

■ PROPERTY DISPUTE

Eviction breather for SAPS and South Coast units

Urgent application halts sheriff of the court from forcing them out of the premises

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SOUTH Coast police units including SAPS Search and Rescue, Tactical Response and Training Unit, as well as its Vehicle Identification and Safeguarding Unit have a temporary reprieve from being evicted from their premises.

This came after their eviction, to be carried out by the sheriff, was halted yesterday because of an urgent application filed by the police.

According to police spokesperson Nqobile Gwala, the unit was granted an extension to occupy the premises.

The police units faced eviction from their Marburg offices in terms of a court order secured by the property owner last year.

Property landlord Sean Naidoo of Silver Moon Investments 145cc yesterday confirmed that an urgent court application stopped the sheriff from evicting the police units yesterday.

"This is the same application that was thrown out of court last week but somehow they got it enrolled again." Naidoo said he would provide a proper statement later today after he had consulted his lawyers.

According to the court order last year, the police units, which serve the entire Umzimkhulu area, including Port Shepstone, had until late January to move out of the offices.

In a judgment, the Durban High Court ordered that should the police units fail to vacate the premises within 30 days, the sheriff would evict them.

The Police and Public Works departments were also ordered to pay the costs of the court application. It was opposed by the SAPS, which called for the dismissal of the application.

Silvermoon Investments approached the court in December after the police failed to leave the premises after it had issued a notice to vacate in February 2017.

When they failed to leave, the landlord erected a billboard calling it the 'first South African government land grab'

When there was no move by the police units, Silvermoon Investments erected a billboard stating that the property had been "hijacked" by the Department of Public Works for the SAPS and called it the "South African government's first land grab".

In her judgment, Judge Mokgere Masipa said Silvermoon Investments had set out a fairly simple case proving its ownership of the property, and had indicated that the property was occupied by the police units at the instance of the Department of Public Works, which is in charge of procuring property to be used by state organs.

According to the judgment, there was one lease agreement that was concluded between the property owner and the police and Public Works, which ended in December 2017.

In dispute was whether the property owner had signed a second lease which was to end in September.

The court found there were conditions attached to the second lease that were not fulfilled and which rendered the contract void. Therefore the property owner was within his rights to ask the police to vacate.

According to the judgment the parties had an acrimonious relationship with Public Works, claiming that rent had been overpaid because of incorrect property size estimates and a counterclaim by the property owner that rent had not been paid.

The judgment said those issues were still pending and could not be decided by the court.