
Your Ref: T. Van Der Merwe
Room 201, Bram Fischer Building

Our Ref: 12/1/9/4/2
Date: 21 June 2022

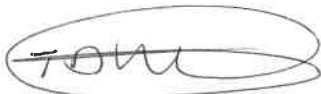
Clr T Van Der Merwe
Democratic Alliance
Mangaung Metropolitan Municipality

RESPONSE TO RULE 38. NUMBER 10 MAARTEN STREET.

Your E-mail dated 7 June 2022, with regard to the above-mentioned matter refers.

Kindly find attached a comprehensive report dealing with the questions posed from the responsible sub-directorate.

Yours faithfully



Tebogo Motlashing
Acting City Manager
Date: 16/08/2022

Our Ref: J Smith

Your Ref:

Date: 01/06/2022

Phone: 051-405 8407/0826513925

The Acting City Manager
Office of the City Manager

RE: MMM // 10 MARTINS STREET UNIVERSITAS, BLOEMFONTEIN

Background

Various complaints against the property were submitted to MMM by members of the community and DA Councilor Tjaart van der Walt. Other complaints were telephonically as the community was disturbed by the construction work and the offloading of the bricks on the sidewalk.

Nature of complaint

The nature of the complaint was an active construction work being undertaken on the erf.

Allegations that no building plans were submitted by the property owner.

No rezoning applications is submitted by the owner of the said property to MMM Planning department.

The Property is intended to be used as a student accommodation.

Investigation

The Law Enforcement was dispatched to the said address to investigate the allegations on Saturday 25/09/2021 and stopped all active building activities. The ward councilor was informed telephonically.

On Saturday 26/09/2021 Law Enforcement was again dispatched to the said address, and they reported that no building activity was taking place. They stopped to building and only the workers were sitting around there.

On Monday 27/09/2021 myself (Mr. Smith) from building control enforcement attended the complaint in the morning about 08:00 and the foreman was again instructed not to continue with the building activity. He informed me that law enforcement visited them on 25&26/09/2021 and instructed them to stop. By that time, they stopped already from the first instruction.

Property Owner

The information was that Eben Coetzee is the property owner, and he is selling the property. The sale is through and the property is now registered under NATH DERCORS AND LIFESTYLE (PTY) LTD

Erf

The erf is zoned single residential 2 and can only be used as a dwelling. Mr. Thekisho (the buyer of the property) advised that the application for rezoning of the property to Student accommodation is currently underway and being dealt with by private Town Planner Mr. Machogo.

Notice Issued

1. On the 30th of September 2021, MMM issued a Notice against the property owner to stop the construction work which is being done. In terms of the notice the client has 30 days to submit a building plan for consideration.
2. All building activities were stopped on the erf and Law Enforcement was monitoring the situation.
3. The owner was requested to relocate the bricks that were on the sidewalk. it is now partially done.
4. In this regard a hoarding fee must be calculated and be given to the owner. NB: the hoarding fee to date will be part of the documents that will be handed to the attorneys.

Way forward

1. The property owner must remove the bricks from the sidewalk, it is now partially done.
2. No building will be allowed until the rezoning and the building plans are approved. NB: in terms of our records no building plan was submitted for consideration.
3. Attorneys are appointed namely
4. We had a consultation with adv.....on 16/05/2022 and will again consult on 22/06/2022

Mr JG Smith

Manager: Enforcement

/ff

MEMORANDUM

To: Mr N Oosthuizen
E G Cooper Majiedt Inc.
77 Kellner Street
Westdene
BLOEMFONTEIN

Date: 23 May 2022

**RE : MANGAUNG METROPILITAN MUNICIPALITY // 10 MAARTEN
STREET, UNIVERSITAS, BLOEMFONTEIN
AND
MANGAUNG METROPOLITAN MUNICIPALITY // 89 HENRY STREET,
BLOEMFONTEIN**

1. Consultant herein is the Mangaung Metropolitan Municipality.
2. We consulted with officials from the Mangaung Metropolitan Municipality on **16 May 2022** on the above two properties.
3. I prepared this short memorandum on information that we will require in prosecuting its applications against the respective owners.

INTRODUCTION:

4. 10 Maartens Street, Universitas, Bloemfontein, concerns illegal and unlawful construction of certain extensions to the existing property. Our instructions are to bring an application for the demolition of the unlawful structures on the property.
5. 89 Henry Street, Bloemfontein, concerns the possible expropriation of the property. The owner abandoned the property, and the rates and taxes are in arrears. This matter is a bit more complicated.
6. I will deal with necessary instructions pertaining to both properties and indicate any specific information relating to the individual cases.

INFORMATION REQUIRED:

7. The following information is required to enable the drafting of the founding papers:
 - 7.1 Details for the duly authorized and delegated deponent for the Mangaung Metropolitan Municipality. This is usually the City Manager;
 - 7.2 Deponents for confirmatory affidavits, as an example and so far as it is relevant:
 - 7.2.1 Manager: Land Use Control Department;

7.2.2 Manager: Enforcement;

7.2.3 Manager: Building & Zoning Control;

7.2.4 Manager: Water & Sanitation Department;

7.2.5 Manager: Metropolitan Planning;

7.2.6 Manager: Spatial Planning Department; and

7.2.7 Manager: Building Inspector.

7.3 Details of the transgressions. We need specific instructions from the Municipality about the complaints about the individual properties. We need information on how and contrary to which statute, by-law, or regulation the respective property owners contravened. These complaints should, where possible, be supported by the relevant maps, approved building plans, photographs, etc.

7.4 Bearing in mind that we will not have the opportunity to have the Court view the properties by way of an inspection *in loco*, we need to place the Court in the proper position to establish for itself the relevant situation. For this reason, maps, photographs and plans are of the utmost importance.

7.5 Any comments or complaints from the neighbours or people in the community. If such individuals are willing to be identified, we can address their comments accordingly.

- 7.6 Title Deeds of the property. Any other zoning information relevant to the relevant properties.
- 7.7 Finally, we also require copies of all correspondence exchanged with the homeowners.
8. Regarding the Henry Street property.
- 8.1 The Henry Street property is, as per instructions, currently vacant except for occupation by children who would otherwise be living on the streets.
- 8.2 We need to deal with this situation with the necessary sensitivity. We will need to involve the South African Police Services and the Department of Social Welfare. As upper guardian of minor children, the Court will expect the Municipality to see that these children are adequately taken care of and that they will not be left destitute and on the streets.
- 8.3 To that extent, it would be proper to investigate the property and ascertain precisely what the situation is.

CONCLUSION:

9. Out of an abundance of caution, I would advise that a final letter of demand be sent while preparing the applications. The Municipality needs to show that it has done everything in its power before approaching Court.

10. I trust that you will find it in order and look forward to your further instructions.

L A ROUX

CHAMBERS

BLOEMFONTEIN