Cape Town: Eviction fight over unsafe building

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THE provincial government has turned to the courts in an attempt to evict a group of people squatting on a piece of land it owns in Woodstock.

The Human Settlements Department is seeking to remove the group occupying a dilapidated building on the corner of Perth and Cambridge streets.

The department said in papers before the Western Cape High Court that the structure of the building on the property is not safe.

It has been battling with the occupants since the beginning of 2009.

In an affidavit before the court, Lionel Esterhuizen, of the department, said the provincial government had not given the occupants consent to live on the property and that their occupation was therefore unlawful.

Most of the occupants have been living at the property for more than three years, while one moved in last year.

According to Esterhuizen, the property was not safe for human habitation and posed a health and safety risk to current and future occupants.

The building was constructed in 1930 and became unfit for occupation in 2008/ 2009 when the City of Cape Town issued a notice to the Department of Human Settlements.

However, the department could not demolish the building because there were about 10 families living there.

The city addressed a memorandum to the department in April 2010, after receiving a complaint from a neighbour that roofing sheets had blown off the building.

“It was discovered that the buildings on the property were potentially dangerous and in a state of disrepair,” he said.

A large part of the building was unstable, the department said.

Attorneys representing the department asked the families to vacate the property, but most of them complained that they were unemployed and could not afford alternative accommodation.

Eventually, some of them took up an offer from the city for alternative accommodation in Delft.

However, five adults and a two-year-old child are still living there and have refused to move.

Some live in a caravan parked on the property while others live elsewhere on the property.

Esterhuizen said that there was a potential land claim against the property. For that reason, the MEC of Rural Development and Land Reform has been cited as a respondent.

Heritage Western Cape had also been cited as a respondent because the Heritage Act provided that a structure might not be demolished without a permit if it was older than 60 years. The department had applied for such a permit.

He said the building posed a risk to the occupants, passers-by and neighbours.

He said the city had offered the occupants alternative accommodation and asked the court to order the occupants to leave or be formally evicted.

Judge André Blignault this week ordered the occupants to show why they should not be ordered to vacate the property by February 22.

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