

## Johannesburg eviction ruling 'far-reaching'

2011-12-02  
News24

Johannesburg - A court ruling that the City of Johannesburg find emergency accommodation for 86 people facing eviction has serious implications, the city said on Thursday.

"The decision has a potential impact on the city's budgets and might have a knock-on effect on future decisions taken with regards to finances and revenue," spokesman Gabu Tugwana said in a statement.

He said the city would have to seek legal advice on the implications for local authorities to pass and enforce by-laws -- including action against landlords who own unsafe buildings which place the lives of occupants in grave danger.

Earlier, the Constitutional Court ruled that the city must provide emergency temporary housing by April 1 for the 86 people.

The court found the city's housing policy was inconsistent with its housing obligation and was unconstitutional because it did not provide accommodation for people in an emergency situation.

It rejected the city's argument that even if it did have an obligation to provide temporary accommodation in such cases, it did not have the means to do so.

"The court was not persuaded that the city did not have sufficient resources to provide accommodation for the occupiers, holding that the city had wrongly budgeted on the basis that it was not obliged to provide them with emergency housing."

The judgment dealt with when it would be just and equitable under the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE) to evict unlawful occupiers from private property.

It was common cause that the occupiers of the building, which had been red flagged as a derelict fire risk in the past, were unlawful.

The people had been living in the building in abysmal conditions for a long time and had paid rent, although no record of the rent to the present owner through a "caretaker" could be found.

The owner of the property, Blue Moonlight, bought the property in 2004, but met resistance when it wanted to redevelop it.

The occupants, who brought in around just under R1 000 a household, did not want to move because they would be homeless and away from their sources of income.

They tried to raise the matter with the housing tribunal, but eventually the issue went to court.

The city must, by April 1 provide the occupiers, whose names are on a list filed on April 30 2008, with temporary accommodation as near as possible to the Berea property.

Morgan Courtenay, the occupiers' attorney at the Centre for Applied Legal Studies (CALs), at the University of the Witwatersrand, called the judgment "a huge victory for the poor generally".

The centre called on the city to immediately take steps to carry out the court's order and to consult with the occupiers and their representatives over this.

Jackie Dugard, executive director of the Socio-Economic Rights Institute of SA, said the city had been in a state of denial about the needs of poor people under threat of eviction by private landlords.

"That must now end."

The city said it would comment further once the full judgment had been studied.

- SAPA