



PO Box 3704, Bloemfontein, 9300  
 2<sup>nd</sup> Floor, Bram Fischer Building, De Villiers Street, Bloemfontein  
 Tel: +27(0)51 405 8621, Fax: +27(0)51 405 8108

Your Ref:	Our Ref:
Room 201, Bram Fischer Building	Date: 20 January 2021

Cllr Duladi Leech  
**Mangaung Metro Municipality**

Dear Councillor

**THE RULE 38 QUESTION: POSSIBLE ILLIGAL BUSINESS AT 23 NP VAN WYK STREET LHP**

With reference to your letter dated 19 September 2019 regarding the above-mentioned matter bears reference.

More and more owners of residences in Langenhoven Park have over the past year converted their properties into illegal businesses and or Student Houses. With specific reference to nr 23 NP Van Wyk Louw Street, Langenhoven Park the DA would like to ask the following Rule 38 Questions:

1. Was an inspection done on the said premises?
  - Yes
2. If so; when was the inspection done?
  - 24 October 2019
3. If so; which findings were made during the inspection?
  - Illegal land use (business operating in a residential zoned property)
  - Illegal land use and deviation from approved plan contravention notices issued
4. Has the owner submitted any building plans for the said premises?
  - No (only for residential purposes, submitted and approved in 1992)

**5. If so; when were the building plans submitted?**

- Not applicable

**6. If so; when were the plans approved by the metro?**

- Not applicable

**7. If so; has the property been changed according to these building plans?**

- The premises are use business (CTC College offices)

**8. For which use does the owner intend to use the premises?**

- Business (CTC College offices)

**9. What is the zoning of the said residence?**

- Residential see attached zoning certificate

**10. Is the owner currently using the property as business?**

- Yes (CTC College offices)

**11. If so; does the owner have the necessary permission from the metro to do so?**

- No, hence the issuance of contravention notices

**12. If not; has a warning and or fine been issued?**

- Only contravention notices issued, fines will be issued in 30 days after expiration of contravention notice. See attached

**13. If so; when was this done?**

- 27 & 29 October 2019

**Yours faithfully**

  
Adv. Tankiso Mea  
City Manager

October  
14 September 2019

To: THE CITY MANAGER:  
Adv. T Mea  
Mangaung Metro Municipality.

Further To: THE SPEAKER  
Mr. MA Siyonzana

BY HAND.

BRAM FISHER BUILDING,  
BLOEMFONTEIN  
9301

Office of the City Manager

14-10-2019

Mangaung Metropolitan  
Municipality

Dear Gentlemen

**RE: Possible Illegal Business at 23 NP van Wyk Louw Street, LHP**

I refer your attention to **Rule 38** of the **Standing Rules and Orders** that states:

**38.1** Any member may submit a question requiring a written reply from any political office bearer, the municipal manager or senior manager of the municipality, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a questions has been submitted to the Speaker or chairperson and the municipal manager at least 10 (ten) days prior to the councillor committee meeting and the political office bearer and the City Manager shall ensure that the member receive a written reply at the meeting.

**38.2** If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may with the permission of the speaker or chairperson, request a follow-up question, follow –up question should be in writing.

**38.3** All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

More and more owners of residences in Langenhoven Park have over the past year converted their properties into illegal businesses and or Student Houses. With specific reference to nr 23 NP van Wyk Louw Street, Langenhoven Park the DA would like to ask the following Rule 38 Questions:

1. Was an inspection done on the said premises?
2. If so; when was the inspection done?

3. If so; which findings were made during the inspection?
4. Has the owner submitted any building plans for the said premises?
5. If so; when were the building plans submitted?
6. If so; when were the plans approved by the metro?
7. If so; has the property been changed according to these building plans?
8. For which use does the owner intend to use the premises?
9. What is the zoning of the said residence?
10. Is the owner currently using the property as a business?
11. If so; does the owner have the necessary permission from the metro to do so?
12. If not; has a warning and or fine been issues?
13. If so; when was this done?

Looking forward in having a written reply at our next council meeting.

Sincerely,



Cllr Dulandi Leech  
Ward 22  
Mobile: 082 341 4879  
Email: [dulandil@da.org.za](mailto:dulandil@da.org.za)

Attention: J.S. Matsoso

Sir

**ZONING AND PERMISSIBLE USES: ERF 278 LANGENHOVENPARK, BAINSVLEI, BLOEMFONTEIN**

In terms of the approved Bainsvlei Town Planning Scheme (B.T.P.S), the above-mentioned property is zoned "Special Residential 1" and may only be used for the following purpose:

Dwelling houses

With special consent of the Mangaung Metropolitan Municipality, they may also be used for the following purposes:

Places of public worship  
Places of instruction  
Community Halls  
Institutions  
Intermediate residential buildings and  
Nurseries

The development restrictions applicable on "Special Residential 1" are as follow:

- COVERAGE:** 50%
- HEIGHT:** No building with more than three storeys may be erected in the area, provided that:
- a) if a building is designed with a parking area on the ground level a further storey shall be permitted if the parking area covers at least 80% of the ground floor.
- SIDE SPACES:** 1m (if the erf is smaller than 1 500m<sup>2</sup>)
- STREET BUILDING LINE:** 9m from the street boundary

For any further possible restrictions see the title deed of the above-mentioned property.

Yours faithfully

  
.....  
**S.M. MAHAO**  
**ACTING GENERAL MANAGER: TOWN AND REGIONAL PLANNING**

25/10/19  
.....  
DATE

  
.....  
**B.S. MTHEMBU**  
**HEAD OF DIRECTORATE: PLANNING**

28/10/2019  
.....  
DATE



**MANGAUNG**  
METRO MUNICIPALITY  
METRO MUNISIPALITEIT  
LEKGOTLA LA MOTSE

DIRECTORATE  
PLANNING

**Our Ref: Smith J**

**Your Ref:**

**Date: 28/10/2019**

**Phone: 051-405 8407/0826513925**

**The Owner / Occupier**  
23 NP Van Wyk Louw street  
LHP  
Bloemfontein  
9301

Sir/ Madam

**NOTICE: UNLAWFUL USE OF PREMISES -- OFFENCE IN TERMS OF SECTION 89 OF THE SPATIAL PLANNING LAND USE BY-LAWS**

As the owner or occupant of the premises described hereunder, you are notified to cease the illegal land use being conducted from this property, being Erf \_\_\_\_\_, situated at 23 NP Van Wyk Louw Street LHP Bloemfontein. This property is seemingly used for illegal purposes, being **CTC College Offices**.

In terms of the approved **Bainsvlei Town Planning Scheme no 1 of 1984** the above-mentioned premises have been zoned for **Residential** and may be used for that purpose only. Using the premises for any other purpose it has been zoned for is a contravention in terms of Section 89(1) (c) and 89(2) of the By-laws relating to **Municipal Land Use Planning**. Your illegal land use is furthermore a contravention of Section 58(1)(b) of the **Spatial Planning Land Use Management Act, no 16 of 2013**.

This is a notice in terms of section 91 of the said By-laws and requires from you: **to cease the illegal land use immediately** and thereafter to apply for rights to use the premises legally. You may provide or make a representation to the Head of Directorate: Planning within 30 days from date of receipt of this letter regarding your land use and or activities. You may only use this property for the permitted uses in terms of its current zoning.

Should you fail to adhere to this notice and continue with the illegal use of the said property, you may be prosecuted for and convicted of an offence and, or the Municipality may obtain a court order to enforce compliance at your costs, without any further notice in this regard. Please note that the Municipality had not suspended the urgent compliance with this notice and requires your urgent compliance immediately.

**NB:** that if you fail to comply with this notice you are guilty of a continuous offence in terms of the By-laws and penalisable with a fine in amount of **R 11 000** and thereafter to a fine of **R 2750.00** per month for each month that the contravention endures.

The Municipality may also apply for your imprisonment during the determination of this matter by the Court, depending on the gravity of the contravention.

Manager Enforcement  
Land Use Control

**NOTICE HEREOF RECEIVED ON THIS DAY: ...28... Month, ...10... Year: 2019**

Signature:  Time: 09h17

Email: [Johannes.Smith@mangaung.co.za](mailto:Johannes.Smith@mangaung.co.za)





Our Ref: Mr. J.S. Matsoso

Your Ref: Erf 278

Date: 29 October 2019

Tel no: 051 4058690 (between 08:00 – 09:00 &  
15:00-16:00)

CTC College (PTY) Ltd  
P/a 23 N.P. van Wyk Louw Street  
Langenhoven Park  
BLOEMFONTEIN  
9301

**NOTICE IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT (NO. 103 OF 1977), AS AMENDED: ERF 278, 23 N.P. VAN WYK LOUW STREET, LANGENHOVEN PARK, BLOEMFONTEIN.**

A notice issued accordingly the provision of Regulation A25(6) of the National Building Regulations and Building Standards, enact in terms of the Act on National Building Regulations and Standards, Act Nr.103 of 1977 (hereafter "the Act") in respect of the premises described above and ordering you as the owner to comply within the period specified.

1. In terms of Section 4(1) of the above-mentioned Act:

***"No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this Act".***

2. In terms of Regulation A25 (5) of the above-mentioned Regulations:

***"Any person who, having obtained approval in terms of the Act for the erection of any building, deviates to any material degree from any plan, drawing or particulars approved by the local authority shall, except where such deviation has been approved, be guilty of an offence".***

3. In terms of Regulation A25 (1) of the above-mentioned Regulations:

***"No person shall use any building or cause or permit any building to be used for a purpose other than the purpose shown on the approved plans of such building, or for a purpose which causes a change in the class of occupancy as contemplated in these regulations, whether such plans were approved in terms of the Act, or in terms in force at any time before the date of commencement of the Act, unless such building is suitable, having regard to the requirements of these regulations, for such first-mentioned purpose or for such changed class of occupancy."***

4. In terms of Regulation A 9 (1) of the above-mentioned Regulations:

***"Where so required by the local authority, any application in respect of the erection of any building not being a dwelling house, shall be accompanied by a fire plan which shall clearly show any fire protection measures provided in terms of these regulations."***

5. In terms of Section 12(4) of the above-mentioned Act:

***“If the local authority in question deems it necessary for the safety of any person, it may by notice in writing, served by post or delivered:***

- a) Order the owner of any building to remove, within the period specified in such notice, all persons occupying or working or being for any other purpose in such building therefrom, and to take care that any person not authorized by such local authority does not enter such building;***
- b) Order any person occupying or work or being for any other purpose in any building, to vacate such building immediately or within a period specified in such notice.”***

6. 'building' includes-

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-***
  - (i) the accommodation or convenience of human beings or animals;***
  - (ii) the manufacture, processing, storage, display or sale of any goods;[Sub-para (ii) substituted by s. 1 (b) of Act 62 of 1989.]***
  - (iii) the rendering of any service;***
  - (iv) the destruction or treatment of refuse or other waste materials;***
  - (v) the cultivation or growing of any plant or crop;***
- (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;***
- (c) any fuel pump or any tank used in connection therewith;***
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);***
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;***

7. On 25 October 2019 an inspection in respect of the above-mentioned property was conducted, wherein it was revealed that the dwelling being used for other purposes (business) that are indicated on the approved building plan dated 15/10/1992. Illegal alterations carried out, without the prior approval of the Local Authority. The current fire plan is not in place. The buildings are also been used by the public and workers daily and their safety are at risk.

8. Building used for other purposes that are not indicated on the approved building plans (illegal business).

9. The building is also been used by the public and workers on a daily basis and their safety are at risk.






10. In terms of Section 12(4) and Regulation A25 (2) of the National Building Regulations and Building Standards Act (103 of 1977), you are hereby ordered to evacuate the said buildings, cease the contravention as mentioned in paragraph 7 above with immediate effect on receipt of this notice and use the buildings only for residential purposes.

12. You are further required in terms of Regulation A25 (7) & (10) of the National Building Regulations and Building Standards Act (103 of 1977), to demolish OR submit an application within 30 working days from date of this notice for consideration, in respect of the building work referred to in paragraph 7 above.

**Failure to comply with this notice shall constitute an offence and will result in legal proceedings being instituted against you without further notice.**

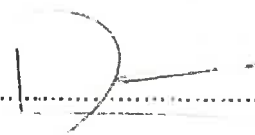
Should you have any queries regarding this notice, kindly contact the Building Inspector during the office hours as mentioned above.

Yours faithfully

  
N.C. Fourie  
Senior Building Inspector  
for Building Control Officer  
(DULY AUTHORIZE SECTION 6 (4) ACT 103/1977)

RECEIPT OF NOTICE BY

TSHILO



DATE

29 Oct 2019

