

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

**CASE NO.:** 2025-021938

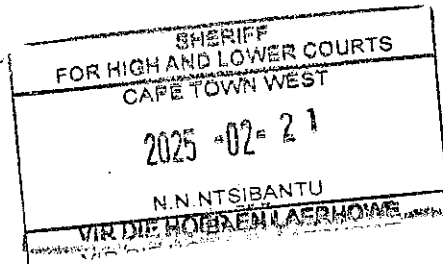
In the matter between:

**THE NATIONAL MINISTER FOR PUBLIC WORKS  
AND INFRASTRUCTURE**

Applicant

and

**KENNETH MOYO  
KAYA TIWANI  
MARIA MODABUKA  
LEON MODABUKA  
REBBIE ORDERSON  
RENITA ORDERSON  
AUTON RASTA BONIFACE  
STEPHEN BOETA VISSER  
DOCTOR METHULA  
AYABULELA GWENXANE  
BONGISWA VAKELE  
DIETMAR LENTJIES  
BONGENI TSHABALALA  
KWANELE MHLAMBO  
ALL UNKOWN/UNNAMED UNLAWFUL  
OCCUPANTS  
STATION COMMANDER:  
CAPE TOWN POLICE STATION**



First Respondent  
Second Respondent  
Third Respondent  
Fourth Respondent  
Fifth Respondent  
Sixth Respondent  
Seventh Respondent  
Eighth Respondent  
Ninth Respondent  
Tenth Respondent  
Eleventh Respondent  
Twelfth Respondent  
Thirteenth Respondent  
Fourteenth Respondent  
Fifteenth Respondent  
Sixteenth Respondent

**CITY OF CAPE TOWN LAW ENFORCEMENT**  
**THE CITY OF CAPE TOWN**

Seventeenth Respondent  
Eighteenth Respondent

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**NOTICE OF MOTION**

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**BE PLEASED TO TAKE NOTICE** that the Applicant will make application on **9 April 2025 at 10h00** or so soon thereafter as the matter may be heard for an order in the following terms:

1. Dispensing with the forms and service provided for in the Uniform Rules of Court and directing that this application be heard on an urgent basis in terms of Rule 6(12)(a);
2. That a rule *nisi* be issued calling on the First to Fifteenth Respondents or any other person who may claim to be affected by the relief sought herein below, to show cause on **9 April 2025 at 10h00**, or as soon thereafter as the matter may be heard as to why an order in the following terms should not be made final:
  - 2.1 That the First to Fifteenth Respondents, and all those persons holding title under them forthwith vacate the erven depicted on Annexure "A", which are collectively referred to as the as numbers

104 to 106 are collectively referred to as 104 to 106 Darling Street, Cape Town, Cape Town, Western Cape (“the property”);

2.2 In the alternative, that this court determines a just and equitable date for the interim eviction as prayed;

2.3 That the Sheriff of the Court and his/her Deputy is authorised and instructed to, in the event of the First to Fifteenth Respondents and all those holding title under them failing to vacate the Property;

2.4 That the South African Police be ordered to assist the Sheriff and his/her Deputy, insofar as it may be necessary to do so;

3. Directing that the provisions of paragraphs 2.1 to 2.5 hereof shall operate as an interim order in terms of section 5(1) of the Prevent of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998 (“the PIE Act”);

4. Directing that service of the interim order shall be effected by the Sheriff of this Honourable Court, duly assisted by the Applicants and/or the South African Police Service, insofar as may be necessary, in the following manner:

- 4.1 By effecting personal service on the First to Fifteenth Respondents;
  - 4.2 By erecting notice boards at all entry and exit points to the property and affixing copies of the interim order in English, Afrikaans and IsiXhosa;
  - 4.3 By affixing copies of the Notice of Motion and founding affidavit to each of the aforementioned notice boards in English, Afrikaans and IsiXhosa;
  - 4.4 By reading aloud the content of the interim order to all persons present at the property at the time of effecting service;
  - 4.5 By delivering a copy of this order to the Sixteenth Respondent at Cape Town Police Station, Western Cape;
5. Further and/or alternative relief.

**TAKE NOTICE FURTHER** that the founding affidavit of **DUMISANI GQIBELA**, as will be used in support of this application.

**KINDLY TAKE NOTICE FURTHER** that the Applicants have appointed the offices of the State Attorney, 4<sup>th</sup> Floor, Liberty Life Centre, 22 Long Street, Cape Town, as the address as envisaged in Rule 6(5)(b) at which it will accept notice and service of all process in these proceedings.

**KINDLY TAKE NOTICE FURTHER** that if you intend to oppose this application, you are required to:

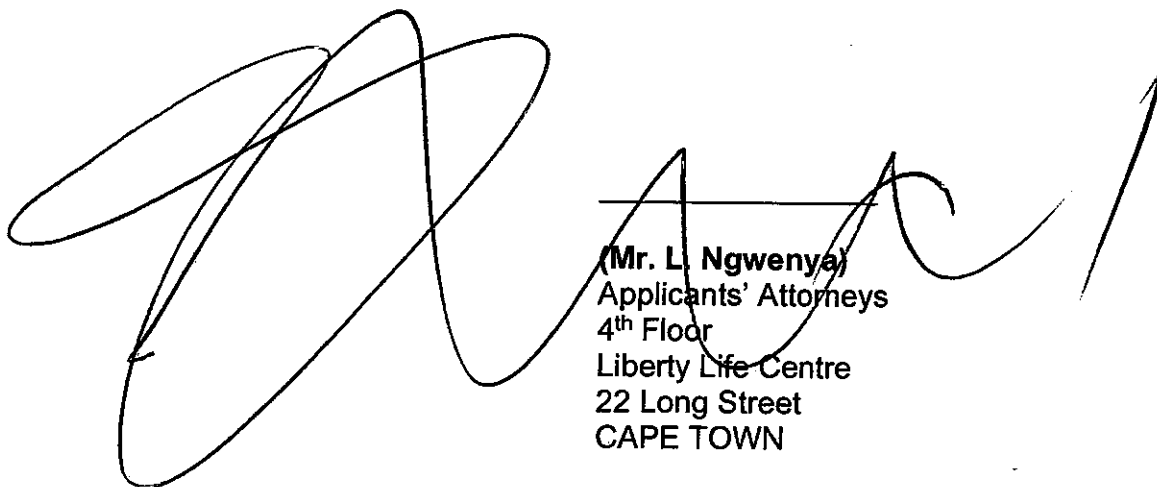
- (a) notify the Applicants' attorney in writing by no later than **28 February 2025** of your intention to oppose the application, should you wish to oppose same; and
- (b) by no later than **11 March 2025** file your answering affidavits, if any, and further that you are required to appoint in such notification an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

**KINDLY TAKE NOTICE FURTHER** that these are proceedings for your eviction from the Property as unlawful occupiers, and are proceedings subject to and as contemplated in section 5(1) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998 ("the Act"); that you are hereby given notice in terms of section 5(2); that the matter will be heard on the date and time

set out hereinabove in this Notice of Motion; that the grounds for your proposed eviction are set out in affidavit accompanying this Notice of Motion; and that you are entitled to appear before the court (either in person or by way of legal representation) and that, should you qualify, you have the right to apply for legal aid.

**KINDLY ENROL THE MATTER FOR HEARING ACCORDINGLY.**

DATED at CAPE TOWN on this *15* day of JANUARY 2025.



(Mr. L. Ngwenya)  
Applicants' Attorneys  
4<sup>th</sup> Floor  
Liberty Life Centre  
22 Long Street  
CAPE TOWN

TO : **THE REGISTRAR**  
Western Cape High Court  
CAPE TOWN

AND TO : **KENNETH MOYO t/a**  
First Respondent

Darling Street Property  
CAPE TOWN

AND TO : **KAYA TIWANI**  
Second Respondent  
Darling Street Property  
CAPE TOWN

AND TO : **MARIA MODABUKA**  
**Third Respondent**  
Darling Street Property  
CAPE TOWN

AND TO : **LEON MODABUKA**  
**Fourth Respondent**  
Darling Street Property  
CAPE TOWN

AND TO: **REBBIE ORDERSON**  
Fifth Respondent  
Darling Street Property  
CAPE TOWN

AND TO: **RENITA ORDERSON**  
Sixth Respondent  
Darling Street Property  
CAPE TOWN

AND TO: **AUTON RASTA BONIFACE**

Seventh Respondent  
Darling Street Property  
CAPE TOWN

AND TO: **STEPHEN BOETA VISSER**

Eighth Respondent  
Darling Street Property  
CAPE TOWN

AND TO: **DOCTOR METHULA**

Ninth Respondent  
Darling Street Property  
CAPE TOWN

AND TO: **AYABULELA GWENXANE**

Tenth Respondent  
Darling Street Property  
CAPE TOWN

AND TO: **BONGISWA VAKELE**

Eleventh Respondent  
Darling Street Property  
CAPE TOWN

AND TO: **DIETMAR LENTJIES**

Twelfth Respondent  
Darling Street Property  
CAPE TOWN



**AND TO: BONGENI TSHABALALA**

Thirteenth Respondent  
Darling Street Property  
CAPE TOWN

**AND TO: KWANELE MHLAMBO**

Fourteenth Respondent  
Darling Street Property  
CAPE TOWN

**AND TO: ALL UNKOWN/UNNAMED UNLAWFUL  
OCCUPANTS**

Fifteenth Respondent  
Darling Street Property  
CAPE TOWN

**AND TO: STATION COMMANDER:  
CAPE TOWN POLICE STATION**

Sixteenth Respondent  
28 Buitenkant Street  
CAPE TOWN

**AND TO: THE CITY OF CAPE TOWN LAW ENFORCEMENT**  
Seventeenth Respondent  
Blackheath  
CAPE TOWN

**AND TO: THE CITY OF CAPE TOWN**  
12 Hertzog Boulevard  
CAPE TOWN

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

**CASE NO.:** 2025-021938

In the matter between:

**THE NATIONAL MINISTER FOR PUBLIC WORKS  
AND INFRASTRUCTURE**

First Applicant

and

**KENNETH MOYO**

First Respondent

**KAYA TIWANI**

Second Respondent

**MARIA MODABUKA**

Third Respondent

**LEON MODABUKA**

Fourth Respondent

**REBBIE ORDERSON**

Fifth Respondent

**RENITA ORDERSON**

Sixth Respondent

**AUTON RASTA BONIFACE**

Seventh Respondent

**STEPHEN BOETA VISSER**

Eighth Respondent

**DOCTOR METHULA**

Ninth Respondent

**AYABULELA GWENXANE**

Tenth Respondent

**BONGISWA VAKELE**

Eleventh Respondent

**DIETMAR LENTJIES**

Twelfth Respondent

**BONGENI TSHABALALA**

Thirteenth Respondent

**KWANELE MHLAMBO**

Fourteenth Respondent

**ALL UNKNOWN/UNNAMED UNLAWFUL**

**OCCUPANTS**

Fifteenth Respondent

**STATION COMMANDER:**

**CAPE TOWN POLICE STATION**

Sixteenth Respondent

**CITY OF CAPE TOWN LAW ENFORCEMENT  
THE CITY OF CAPE TOWN**

Seventeenth Respondent  
Eighteenth Respondent

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**FOUNDING AFFIDAVIT**

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I, the undersigned,

**DUMISANI QQIBELA**

do hereby make oath and say that:

1. I am an adult male employed by the First Applicant as the Director, Real Estate Management Services, at the Cape Town Regional Office of the National Department of Public Works and Infrastructure, situated at Customs House Building, corner of Heerengracht and F.W. De Klerk Boulevard, Foreshore, Cape Town, Western Cape.
2. I confirm that I am duly authorized to institute these proceedings and to depose to this affidavit for and on behalf of the First Applicant, the Minister of Public Works and Infrastructure.

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3. The facts deposed to in this affidavit fall within my personal knowledge, save where the contrary is evident from the context hereof, and are both true and correct in every respect.
4. Where I make submissions of a legal nature, I do so on the advice of the First Applicant's legal representatives, which advice I verily believe to be correct.

### **INTRODUCTION**

5. The instant matter is an application in which the Applicant seeks an eviction order against all persons comprising the First to Fifteenth Respondents.
6. The relief is sought so as to urgently evict the First to Fifteenth Respondents from District Six (Zonnebloem): Erf 110472 and Erf 110473 ("Property") which are described and depicted on Annexure "A" hereto. This property is described and referred to herein as follows:
  - 6.1 The property depicted on Annexure "A" as numbers 104 to 106 are collectively referred to as 104 to 106 Darling Street, Cape Town, Cape Town, Western Cape ("Darling Street").

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- 6.2 I will make a separate bundle of the relevant deeds of transfer of the above property available to this court as Annexure "B".
7. I will, from hereon out, refer to the abovementioned Erven collectively as the Darling Street.
8. The present application is one brought by the Applicant obtaining an order that each of the First to Fifteenth Respondents vacate the property, failing which that they as also all persons holding under them, be evicted therefrom. These persons do not have permission to occupy the property all having unlawfully invaded. They have no legal right to remain in occupation thereof, and their occupation is accordingly unlawful. This application is brought in terms of section 5(1), alternatively section 4(1) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998 ("the PIE Act").
9. It is respectfully submitted that in light of the facts deposed to hereunder, the relief, in the form that it is sought, is indeed necessary.
10. In view of the relief sought by the Applicant, this affidavit will be structured as follows:

10.1 Firstly, I will provide a description of the parties to this application;

10.2 Secondly, I will provide some insight into the property and thereafter set out the relevant background information and facts giving rise to this application;

10.3 Thirdly, I will address the legal requirements for an urgent eviction;

10.4 Finally, I will address the issue of alternative remedy.

### **THE PARTIES**

11. The Applicant is the **NATIONAL MINISTER FOR PUBLIC WORKS AND INFRASTRUCTURE**, the National Minister responsible for the National Department of Public Works and Infrastructure, care of the State Attorney, 22 Long Street, Cape Town, Western Cape. The Applicant is the owner of the District Six (Zonnebloem) Erf 110472 and 110473.

12. The First to Fifteenth Respondents are all those persons who are unlawfully occupying and/or erected structures on the properties described in paragraphs 6.1 to 6.2 above.

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13. The First Respondent is **KENNETH MOYO**, an adult male person currently unlawfully occupying the property. The First Respondent lives alone and also unlawfully conducts business on the property. The First Respondent does not have permission to reside, occupy and/or conduct business on property.
14. The Second Respondent is **KAYA TIWANI**, an adult male person currently unlawfully occupying the property. The First Respondent lives alone and also unlawfully conducts business on the property. The First Respondent does not have permission to reside, occupy and/or conduct business on property.
15. The Third Respondent is **MARIA MODABUKA**, an adult female person currently unlawfully occupying the property. The First Respondent lives with the Fourth Respondent and does not have permission to reside and/or occupy property.
16. The Fourth Respondent is **LEON MODABUKA**, an adult male person currently unlawfully occupying property. The Fourth Respondent lives with the Third Respondent and does not have permission to reside and/or occupy property.



17. The Fifth Respondent is **REBBIE ORDERSON**, an adult female person currently unlawfully occupying property. The Fifth Respondent lives with the Sixth Respondent and does not have permission to reside and/or occupy property.
18. The Sixth Respondent is **RENITA NITA ORDERSON**, an adult female person currently unlawfully occupying property. The Sixth Respondent lives with the Fifth Respondent and does not have permission to reside and/or occupy property.
19. The Seventh Respondent is **ANTON RASTA BONIFACE**, an adult male person currently unlawfully occupying the property. The Seventh Respondent lives alone and does not have permission to reside and/or occupy property.
20. The Eighth Respondent is **STEPHEN BOETA VISSER**, an adult male person currently unlawfully occupying property. The Eighth Respondent lives alone and does not have permission to reside and/or occupy the property.

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21. The Ninth Respondent is the **DOCTOR METHULA**, an adult male person currently unlawfully occupying property. The Ninth Respondent lives alone and does not have permission to reside and/or occupy the property.
  
22. The Tenth Respondent is the **AYABULELA GWENXANE**, an adult male person currently unlawfully occupying property. The Tenth Respondent lives alone and does not have permission to reside and/or occupy the property.
  
23. The Eleventh Respondent is the **BONGISWA VAKELE**, an adult female person currently unlawfully occupying property. The Eleventh Respondent lives alone and does not have permission to reside and/or occupy the property.
  
24. The Twelfth Respondent is the **DIETMAR LENTJIES**, an adult male person currently unlawfully occupying property. The Twelfth Respondent lives alone and does not have permission to reside and/or occupy the property.
  
25. The Thirteenth Respondent is the **BONGENI TSHABALALA**, an adult male person currently unlawfully occupying property. The Thirteenth Respondent lives alone and does not have permission to reside and/or occupy the property.

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26. The Fourteenth Respondent is the **KWANELE MHLAMBO**, an adult male person currently unlawfully occupying property. The Fourteenth Respondent lives alone and does not have permission to reside and/or occupy the property.
27. The Fifteenth Respondents are all unknown and/or unnamed persons currently unlawfully occupying property. The Fifteenth Respondents live alone and do not have permission to reside and/or occupy the property.
28. The Sixteenth Respondent is the **STATION COMMANDER, CAPE TOWN POLICE STATION**, stationed at Western Cape. The Seventh Respondent is cited in his/her capacity as Commanding Officer of the Cape Town Police Station, being the police station having jurisdiction over the geographical locale of the property.
29. No substantive relief is sought against the Sixteenth Respondent and has merely been cited herein due to the fact that the Applicant prospectively seeks the assistance of the South African Police Service (hereafter "SAPS") to enforce the terms of the order that is sought, in particular their assistance to the Sheriff and his/her deputies in enforcing the court order.

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30. The Seventeenth Respondent is the **CITY OF CAPE TOWN LAW ENFORCEMENT** stationed at Western Cape. The Seventeenth Respondent is cited in his/her capacity as Commanding Officer of the City of Cape Town Law Enforcement Unit, having jurisdiction over the geographical locale of the property.
  
31. No substantive relief is sought against the Seventeenth Respondent and has merely been cited herein due to the fact that the Applicant prospectively seeks the assistance of the City of Cape Town Law Enforcement Unit to enforce the terms of the order that is sought, in particular their assistance to the Sheriff and his/her deputies in enforcing the court order.
  
32. The Eighteenth Respondent is the **CITY OF CAPE TOWN**, a metropolitan municipality, established in terms of the Local Government: Municipal Structures Act, 1998 read with the Province of the Western Cape: Provincial Notice 479/2000 dated 22 September 2000, with its principal place of business at the office of its Municipal Manager, situated at the Civic Centre, 12 Hertzog Boulevard, Cape Town.
  
33. No relief is sought against the Eighteenth Respondent, save that the court might require that the Eighteenth Respondent file a report in respect of

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emergency accommodation in the event that any of the First to Fifteenth Respondents and any other person residing and/or holding under them might require such Temporary Residential Accommodation ("TRA").

### **THE APPLICANTS' LOCUS STANDI**

34. The Applicant is the registered owner of the properties that form the subject matter of the present application. I refer to Annexure "B" attached hereto, the relevant Deeds of Transfer and Searches, which confirm the Applicant's ownership as aforesaid.
35. As owner of the properties, I respectfully submit that the Applicant has the necessary *locus standi* to institute these proceedings and to protect its property from being unlawfully occupied.

### **BACKGROUND**

36. The property in question was previously sub-let from the previous tenant who was evicted however, the sub-lessees who had been living in the building were not included in the eviction order.

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37. As far back as 2013, an Option Analysis and Valuation was carried out, and the Municipality approved recommendations for making TRA available to the unlawful occupants and demolishing the dilapidated building. The Applicant seeks to implement these recommendations by building and letting small office space. The estimated costs of building and/or refurbishment is R3 387 508.00.
38. However, due to the fact that ERF 110472 is vacant land and ERF 110473 is dilapidated structure, it has become vulnerable to unlawful land grabs or land invasions.
39. The above mentioned building has no running water, no electricity, no proper ventilation and no ablution facilities. These living conditions are a health hazard making the occupants and the children prone to illness.
40. An inspection conducted on 23 July 2024, the report is annexed marked annexure "(C)" details the state of damage of the building, this is proof that it should not be inhabited.
41. Further to the above, the vacant land adjoined on the property is surrounded by trees which is a fire hazard and considering the fact that the dilapidated building could collapse at any given point in time, poses further risk that

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could result in the deaths of the unlawful occupants thus possibly leaving children destitute.

42. The Applicant is challenged by the fact that the first two Respondents are operating recycling businesses on the property. The Applicant has by hand served the First and Second Respondents with "Final Notice to Vacate" letters:

39.1. the First Respondent was served on 28 June 2024, 25 July 2024 and 20 August 2024. Despite forewarning to cease operations otherwise legal proceedings would be commencing, the First Respondent continues to conduct his business, annexed letters marked annexure ("D"); and

39.2. the Second Respondent was served on 28 June 2024 and 25 July 2024. Despite forewarning to cease operations otherwise legal proceedings would be commencing, the Second Respondent continues to conduct his business, annexed letters marked annexure ("E").

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43. The Applicant's properties are surrounded by a CPUT residence and ACVV Old Age Home the safety of these surrounding premises as well as the occupants thereof is prone to criminality.

42.1. The students at CPUT have in recent months experienced heightened criminal activities which have previously left a security guard who stabbed whilst on duty.

42.2. The Old Age Home behind the properties of the Applicants is also placed at risk, including the lives of the elderly that seek a safe space to enjoy their elderly years.

44. I attach a number of photographs hereto as Annexure "F" depicting the current situation and activities on the properties. The following is abundantly clear from the above photographs:

44.1 These unlawful occupants are an organized part of an eco-system and they finance themselves through selling the recycling business that is being illegally operated.

44.2 The number of occupants continues to grow in size on a daily basis, if the unlawful occupants remain on the property then the Applicant will

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be left out of pocket as the Applicant already owes an amount in excess of R100 000.00 (One Hundred Thousand Rand) to the Municipality.

- 44.3 With the current state of the properties, the Seventeenth Respondent could be left in a state of emergency and disaster should the building fall on any of the occupants.
45. Further to the above set of facts, a fire had previously broken out on the top floor of the dilapidated building causing considerable and irreparable damage to the building.
46. This court is well aware of the devastating effect that the fire on Table Mountain had on the surrounding properties, as well as on the lives of the fire fighters who had to put out that fire. The costs of such an exercise is also enormous and avoidable should the unlawful occupants be evicted.
47. In light of the above, I submit that this application is both necessary and urgent.

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**URGENT EVICTION**

48. In terms of section 5(1) of the PIE Act, a court may grant an urgent interim eviction order against an unlawful occupier only if it is satisfied that:

45.1. the proceedings are urgent (section 5(1));

45.2. there is a real and imminent danger of substantial injury or damage to any person or property if the unlawful occupiers are not forthwith evicted from the land (section 5(1)(a));

45.3. the balance of hardship favour the granting of the order (section 5(1)(b));

45.4. there is no other effective remedy available to the Applicant (section 5(1)(c)).

49. The circumstances set out in paragraphs 35 to 43 above clearly demonstrates that this matter is urgent. There is clearly also a real and imminent danger of substantial injury to the more than approximately 30 illegal occupants of the property for which the Applicant will ultimately bear the brunt.



50. Further to the above highlighted paragraphs, on 19 November 2024, an Occupational Health and Safety inspection was conducted to determine if the building is in compliance in terms of Occupational Health and Safety Act No. 85 of 1993 and Regulations annexed a copy of the report marked annexure "G"; its incorporated standards, National Building Regulations. The following findings were identified:

48.1. unhealthy nuisances and insect infestations;

48.2. the walls of the structure are cracked and the foundation is compromised due to water leaks, this makes the building inhabitable;

48.3. all asbestos material must be removed as it is hazardous;

48.4. due to board partitioning the building is highly flammable;

51. In light of the above report, the eviction is one of an urgent nature as it has potential to harm not only the property of the applicant but harm the unlawful occupiers as well.

52. The hardship that the Applicant will suffer from the continued unlawful occupation clearly outweighs the likely hardship that the First to Fifteenth

Respondents will suffer. In this regard, it should be noted that the First to Fifteenth Respondents will not be homeless if they were to be evicted forthwith.

53. The Applicants' control over the property is clearly at risk. This much is evident from the facts set out above. As I have also indicated above, there is also a real risk of the dilapidated building collapsing on the unlawful occupiers, fires breaking out if the First to Fifteenth Respondents remain on the property and also more unlawful occupiers will move onto the property seeing as the end of the year is fast approaching.
54. Moreover, and in my personal experience, matters of the present nature, if unresolved on an urgent basis, can very easily escalate over a very short period of time and especially over weekends. In this regard, I have been informed that over the weekends up to 30 or more persons are usually on the property with the First to Fifteenth Respondents.
55. Accordingly, any delay in the hearing of this application would, in my respectful submission, render the relief that is sought nugatory, and I therefore submit that the matter is urgent and warrants a deviation from the ordinary time periods provided for in the Uniform Rules of Court.

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**ABSENCE OF AN ALTERNATIVE REMEDY**

56. It is the obligation of the City, in the present instance, to provide Temporary Residential Accommodation ("TRA") to the Respondents as they would be rendered "homeless" should they be evicted from the property.
57. The Applicant is aware that the unlawful occupants wished to remain in the CBD which led to a breakdown in consultations between the Department of Human Settlements (both at Provincial and Local level) and the occupants. However, this was cured when Ebenezer Shelter in Green Point was proposed as shelter for the unlawful occupants.
58. There is, in my respectful submission, no other remedy available to the Applicant that would afford it appropriate redress in the present circumstances other than an eviction order. A section 4(1) PIE eviction in the normal cause will not assist the Applicant.
59. In this regard, I reiterate that the primary aim of the present application is to prevent the property from becoming further unlawfully occupied or destroyed, and there is clearly no other remedy that would assist the Applicant in achieving this objective.

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60. In the circumstances, I respectfully submit that the Applicant has no alternative remedy available to it other than an urgent eviction in the terms sought.

**CONCLUSION**

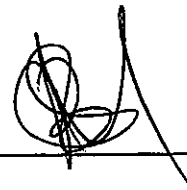
61. I, respectfully state, in respect of each of the First to Fifteenth Respondents, that it would be just and equitable that they be forthwith evicted from the property together with all persons holding under them. In the circumstances, the Applicants respectfully prays that an order be granted by the above Honourable Court:

53.1 directing that all of the First to Fifteenth Respondents forthwith vacate the premises occupied by them together with all persons holding under them, alternatively on a date to be determined by the court; and

53.2 in the event of the First to Fifteenth Respondents not vacating the premises by the date determined by the court, that on a subsequent date, as determined by the court, the Sheriff of the court be authorised and directed to evict them from the Property.

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62. In the circumstances where foreseen violence may break out, the Sheriff and his deputies should be protected from such acts whilst performing their statutory duties. In the circumstances, it is respectfully submitted that such order that the court may grant, furthermore (insofar as is necessary) call upon the South African Police Service, to perform their duties and protect the Sheriff from interference in the performance of his statutory duties in carrying out such order of this court.
63. In light of what has been set out above, I respectfully submit that a proper case has been made out, and accordingly pray that an order as per the notice of motion should issue.



**DUMISANI QQIBELA**

This is to certify that the above named deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to before me at **CAPE TOWN** this 15 day of JANUARY 2024 and that the regulations contained in Government Notice R1258 dated 21.07.72 have been complied with.

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L.C

A handwritten signature in black ink, appearing to read 'L. Ciko', enclosed within a hand-drawn, irregular oval shape.

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**COMMISSIONER OF OATHS**

**LUNGANI CIKO**  
COMMISSIONER OF OATHS  
Practising Attorney - RSA  
6th Floor, 36 on Long  
36 Long Street, Cape Town









# ERF 110472 CAPE TOWN

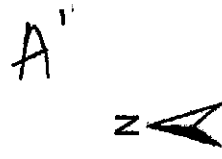


Chief Surveyor General Property Search

10/23/2024, 9:48:28 AM

## Legend

-  Erven \_ Query result
-  Parent Farm
-  Farm Portion
-  Holding
-  Public Place
-  Erven
-  Provinces
-  Allotment Township



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community  
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community





" B "



agriculture, land reform & rural development

Department: Agriculture, Land Reform and Rural Development  
REPUBLIC OF SOUTH AFRICA

# DeedsWEB

Deeds Registration Office

## Property Report

### Erf Enquiry

General Information	
Date Requested	2024-10-23
Deed Office	Cape Town
Information Source	Deed Office

Property Details	
Deeds registry	CAPE TOWN
Property type	ERF
Township	CAPE TOWN
Erf number	110473
Portion	0
Province	WESTERN CAPE
Registration division/Administrative district	CAPE RD
Local authority	CITY OF CAPE TOWN
Previous description	TP9923/1990-AT CAPE TOWN
Diagram deed number	T9126/1990
Extent	16250000 SQM.
LPI Code	C0160007001104730D000

Deeds Title Details				
#	Document	Registration Date	Purchase Date	Amount (R)
1	T73327/1992	19921116	-	EXPROPRIATION

Owner Information				
#	Document	Full name	Identify Number	Share
1	T73327/1992	REPUBLIEK VAN SUID-AFRIKA	-	-

**Endorsements/Encumbrances**

No data found for this search criteria

Historic Documents				
#	Document	Holder	Amount (R)	Image Reference
1	T30909/1978	DEVELOPMENT BOARD	-	20210308 16:46:54
2	T9126/1990	LOWBURY ESTATES PTY LTD 201500*	R201500.00	1992 0968 3249

### Disclaimer:

The Office of the Chief Registrar of Deeds hereby confirms that, on the basis of information at the Deeds Office's disposal that the contents of this report accurately reflects property information held in our records. As per Deeds Registration process, this information is valid for seven (7) days.

Photocopies of this report are not valid.

This report is issued subject to costs as specified in the fee schedule. <http://deeds.dalrdd.gov.za/fees.php>



**public works  
& infrastructure**

Department  
Public Works and Infrastructure  
REPUBLIC OF SOUTH AFRICA

D<sup>n</sup>

Private Bag X9027, Cape Town, 8000 Enquiries: Ms S. Valentine Reference: 6508/7699/7  
Tel: 082 815 6559 E-mail: [suzy.valentine@dpw.gov.za](mailto:suzy.valentine@dpw.gov.za)  
website: [www.publicworks.gov.za](http://www.publicworks.gov.za)

BY HAND

**NOTICE TO VACATE**

Mr Kenneth Moyo  
104 – 106 Darling Street  
CAPE TOWN  
8001

Dear Sir

**CAPE TOWN: 104 - 106 DARLING STREET: UNLAWFUL OCCUPATION IN RESPECT OF A PORTION OF A BUILDING SITUATED ON A PORTION OF ERF 110473: NOTICE TO VACATE.**

1. The site inspection held on 13 June 2024 has reference.
2. The National Department of Public Works and Infrastructure is the registered owner of the afore-mentioned property, as situated on Erf 114073, (104 – 106 Darling Street) Cape Town.
3. As you are trespassing on Government Property and conducting an unlawful recycling business for which you do not have the necessary approval from the Department, you are hereby instructed to immediately cease the operation of your business and, to remove All your unlawful recycling business materials from the said property as well as clean the area you were utilizing and vacate the property within 30 (thirty) days from the date of this letter i.e. on / or before 12h00 noon on 31 July 2024, upon failure thereof; this office shall have no alternative than to commence legal proceedings against you in this regard.
4. Your co-operation to vacate the property will be very much appreciated.

Yours faithfully,

  
DIRECTOR: REAL ESTATE MANAGEMENT SERVICES

MR D. GQIBELA

DATE: 28/06/2024

ACKNOWLEDGEMENT OF RECEIPT: Kennedy Moyo

PRINT FULL NAMES AND SURNAME: Moyo

SIGNATURE: Moyo

DATE: 25/07/2024

10



**public works  
& infrastructure**  
Department  
Public Works and Infrastructure  
REPUBLIC OF SOUTH AFRICA

"D"

Private Bag X9027, Cape Town, 8000 Enquiries: Ms S. Valentine Reference: 6508/7699/7  
Tel: 082 815 6559 E-mail: [suzy.valentina@dpw.gov.za](mailto:suzy.valentina@dpw.gov.za)  
website: [www.publicworks.gov.za](http://www.publicworks.gov.za)

BY HAND

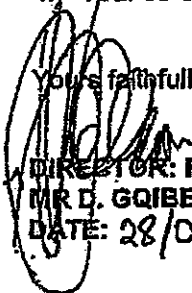
**NOTICE TO VACATE**

Mr. Kenneth Mayo  
104 - 106 Darling Street  
CAPE TOWN  
8001

Dear Sir

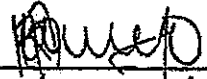
**CAPE TOWN: 104 - 106 DARLING STREET: UNLAWFUL OCCUPATION IN RESPECT OF A PORTION OF A BUILDING SITUATED ON A PORTION OF ERF 110473: NOTICE TO VACATE.**

1. The site inspection held on 13 June 2024 has reference.
2. The National Department of Public Works and Infrastructure is the registered owner of the afore-mentioned property, as situated on Erf 114073, (104 - 106 Darling Street) Cape Town.
3. As you are trespassing on Government Property and conducting an unlawful recycling business for which you do not have the necessary approval from the Department, you are hereby instructed to **immediately cease** the operation of your business and, to remove **All your unlawful recycling business materials** from the said property as well as clean the area you were utilizing and vacate the property within 30 (thirty) days from the date of this letter i.e. on / or before 12h00 noon on 31 July 2024, upon failure thereof; this office shall have no alternative than to commence legal proceedings against you in this regard.
4. Your co-operation to vacate the property will be very much appreciated.

Yours faithfully,  
  
DIRECTOR: REAL ESTATE MANAGEMENT SERVICES  
MR D. GQIBELA  
DATE: 28/06/2024

ACKNOWLEDGEMENT OF RECEIPT: \_\_\_\_\_

PRINT FULL NAMES AND SURNAME: Kennedy Mayo

SIGNATURE: 

DATE: 28/06/2024

10



**public works  
& infrastructure**

Department:  
Public Works and Infrastructure  
REPUBLIC OF SOUTH AFRICA

Private Bag X9027, Cape Town, 8000 Enquiries: Ms S. Valentine Reference: 6508/7699/7  
Tel: (021) 402-2157 E-mail: [suzv.valentine@dpw.gov.za](mailto:suzv.valentine@dpw.gov.za)  
website: [www.publicworks.gov.za](http://www.publicworks.gov.za)

BY HAND

**FINAL NOTICE TO VACATE**


Mr Khaya Tiwani  
104-106 Darling Street  
CAPE TOWN  
8001

Dear Sir

**CAPE TOWN: 104-106 DARLING STREET: UNLAWFUL OCCUPATION IN RESPECT OF A PORTION OF A BUILDING /PROPERTY SITUATED ON OF ERF 110472/110473: FINAL NOTICE TO VACATE**

1. Your unlawful occupation of the above premises, as well as this Department's letters dated 26 June 2024 and 25 July 2024 as well as your verbal request for an extension have reference.
2. Please note that the National Department of Public Works and Infrastructure is the legal owner of the abovementioned property, (104-106 Darling Street) Cape Town, and your occupation of the said property is unlawful.
3. Your verbal request for an extension is unfortunately declined and you are hereby instructed to immediately cease the operation of your recycling business and to remove All your unlawful recycling business materials, and to clean as well as to vacate the said premises immediately upon receipt of this notice.
4. Failure to comply with this notice will result in the Department obtaining an eviction order to have you removed from the property.
5. Your co-operation is appreciated.

Yours faithfully

  
 DIRECTOR: REMS  
 Signed: Mr D. Gqibela  
 DATE: 20/8/24

DRIVER  
 MANDLE NKOSI  
 078 921 8214  
 Refusad to sign  
 but received the message  
 on behalf of Khaya

ACKNOWLEDGE OF RECEIPT: \_\_\_\_\_

PRINT FULL NAMES AND SURNAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

17



**public works  
& infrastructure**

Department  
Public Works and Infrastructure  
REPUBLIC OF SOUTH AFRICA

E'

Private Bag X9027, Cape Town, 8000 Enquiries: Ms S. Valentine Reference: 6508/7699/7  
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website: [www.publicworks.gov.za](http://www.publicworks.gov.za)

BY HAND

**NOTICE TO VACATE**

Mr. Khaya Twani  
104 - 106 Darling Street  
CAPE TOWN  
8001

Dear Sir

**CAPE TOWN: 104 - 106 DARLING STREET: UNLAWFUL OCCUPATION IN RESPECT OF A PORTION OF A BUILDING SITUATED ON A PORTION OF ERF 110473: NOTICE TO VACATE.**

1. The site inspection held on 13 June 2024 has reference.
2. The National Department of Public Works and Infrastructure is the registered owner of the afore-mentioned property, as situated on Erf 114073, (104 - 106 Darling Street) Cape Town.
3. As you are trespassing on Government Property and conducting an unlawful recycling business for which you do not have the necessary approval from the Department, you are hereby instructed to **immediately cease** the operation of your business and, to **remove All your unlawful recycling business materials** from the said property as well as clean the area you were utilizing and vacate the property within 30 (thirty) days from the date of this letter i.e. **on / or before 12h00 noon on 31 July 2024**, upon failure thereof; this office shall have no alternative than to commence legal proceedings against you in this regard.
4. Your co-operation to vacate the property will be very much appreciated.

Yours faithfully,

  
DIRECTOR: REAL ESTATE MANAGEMENT SERVICES

MR D. GQIBELA

DATE: 28/06/2024

ZAMUKHAYI TWANI

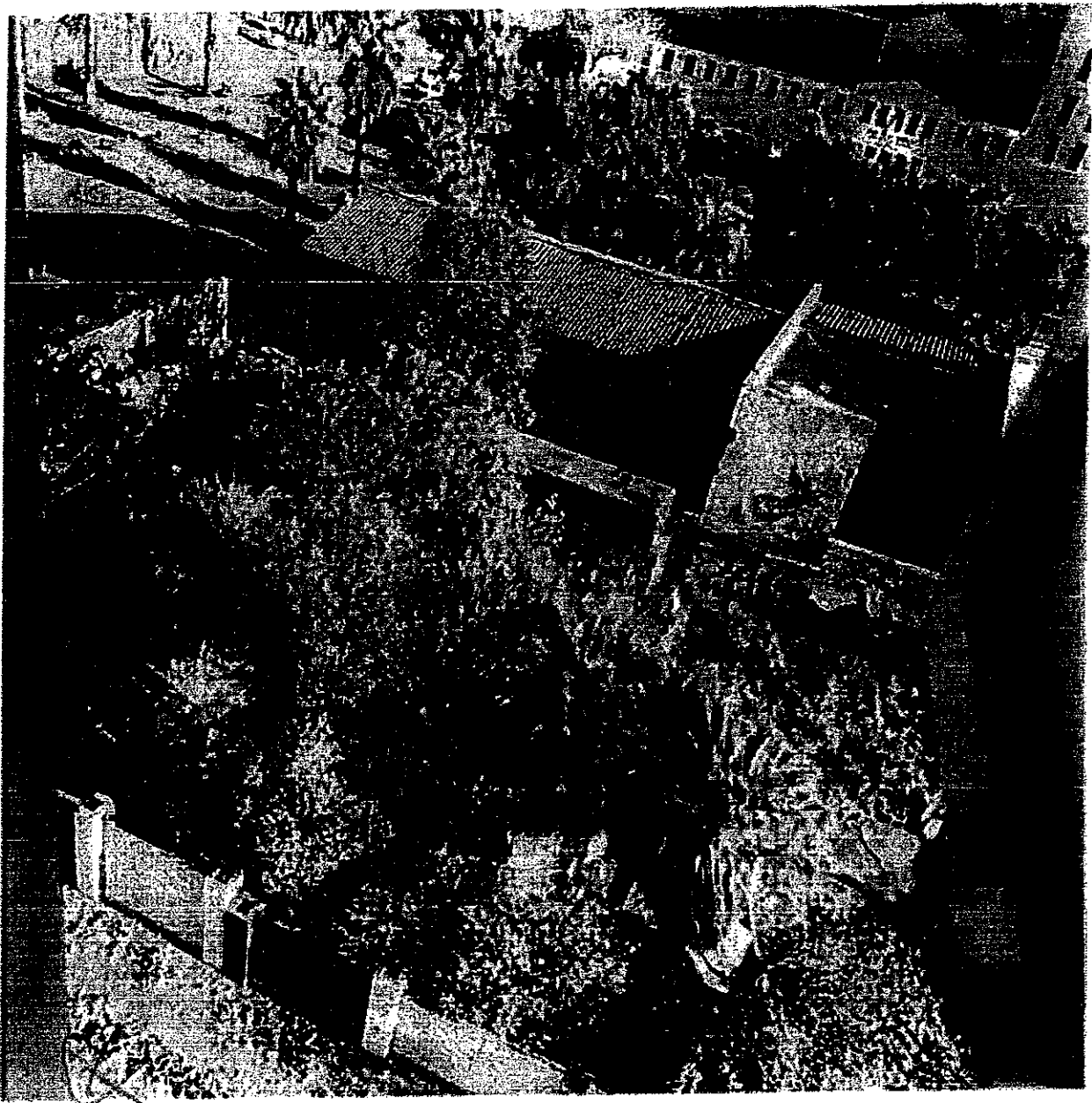
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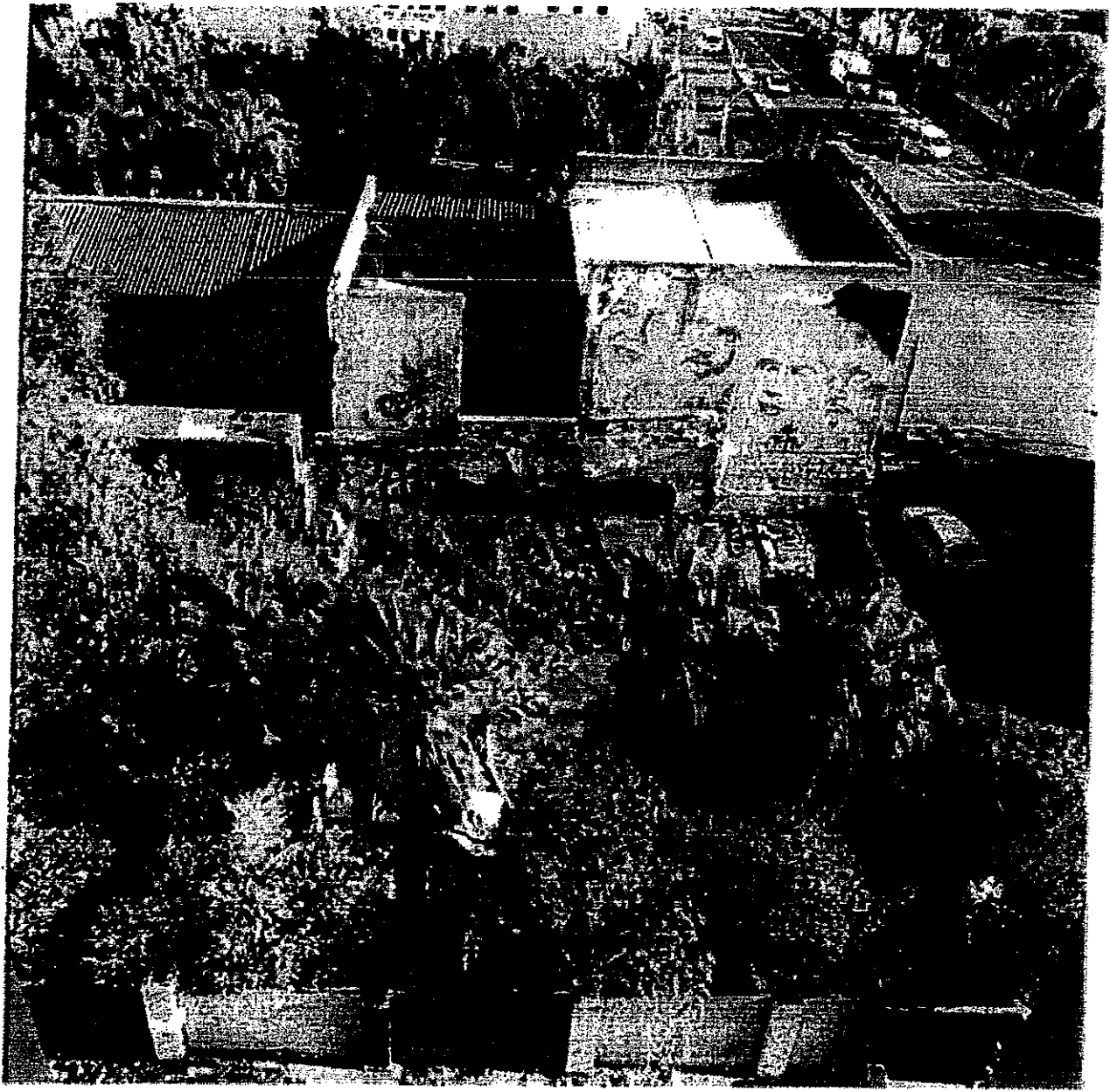
PRINT FULL NAMES AND SURNAME: \_\_\_\_\_

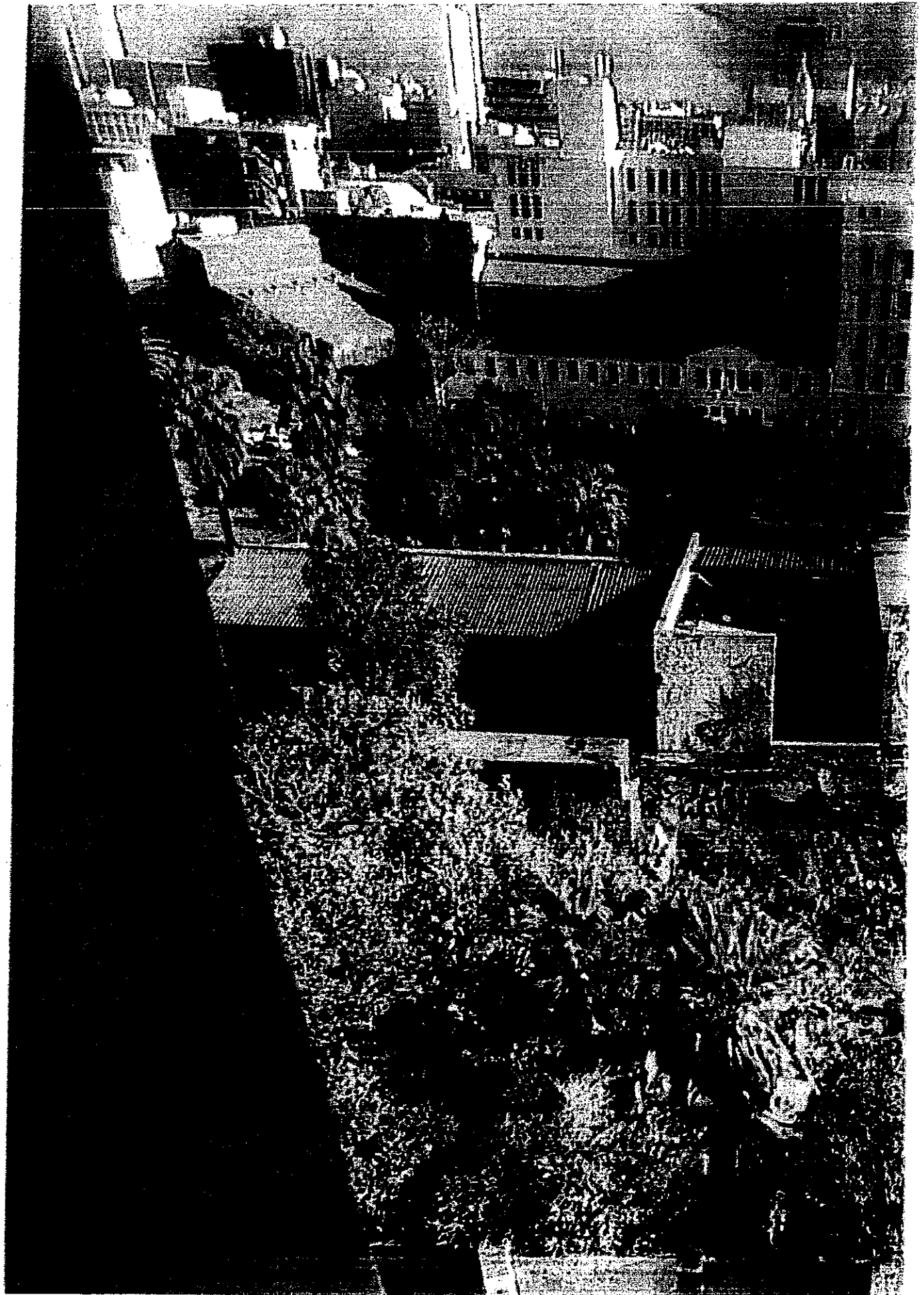
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DATE: 25/07/24

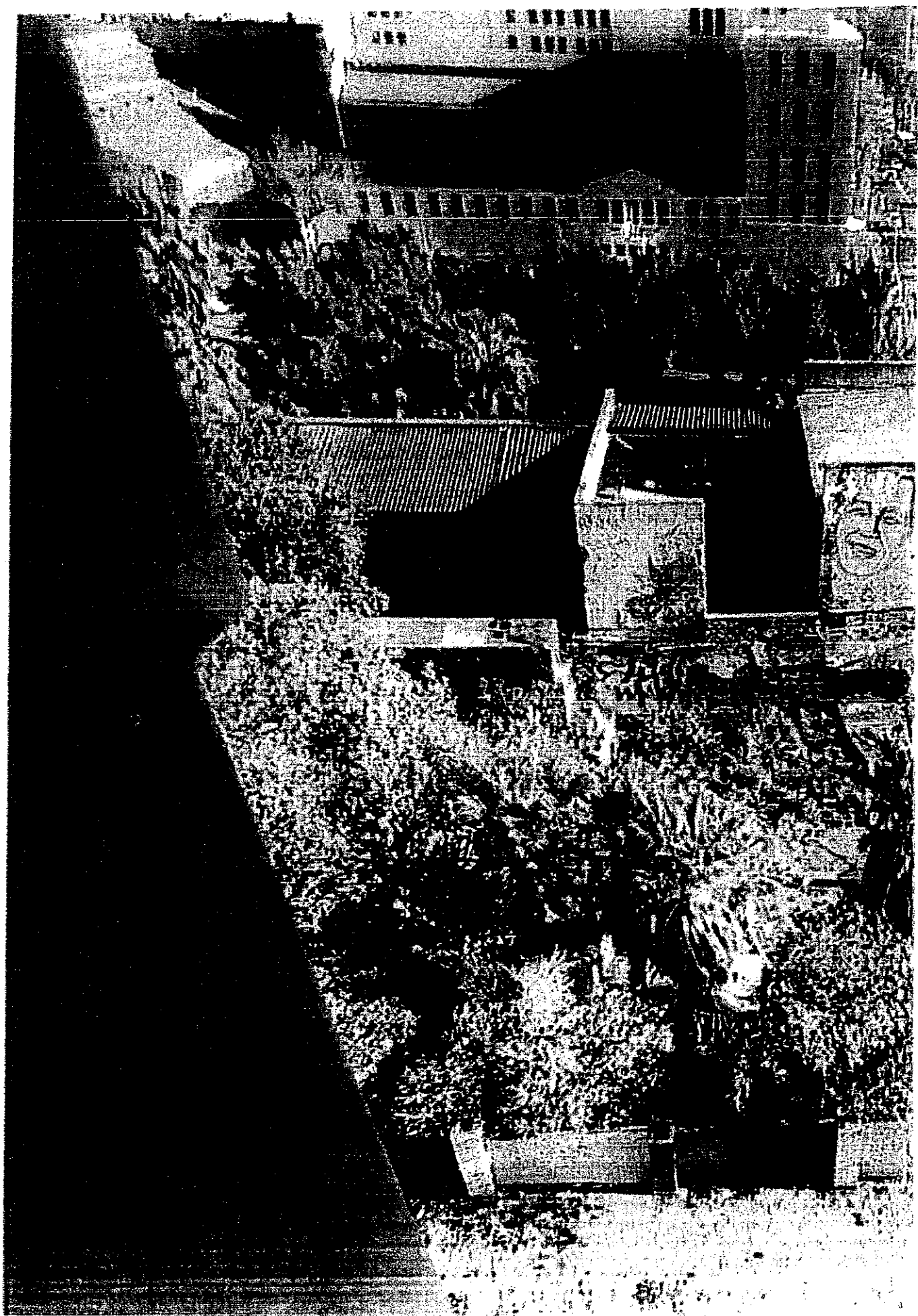
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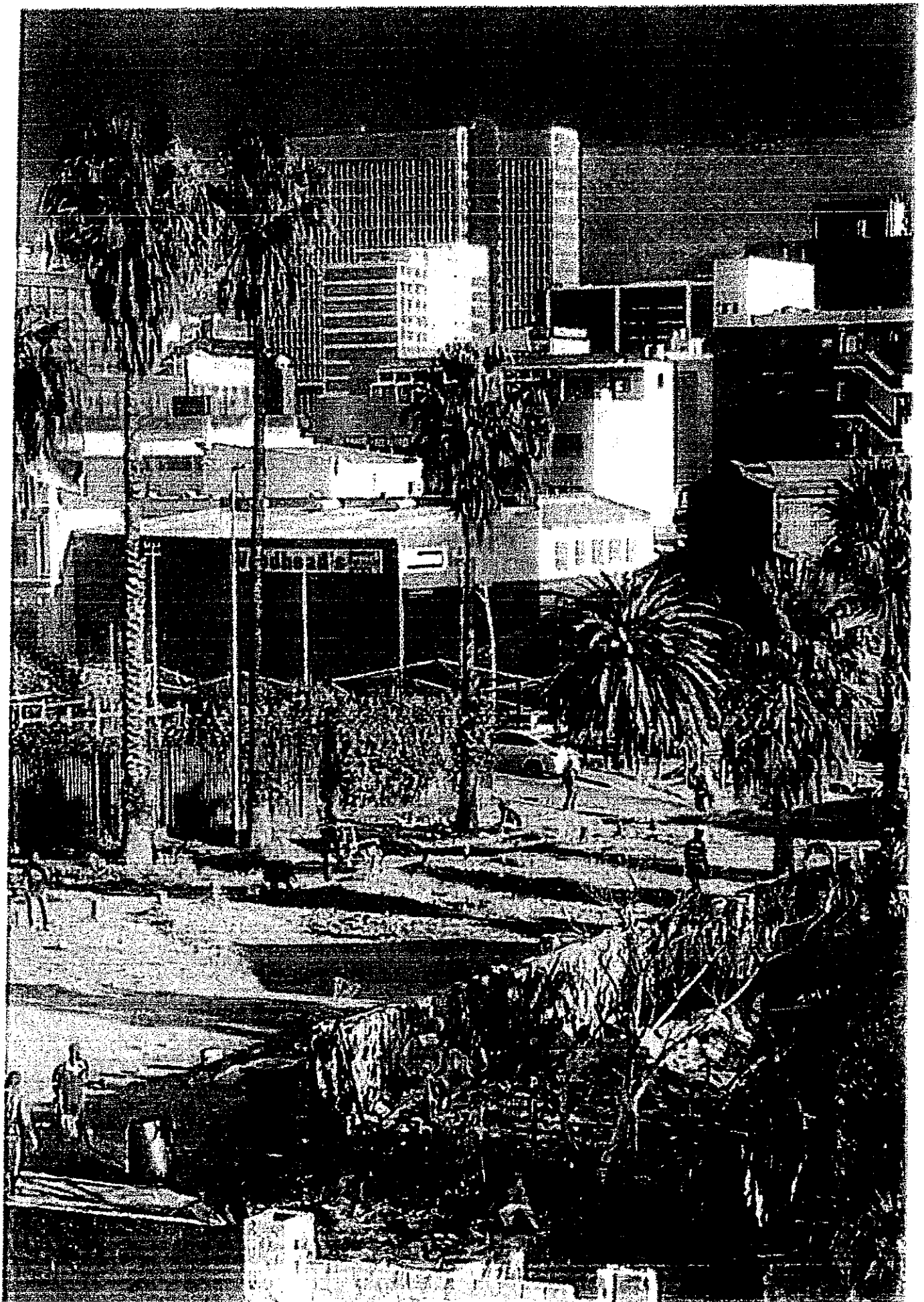




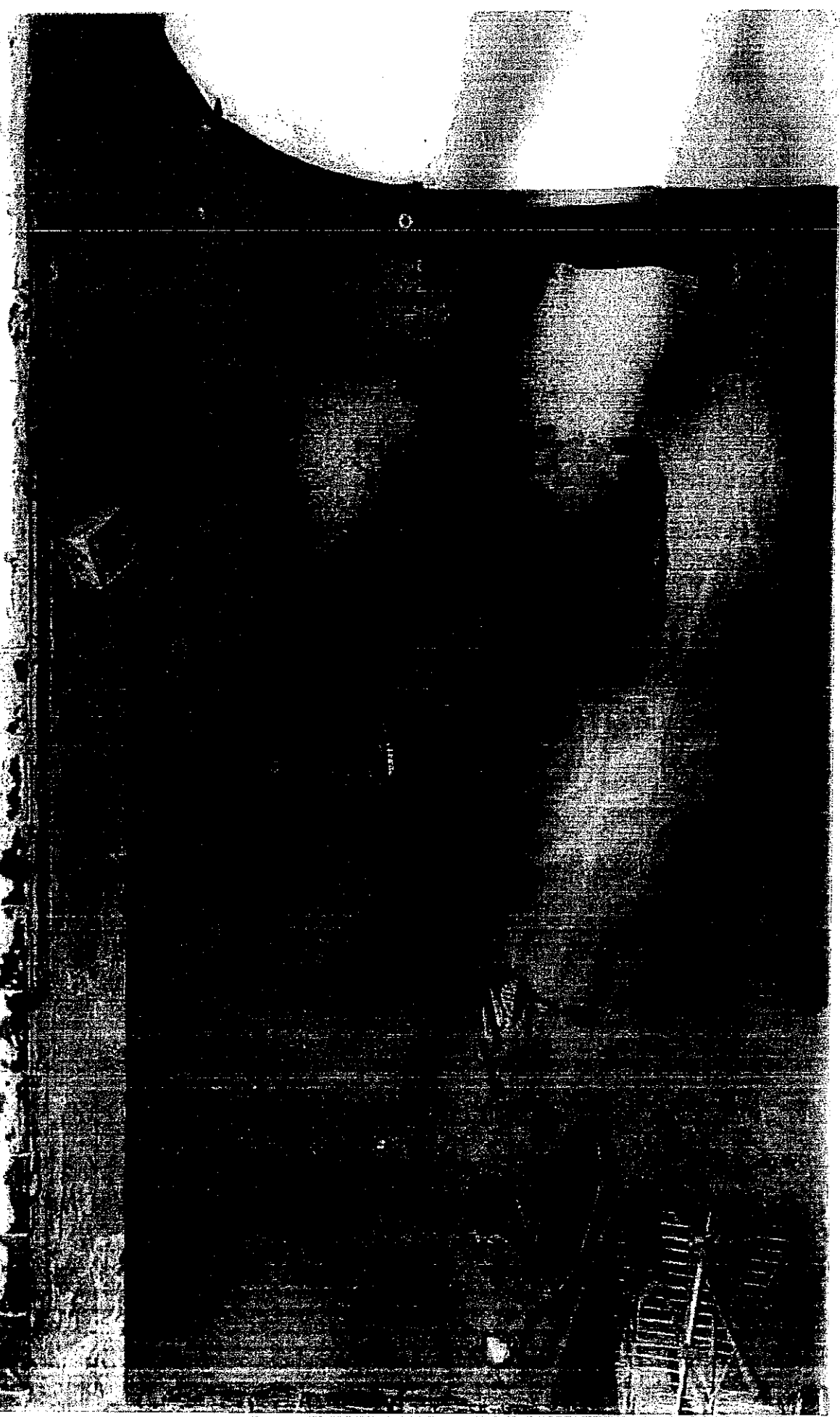




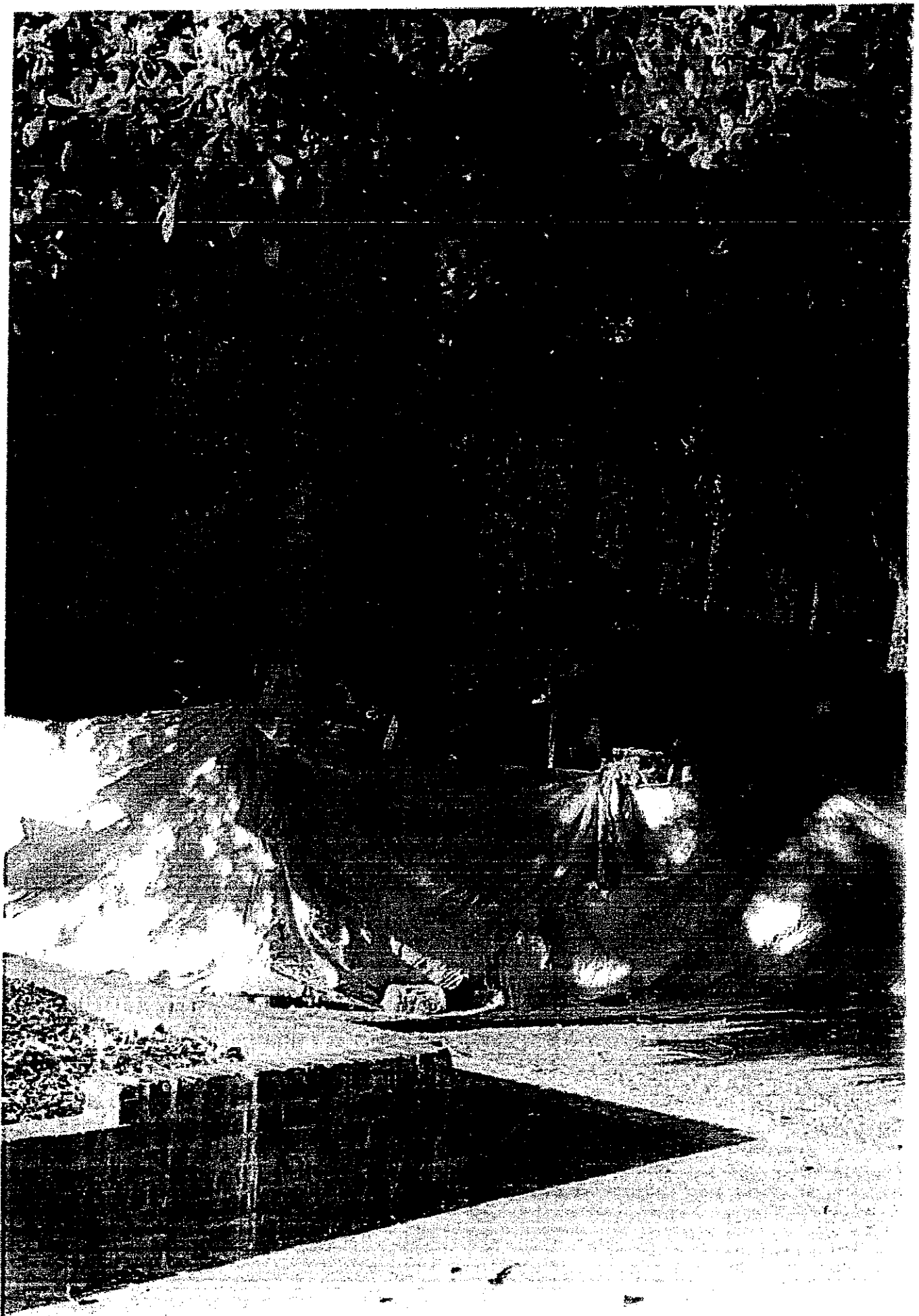


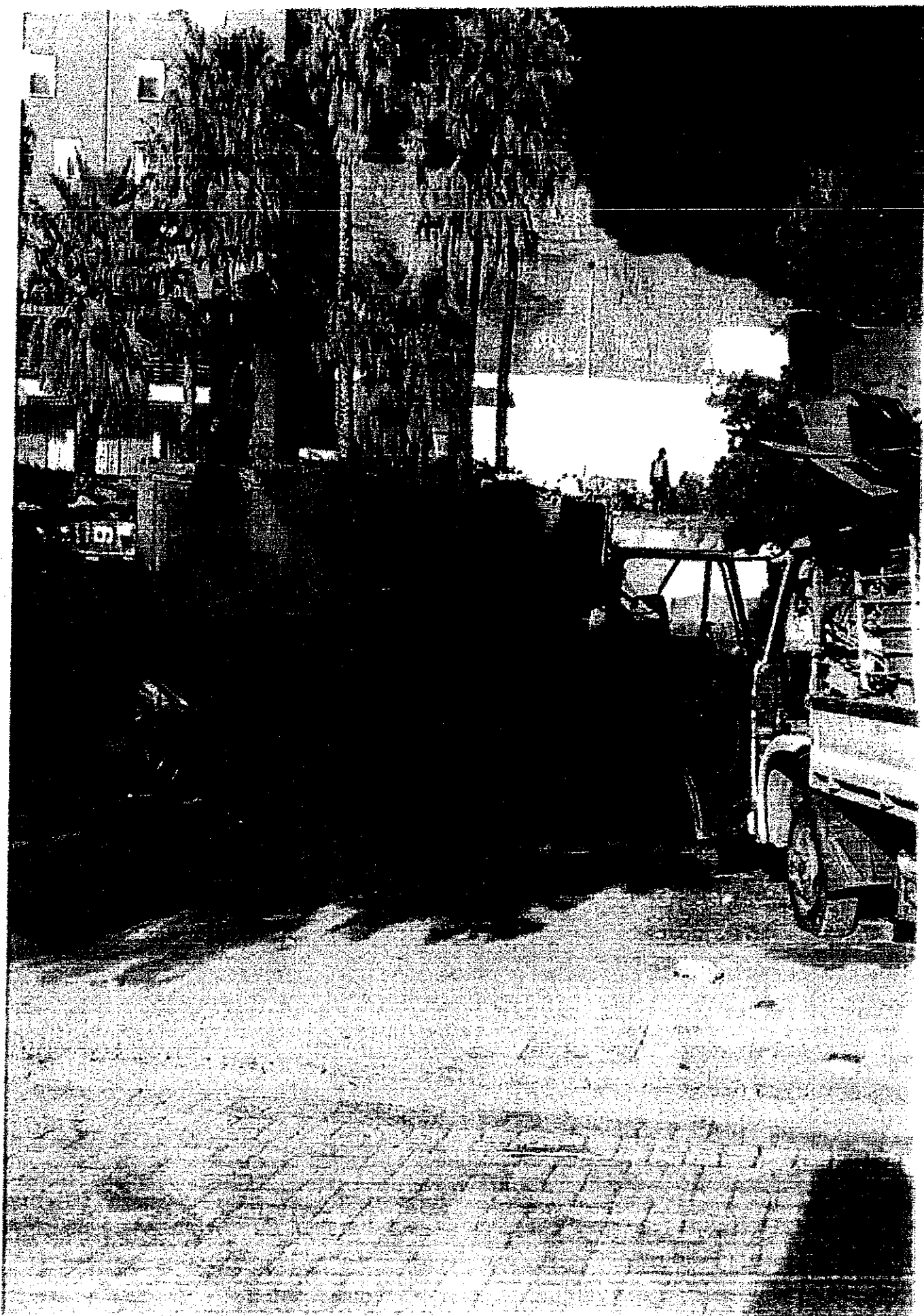


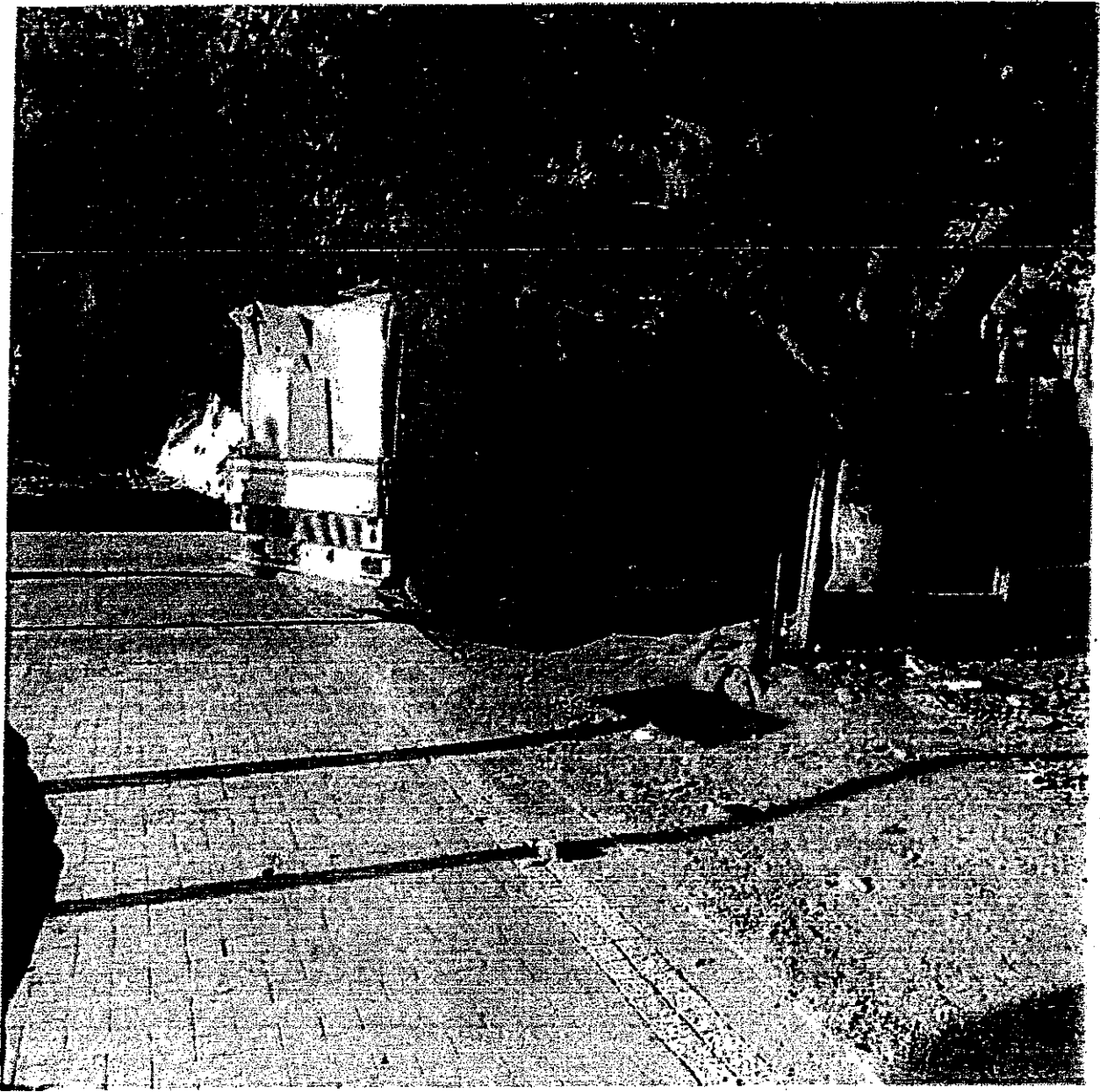
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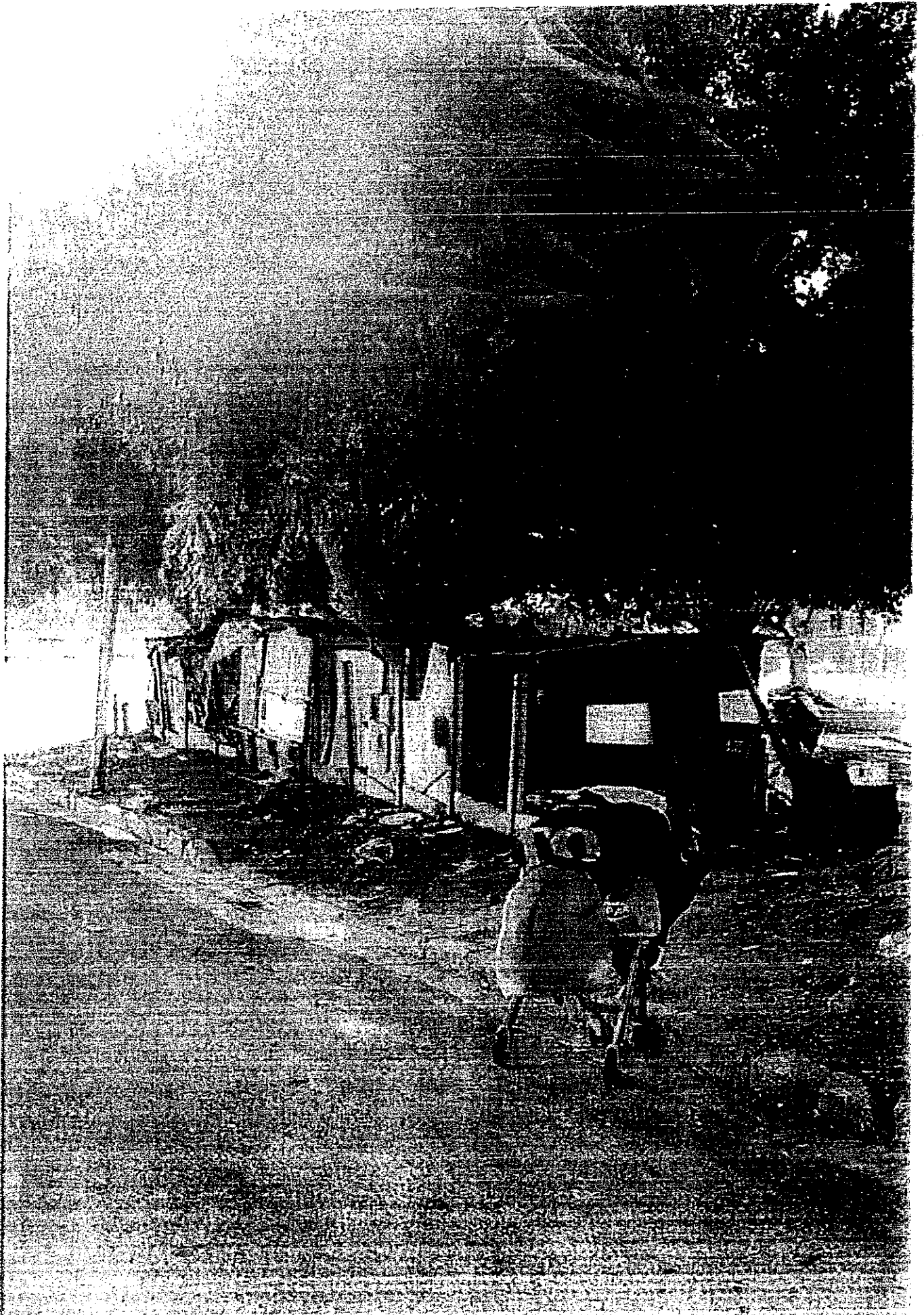


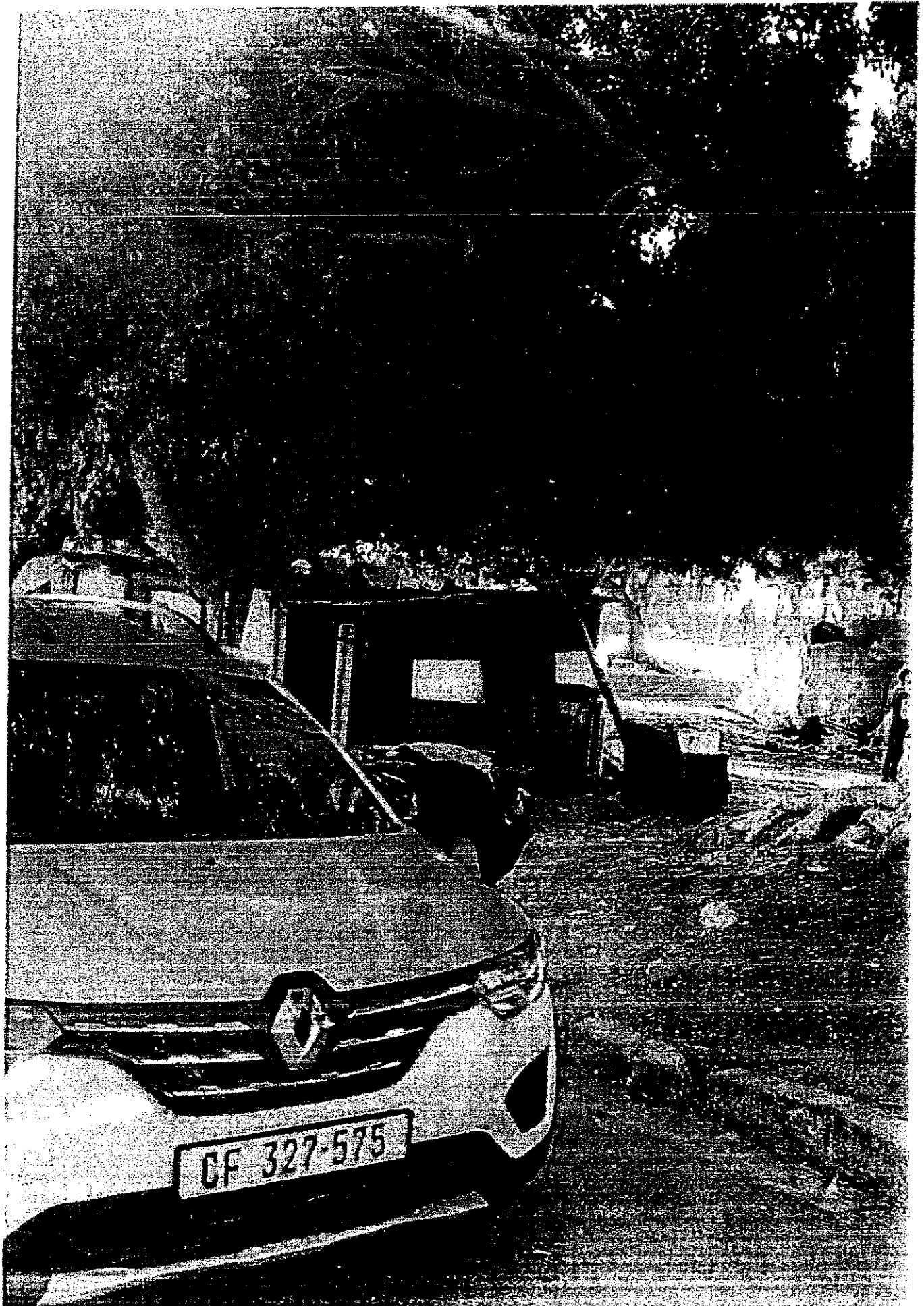


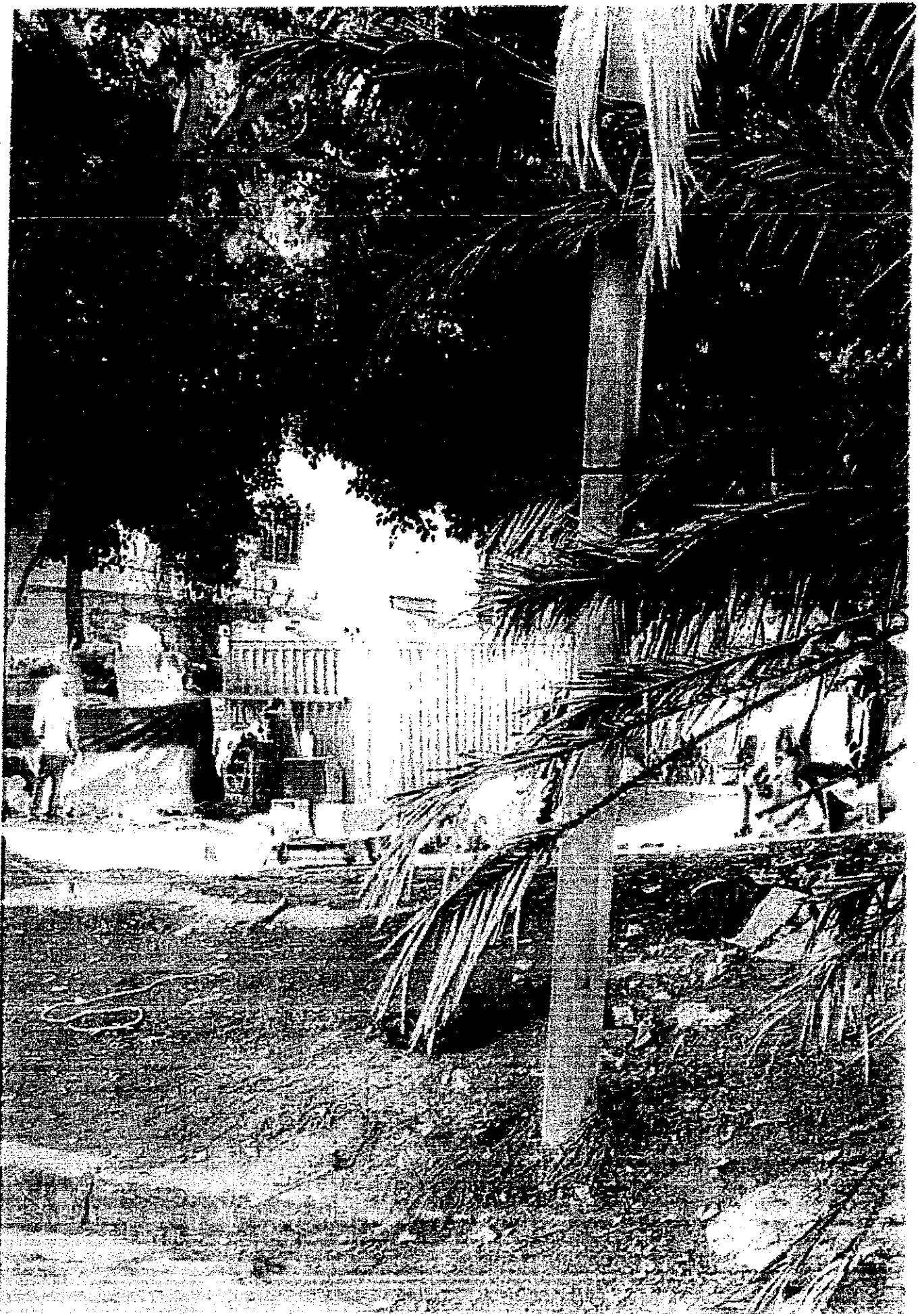


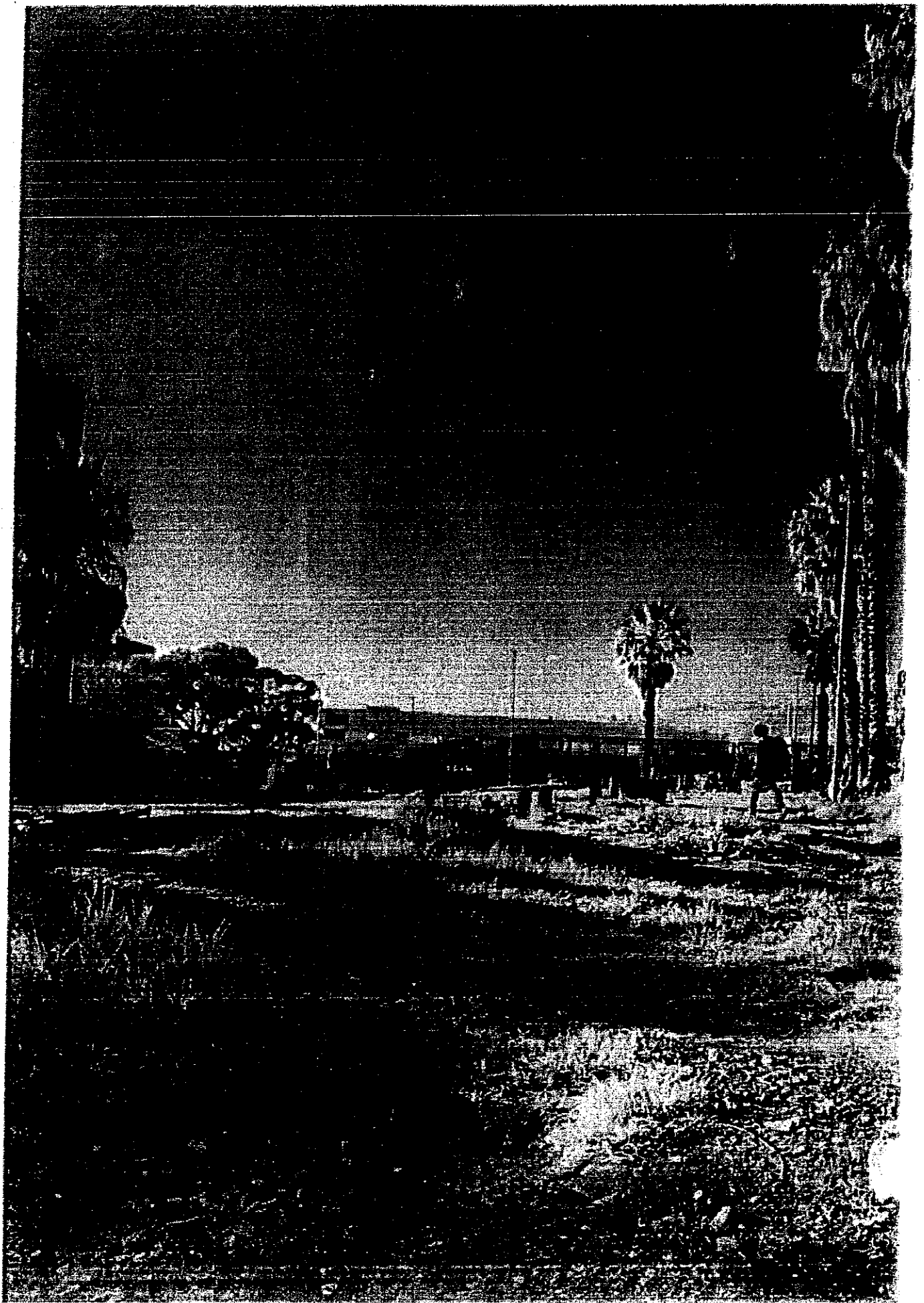


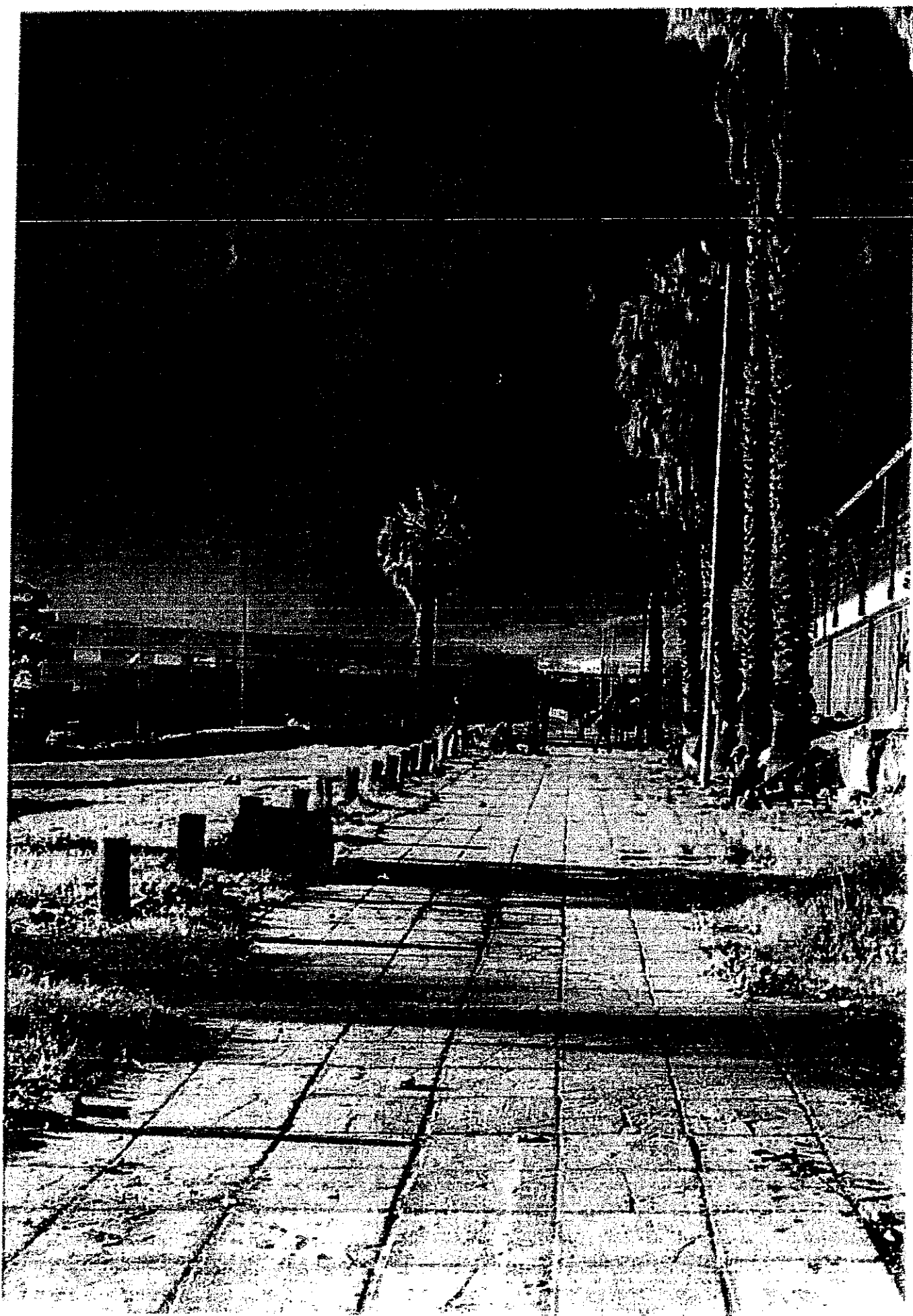


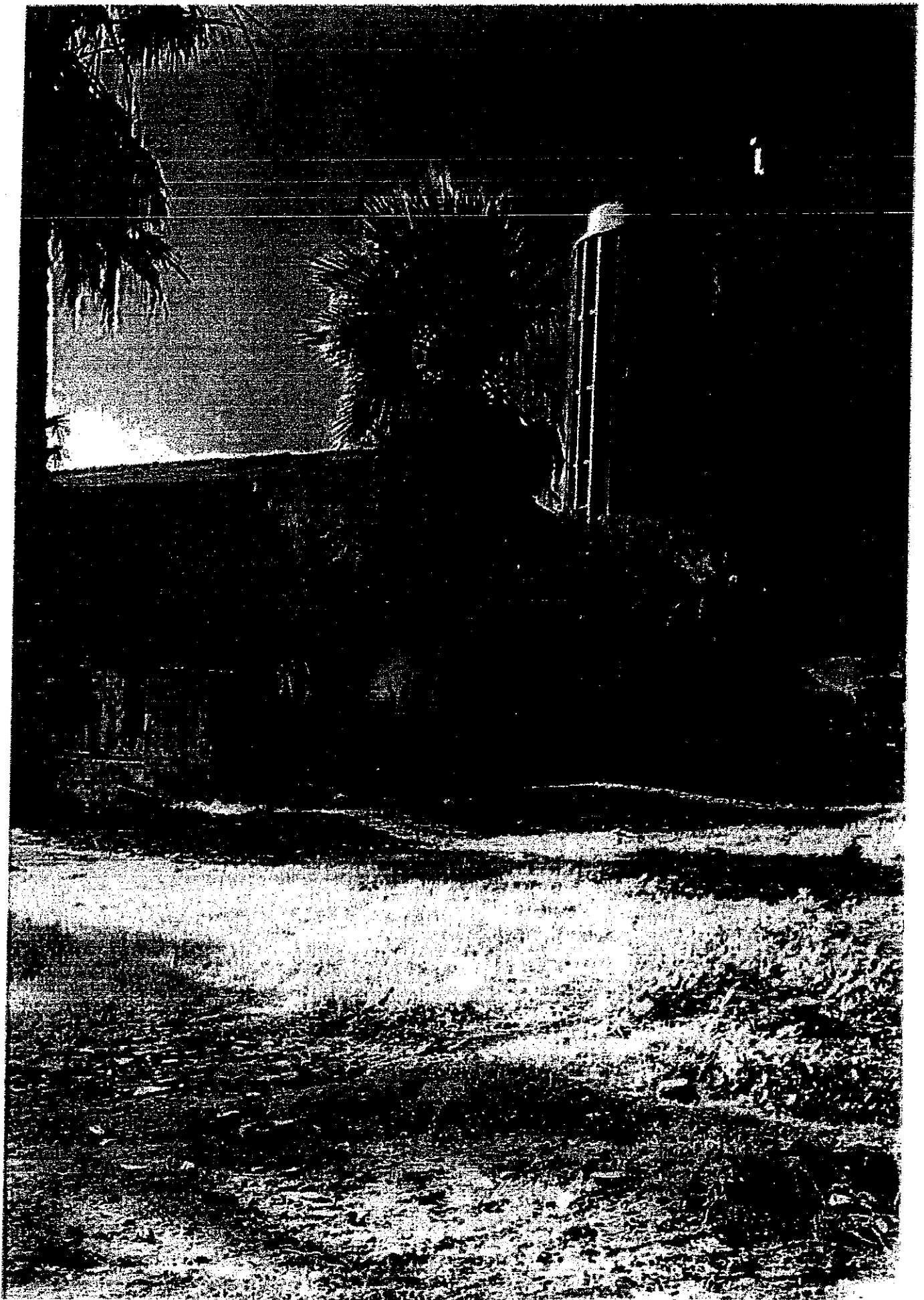


















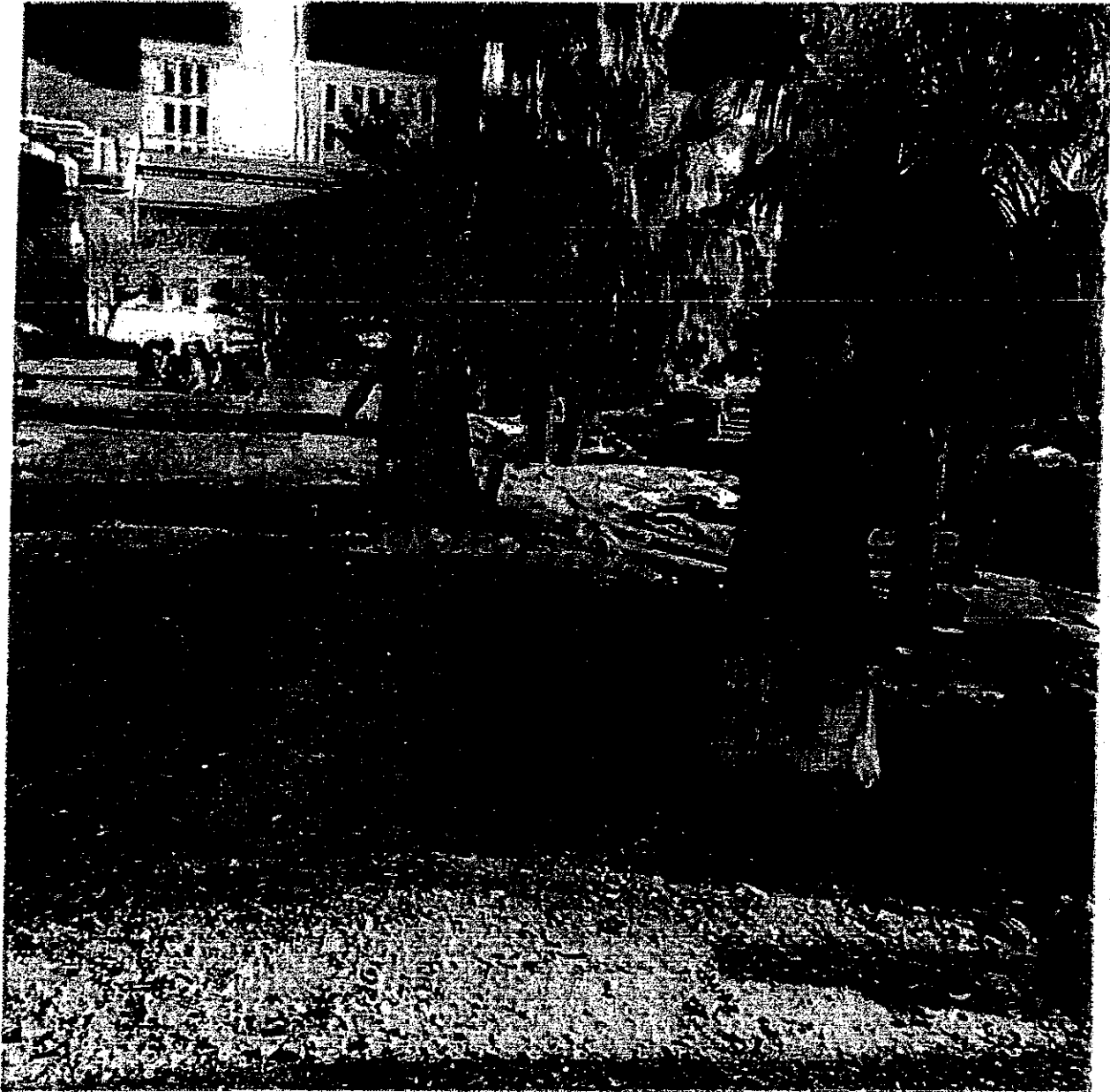


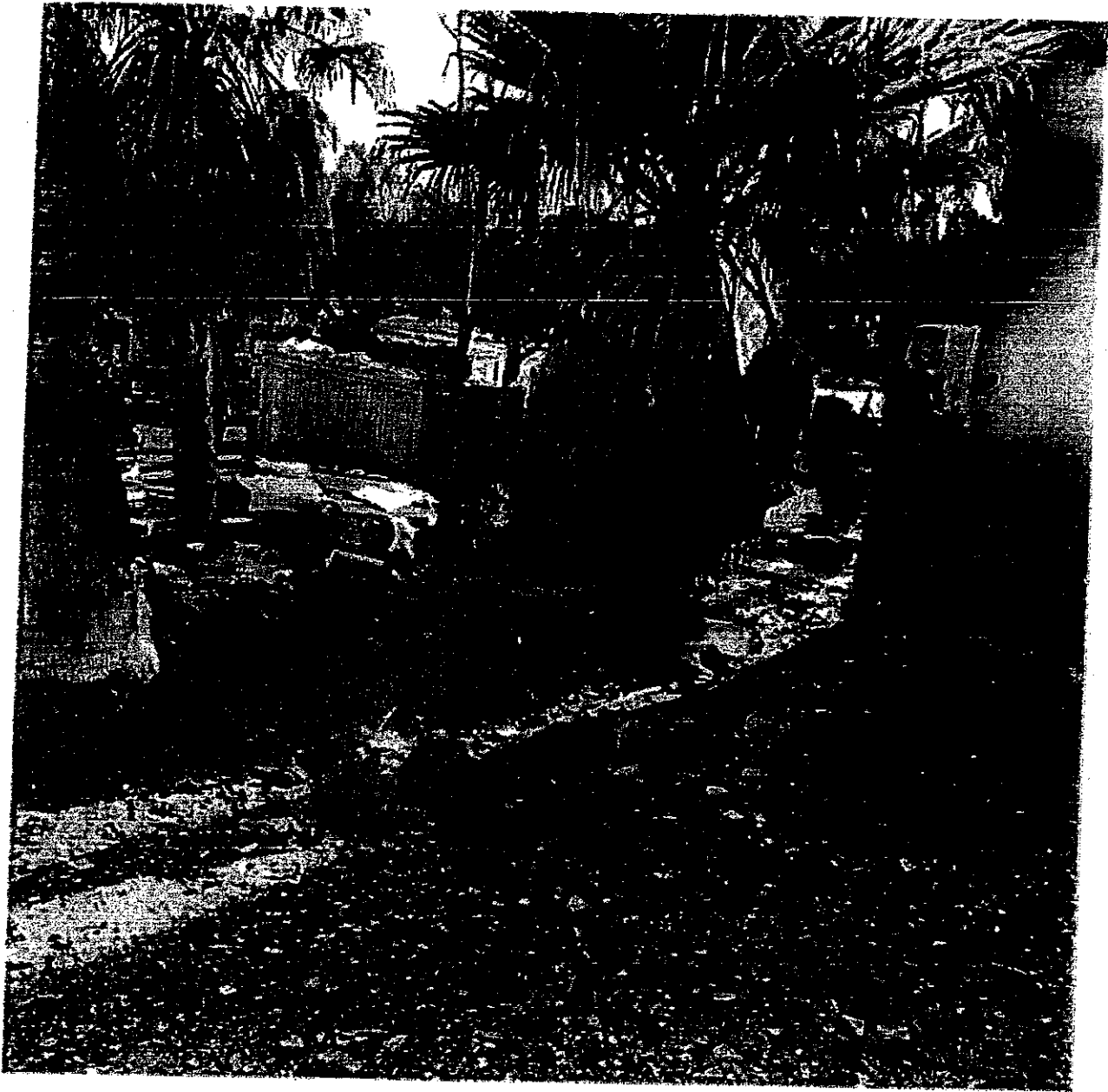


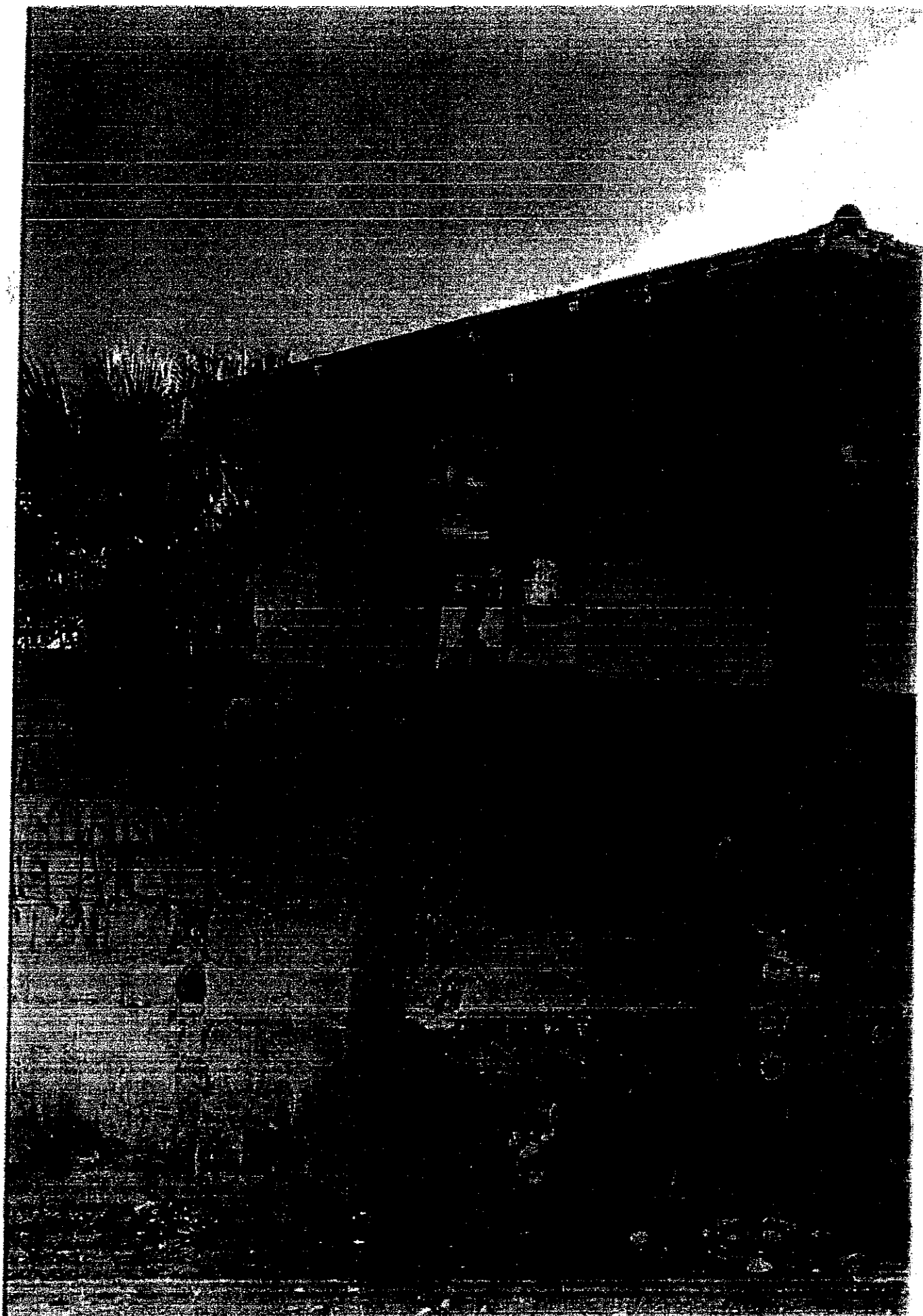


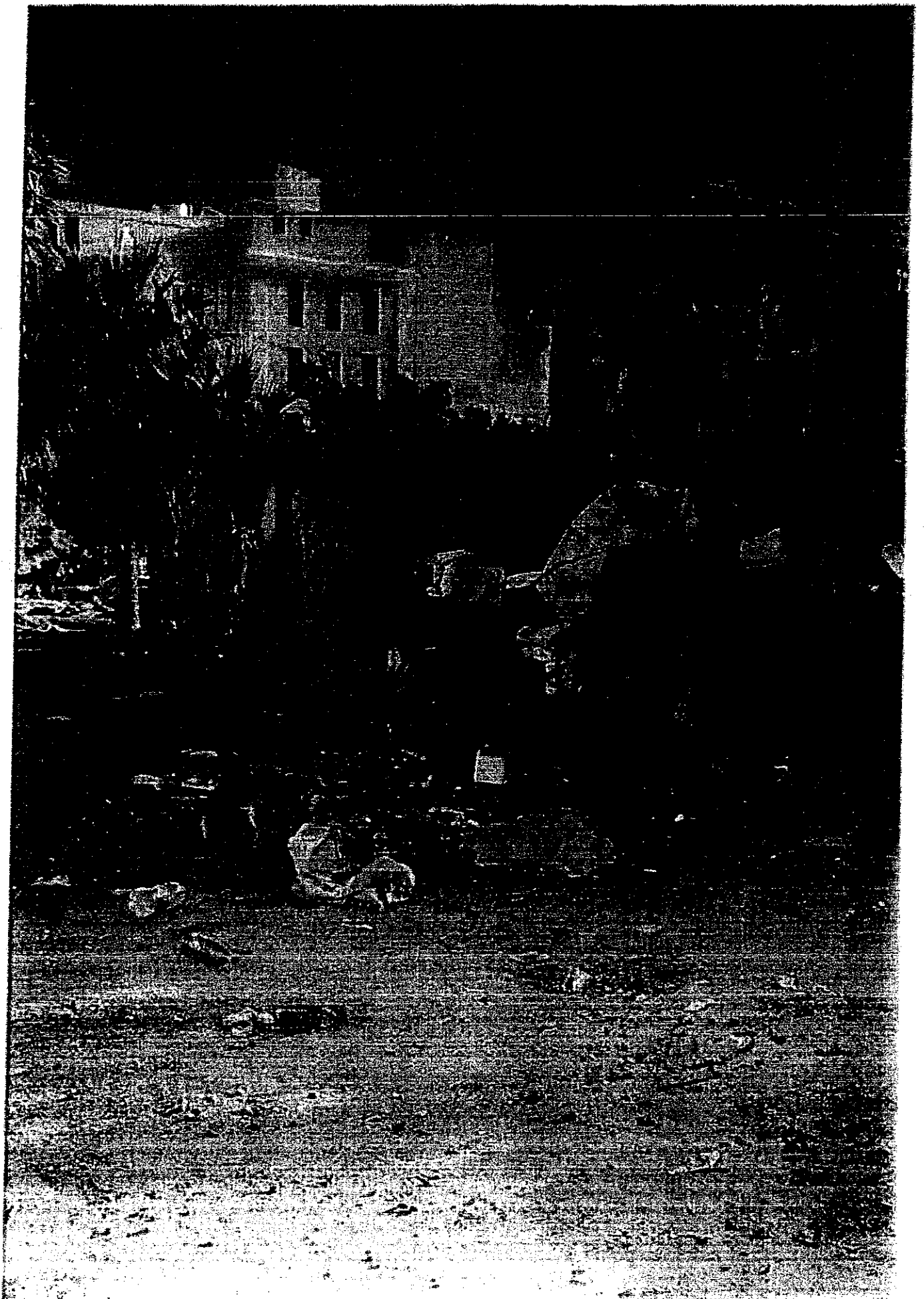


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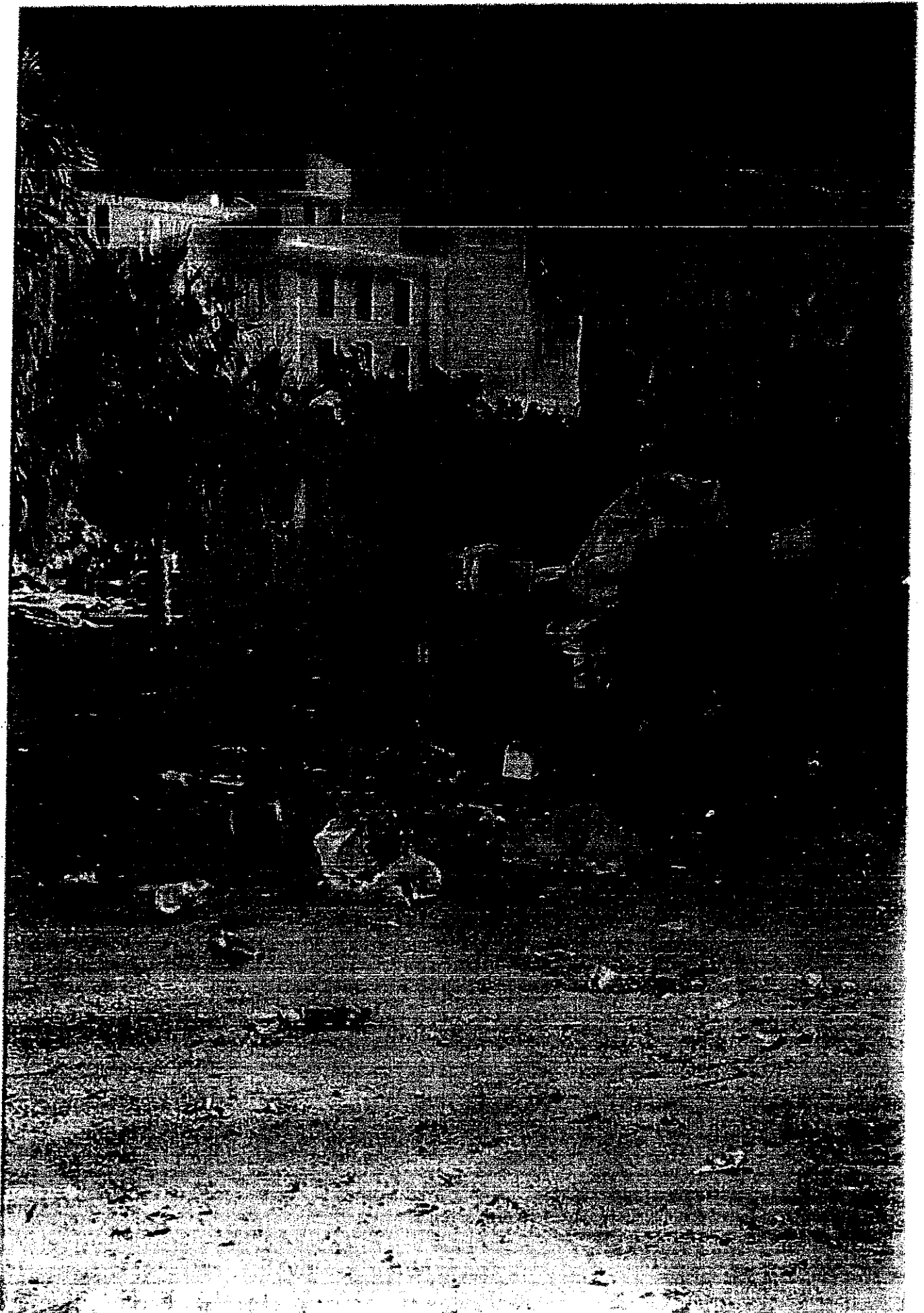


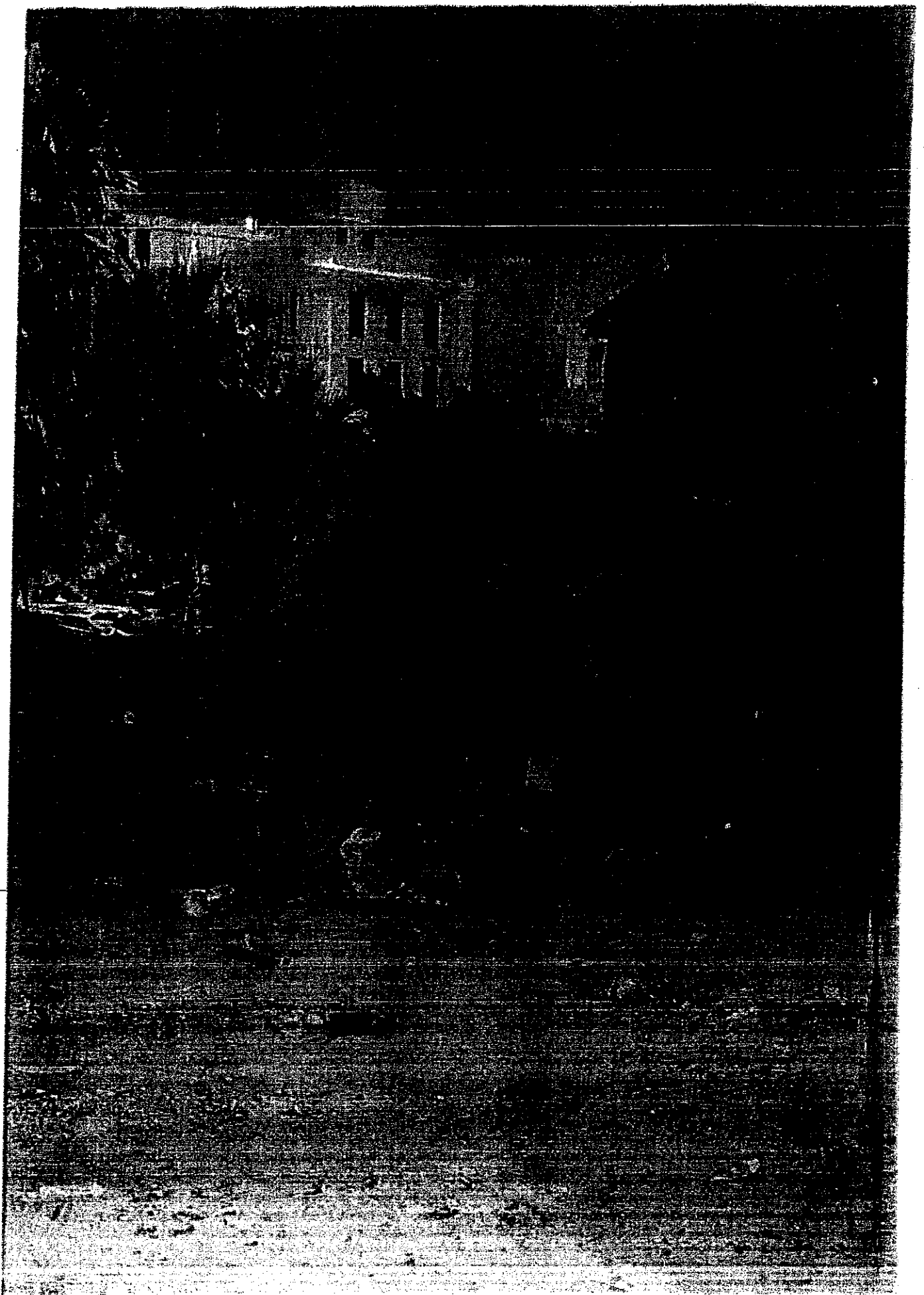












BR 0-2

