of Appeal (the SCA) today unanimously upheld an appeal from the Gauteng Local Division of the High Court, Johannesburg with regard to the validity of a lease agreement which contravenes certain provisions of the National Building Regulations and Building Standards Act, 103 of 1997 (the Act).

The high court had found the lease agreement to be valid but unenforceable, due to the contravention of s 4(1) of the Act (the lack of approved building plans in respect of the leased property) and s 14(1) of the Act (the lack of an occupancy certificate in respect of the leased property).

The SCA held that the penal sanctions in these legislative provisions (ss 4(4) and 14(4)(a) respectively), were clearly regarded by the Legislative as adequate sanction in cases where these provisions are contravened. The SCA held further that the Legislature did not intend private contracts of, for example, lease, which contravene these sections, to be invalid as a further sanction. Lastly, the SCA held that there is no justifiable basis for reading an implied meaning into s 4(1) that the use or occupancy of a building which has no approved plans is prohibited. The SCA consequently upheld the appeal with costs and dismissed the cross-appeal with costs.

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