

**Statement regarding the High Court Order and eviction of the properties 120 – 128 Bromwell Street, Woodstock on behalf of The Woodstock Hub (Pty) Ltd:**

In the interests of providing a factual account of the process of acquisition and property management on 120 – 128 Bromwell Street, Woodstock, the below are the facts as they occurred in chronological order.

The above-mentioned properties, 120 – 128 Bromwell Street, Woodstock, were acquired by The Woodstock Hub (Pty) Ltd (“the Hub”), on the 30<sup>th</sup> of October 2013 from the seller, Reza Syms. In the Agreement of Sale the Seller agreed to transfer the properties to the buyer vacant on occupation.

The Seller confirmed to the Hub that he had made arrangements with the Occupants to vacate the properties prior to transfer as he was the original landlord that placed the Occupants at the properties. One of the properties, number 120 Bromwell, was vacated by Mr. Ganief Gerun on Tuesday the 1<sup>st</sup> of July 2014, as agreed between himself and the Seller.

The seller requested that The Hub take over the management of the property, and therefore an initial notice of termination of lease was issued on the 30<sup>th</sup> of June 2014 to the occupants, providing them with one (1) calendar month to vacate the property. The Occupants did not vacate the property on the 31<sup>st</sup> of July 2014 and as such a further notice to vacate was served by the Sherriff.

On the 28<sup>th</sup> of August 2014, the matter was referred by the Occupants to the Rental Housing Tribunal. The Hub offered a rental and consumption-free extension up until the 30<sup>th</sup> November 2014. Despite the Hub making every effort to conclude a settlement with the Occupants, the matter was not taken further by them with the Rental Housing Tribunal.

Based on a negotiation with the Seller, who was in urgent need of the proceeds from the sale, The Hub agreed to the transfer of the property with the existing Occupants in residence as well as managing the future vacating of the property. The property transferred on the 4<sup>th</sup> March 2015 into The Hub’s name.

The properties were not vacated as per the above notices, except for number 130 Bromwell Street and accordingly our attorneys were instructed to initiate an Eviction Application as per the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE) Act 19 of 1998.

Notice of the substantive application for eviction of the Occupants was served on the Occupants on the 31<sup>st</sup> of July 2015 notifying them that the eviction application was to be heard on the 8<sup>th</sup> of September 2015. A section 4(2) notice was then authorised by the Court on the 19<sup>th</sup> of August 2015 and duly served on them on the 21<sup>st</sup> of August 2015. At this point in time the Occupants were fully informed of their rights in the process.

On the 8<sup>th</sup> of September 2015 the Occupants attended at Court and the matter was postponed by the High Court to the 22<sup>nd</sup> of September 2015 to allow them to secure legal representation.

On the 22<sup>nd</sup> of September 2015 the matter was further postponed, by agreement, to the semi-urgent roll for the 12<sup>th</sup> November 2015.

The Occupants did not file opposing papers and the matter was further postponed to the 9<sup>th</sup> February 2016. During the month of February, the parties attempted to negotiate a settlement agreement and the matter was set down for the 17<sup>th</sup> of March 2016 in order to confirm the terms of settlement agreement.

On 4<sup>th</sup> March 2016, notice was received from the occupants' counsel, Marcello Stevens, proposing that The Hub agree that the occupants be allowed to vacate by the end of July 2016, provided any rental claims and legal costs be abandoned. The Hub has to date waived costs for legal fees and has not claimed outstanding rental for the entire period.

Additionally, prior to transfer, The Hub settled the outstanding utilities balance. The Hub is still in negotiations with the City of Cape Town to take over settlement of ongoing municipal service costs for the properties. As part of the settlement, the disconnection notice issued by the City that was received on the 20<sup>th</sup> of April 2016, was not enforced, thereby ensuring the occupants had access to full services and that, to date, no income had been collected for rental or services at any of the properties.

The final order confirming the agreement was granted on the 31<sup>st</sup> March 2016 by Judge President Hlophe of the High Court of Western Cape confirming the date for vacating the premises as the 31<sup>st</sup> of July 2016.

On the 25<sup>th</sup> of July 2016, at the request of the occupants, The Hub extended the vacating date to the 8<sup>th</sup> August 2016.

On the 5<sup>th</sup> of August 2016 the Occupants filed a notice for an application to vary the order, this application was heard and dismissed by the Acting Judge Weinkove of the Western Cape High Court. Following the dismissal of the application for variation the Occupants filed the same application under a different case number, which was also dismissed by Judge President Hlophe on the 8<sup>th</sup> of August 2016.

On the 10<sup>th</sup> of August the Occupants filed a notice of appeal to overturn the dismissal of the application where they requested an extension until the end of November 2016.

In an attempt to settle the matter amicably and afford the Occupants a further 30-day extension the parties concluded a settlement agreement allowing the Occupants to vacate

the property on the 9<sup>th</sup> of September 2016. This agreement was signed by all 28 of the occupants and been made an order of court by Acting Judge Weinkove of the Western Cape High Court.

It important to state that the Hub did not acquire the properties with the intention of them being occupied and as circumstances unfolded we have throughout the process maintained high levels of sensitivity and respect for the process and the right of all Occupants of the properties. Furthermore we have ensured that we have complied with the requirements of PIE and have been cognisant of the impact that this eviction would have on the Occupants, but maintain that fair process has been followed.

The Woodstock Hub (Pty) Ltd Directors:

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