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BUILDING OWNER WHO HOUSED POLICE LOCKS THEM OUT

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The department of public works is involved in yet another dispute after it signed a multimillion-rand lease to house the police - only to terminate it one month later.

Now, the owner of the building - which was used by both the SA Police Service and the Civilian Secretariat for Police - has locked it, with state assets and equipment inside, and is demanding the approved monthly rental of more than R250 000, failing which he will sue the department for payments owed until the expiry of the lease.

Documents obtained by City Press revealed that, in March, public works director of real estate management services Ndihvoni Mathivha signed a memorandum of an amendment to the lease dated January 16 2014, for the leasing of 2 807m² of office space at 217 Pretorius Street in Pretoria Central.

"The parties [the department of public works and landlord Barend van Erkom] to the abovementioned lease hereby amend the lease contract by means of addendum in respect of the extension of this lease term. The

extension of the lease is with effect from March 1 2022 and will terminate on February 28 2023. The applicable monthly rental for office space is R263 717, VAT exclusive. All other provisions, including terms and conditions of the original lease, shall remain valid and in full force," the document read.

However, a month later - on April 19 - Mathivha sent a notice of termination of the lease to take effect within 11 days.

"Kindly be advised that this letter serves as notice of termination of the above lease agreement with effect from April 11. The above suggested department's [the SAPS's] tenancy will terminate on August 30 2022 and therefore not continue from May 1 2022. A formal invitation for hand-back costs inspection will be communicated in due course. This department would like to thank you for your kindness in allowing the national government the utilisation of your property. Any inconvenience caused is regretted," the letter read.

In a letter sent to the department of public works, Van Erkom's lawyer Sunethe Potgieter said the department's "repudiation of the lease was not accepted and, consequently, the lease was not cancelled, but remains binding".

In internal correspondence, one employee from the department wrote to his colleagues pleading for an intervention.

"The landlord is disagreeing with the termination letter and isn't allowing our client [the SAPS] access to collect remaining items and equipment inside the building. It would be

appreciated if you could urgently intervene and confirm a suitable date and time for the meeting," the email read.

City Press understands that the matter has not been resolved and the building remains locked as the department and the landlord argue about the legalities and status of the lease.

"The department [of public works] paid one month's rental, but, because this was going to be fruitless and wasteful expenditure, the payments were stopped. Now the landlord has dragged the department to court because he was given a lease without even seeking a renewal of it, only for it to be cancelled. The assets belonging to the police service remain in the building while the matter's being argued in court," said one source privy to the developments.

According to the source, the department decided on its own to renew a lease on the property without consulting the SAPS, which had not relocated to another building.

In August, City Press revealed that a number of government departments could soon be homeless

as a result of a longstanding feud over leases with building owners Bothongo Group Management (BGM).

Public Works and Infrastructure Minister Patricia de Lille instructed the department of defence, the SAPS,

the department of water and sanitation, the department of higher education and training, and National Treasury to find other premises for their staff.

The directive, which followed the lockout of employees from the department of higher education and training due to its failure to pay rent to BGM, was issued by then acting department director-general Alec Moemi in June.

Moemi was this week given another year's extension to his contract as the acting director-general of the department.

In the directive, which City Press has seen, Moemi wrote: "Following the recent spate of lockouts by BGM, the result of which was the interruption of critical services rendered by the department of public works and infrastructure with a view to finding a lasting solution, [the department] has planned an information session with the affected users, thus inviting delegated representatives from your departments to attend the same."

Moemi wrote that the department should look at other premises, suggesting Peterson Bothongo House and Voortrekker Gedenk as possible office spaces.

It is believed that the department of higher education and training wants to move to the Council for Scientific and Industrial Research in Menlyn, Pretoria, much to the dismay of workers' unions, who maintain that such a move would oblige the department's junior employees to pay more for transportation.

R263 717

THE EXTENSION OF THE LEASE IS WITH EFFECT FROM MARCH 1 2022 AND WILL TERMINATE ON FEBRUARY 28 2023. THE APPLICABLE MONTHLY RENTAL FOR OFFICE SPACE IS R263 717, VAT EXCLUSIVE