



REPORT TO MUNICIPAL PLANNING TRIBUNAL

ITEM NO **MPTSW43/05/19**

CASE NO	70031260
CASE OFFICER	N For's (SA)
CASE OFFICER PHONE NO	021 444 9540
DISTRICT	Southern
REPORT DATE	30/04/2019

WARD 64: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 153925 CAPE TOWN AT MUIZENBERG, 13 WINDERMERE ROAD

1 EXECUTIVE SUMMARY

Property description	Erf 153925 Cape Town at Muizenberg
Property address	13 Windermere Road, Muizenberg
Site extent	1262m ²
Current zoning	Single Residential Zone 1
Current land use	Place of instruction (Early Childhood Development Centre)
Overlay zone applicable	Muizenberg Local Area Overlay Zone
Submission date	25/10/2018
Subject to PHRA / SAHRA	No
Any unauthorised land use / building work?	The place of instruction is unauthorised. In addition, the following parts of the building / structures are unauthorised: (1) roof structure with extent of 88m ² , (2) timber Wendy house with extent of 4,5m ² , (3) classroom with extent of 23,3m ² and (4) jungle gym equipment with extent of 17m ² .
Has owner applied for the determination of an administrative penalty	Yes
Has the City Manager applied to the MPI for an order that a person who is contravening the MPBL must pay an administrative penalty in an amount determined by the MPI	No
Has the City issued a demolition directive i.t.o section 128 of the MPBL? If yes, an administrative penalty may not be applied for.	No
Has the City served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination	No

of an administrative penalty?	
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2 DECISION AUTHORITY

For decision by the Municipal Planning Tribunal (MPT).

3 BACKGROUND / SITE HISTORY

- 3.1 Approved building plans from 1964 (see Annexure D) reflect that the buildings formed part of a much larger property that accommodated a holiday camp for the Cape Jewish Orphanage. A subsequent building plan from 1986 reflects a "nursery school" although the actual land use approval has not been located. Note that the existing buildings and structures differ to the structures on the 1986 approved building plan (see Annexure D).
- 3.2 In February 2019 an application for departures was submitted via the planning portal. It has not yet been accepted.

4 SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation is attached as Annexure C and may be summarised as follows:

- The property was purchased in 2001 as a going concern, which at the time was a nursery school.
- The building was initially built as a Jewish orphanage as reflected on the approved building plans dated 1956. Building plans were later approved and those dated 1986 record the existing structure as a nursery school.
- The contravention involves a shaded roof structure, timber Wendy house, existing classroom and jungle gym equipment.
- The shaded roof structure is made up of IBR steel sheeling fixed to a timber substructure supported on gum poles.
- The Wendy house, in its current position, falls within the 5m building line and therefore requires a permanent departure application.
- Some elements of the jungle gym have been positioned in such a way that parts of the equipment cross over the 5m street building line.
- It is unclear when the classroom was added, but it has been part of the structure for the duration of the current ownership.
- The roof structure is constructed in order to provide shade in summer and protection from rain in winter. The intention of the structure is to provide shelter in an outdoor play area for the children accommodated at the crèche.
- The Wendy house is small and has a relatively low roofline, and is barely visible from the street or neighbouring property.
- The jungle gym forms an integral part of the outside play areas for children of the various ages which attend the ECD. The equipment in its current state and position enhances the nature and available facilities for the children.
- Given the relatively temporary nature of the jungle gym, it was never considered that a building plan submission of any kind would be required for the installation.
- No building work has been undertaken on the property since taking transfer and no building plans have been submitted by the current owner.

- There are no existing building plans in the City's building plans records that indicate the current building layout.
- The owner of the property was notified that certain aspects of the existing building were not compliant with fire regulations. Upon receipt of the notification the owner has taken various steps to rectify the non-compliance.

5 ASSESSMENT OF APPLICATION

- 5.1 The administrative penalty is required for the unauthorized place of instruction (early childhood development centre) (1) roof structure with extent of 88m², (2) timber Wendy house with extent of 4,5m², (3) classroom with extent of 23,3m² and (4) jungle gym equipment with extent of 17m². The place of instruction and extensions thereto contravene Item 21 of the Development Management Scheme (DMS). In addition, the 5m setbacks as prescribed in Section 47 of the DMS are also contravened.
- 5.2 In terms of section 129(7)(a) of the By-Law, an administrative penalty for a building work contravention may not be more than 100% of the value of the building, construction and engineering work unlawfully carried out.
- 5.3 In terms of section 129(7)(a) of the By-Law, an administrative penalty for a land use contravention may not be less more than 100% of the municipal valuation of the area that is used unlawfully.
- 5.4 The municipal valuation of the property is R2 400,000.00 as per GV2015 (see Annexure E).
- 5.5 According to the applicant, the whole area of the extensions that are not shown on the approved building plans that reflect the nursery school is 132.8m².
- 5.6 The value of the land use contravention is calculated as follows:
- $$\frac{R2\,400\,000.00}{1262m^2} \times 132.8m^2 = R252\,551.51$$
- 5.7 Based on the table of values attached to the Standard Operating Procedure of Administrative Penalties, the value of the building work contravention is calculated as follows:
- | | |
|--------------------------------|--|
| Shaded Roof Structure/Carport: | 88m ² × R1 330.00 = R117 040.00 |
| Timber Wendy house: | 4.5m ² × R1 330.00 = R5 985.00 |
| Existing Classroom: | 23.3m ² × R7 020.00 = R163 566.00 |
| Jungle Gym Equipment: | No calculation – not in the table |
| Total | = R286 591.00 |
- 5.8 An amount which is not more than 100% of R539 142.51 may be imposed as an administrative penalty.

- 5.9 The following factors need to be considered when determining an appropriate administrative penalty, as contemplated by section 129(8) of the By-Law:

a) The nature, duration, gravity and extent of the contravention

Nature - The nature of the contravention relates to a place of instruction in the form of an early childhood development centre that is a consent use in Single Residential Zone 1.

Duration - According to the applicant the existing classroom has been in place since before the current owner purchased the property in 2001, the shaded roof structure was erected ± 10 years ago, with the previous shade cloth being replaced with IRB sheeting last year, and the duration of the Wendy house and jungle gym equipment is unknown.

Gravity - The gravity of the contravention is relatively serious as it relates to the care of young children.

Extent - At 132.8m² the extent of the contraventions is relatively large.

b) The conduct of the person involved in the contravention

It is clear that some of the contraventions was built or originated with the previous owner, but some was done by the current owner. The conduct of the current owner cannot be condoned.

c) Whether the unlawful conduct was stopped

The unlawful conduct has not stopped.

d) Whether a person involved in the contravention has previously contravened by this By-Law or any other planning law

As far as can be ascertained, the owner of the property has previously contravened this By-Law or any other planning law.

- 5.10 In view of the abovementioned considerations and the intention that administrative penalties, this Department recommends that an administrative penalty of R2 000.00 be imposed.

6 REASONS FOR DECISION

Reasons for the recommended decision may be summarised as follows:

- 6.1 The nature of the contravention relates to a place of instruction in the form of an early childhood development centre that is a consent use in Single Residential Zone 1.
- 6.2 According to the applicant the duration of existing classroom has been in place since before the current owner purchased the property in 2001, the shaded roof structure was erected ± 10 years ago, with the previous shade cloth being replaced with IRB sheeting last year. The duration of the Wendy house and jungle gym equipment is unknown.
- 6.3 The gravity of the contravention is relatively serious as it relates to the care of young children.
- 6.4 At 132.8m², the extent of the contraventions is relatively large.
- 6.5 The conduct of the owner cannot be condoned.
- 6.6 As far as can be ascertained, the owner of the property has not previously contravened this By-law or any other planning law.

7 RECOMMENDATION

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In view of the above, it is recommended that:

- a) That an administrative penalty in the amount of R2 000.00 be determined in terms of section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 153925 Cape Town at Muizenberg, with regard to the unauthorised place of instruction and building work as shown on the plan drawn by Davis & Hinsch architects with drawing number DHA 18-27-001P revision A, dated August 2018.

ANNEXURES

Annexure A	Locality map
Annexure B	Site Development Plan
Annexure C	Applicant's motivation
Annexure D	Previously approved building plans
Annexure E	Municipal valuation
Annexure F	Title deed



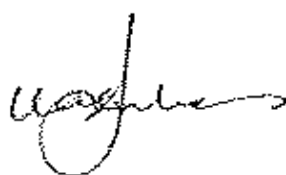
Section Head : Land Use Management

Name P Hoffa

Tel no 021 444 7724

Date 2019-04-30

Comment



District Manager

Name U Gonsalves

Tel no 021 444 7720

Date 2019-04-30

Comment

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP

3053

ANNEXURE : A

SR1

94318

87758-RE	87749
SR1 116050	SR1 87750
SR1 116051	SR1 92778
SR1 145413	SR1 87751
SR1 145414	SR1 87752
SR1 87755	SR1 87752
149281	SR1 148992
149282	SR1 148992

SR1 116566				SR1 87660				SR1 153925				SR1 87722			
146573				SR1 87661				SR1 153926				SR1 87723			
146574				SR1 87662				SR1 153927				SR1 87742			
149364				SR1 87663				SR1 153928				SR1 87741			
149365				SR1 87691				SR1 87717				SR1 87740			
SR1 87636				SR1 87664				SR1 87698				SR1 87739			
SR1 173728				SR1 87665				SR1 87699				2487738-RE			
SR1 94372				SR1 87666				SR1 87716				SR1			
SR1 119150				SR1 87667				87700-RE							
SR1 87653				SR1 87668											

Overview

Erf:

District:

Altoyment:

Suburb:

Ward:

Sub Council:



1:1 200

Notices Served



Support Received



Petition Signatory



Objections Received



Generated by:

Date:

Monday, 29 April 2019

File Reference:



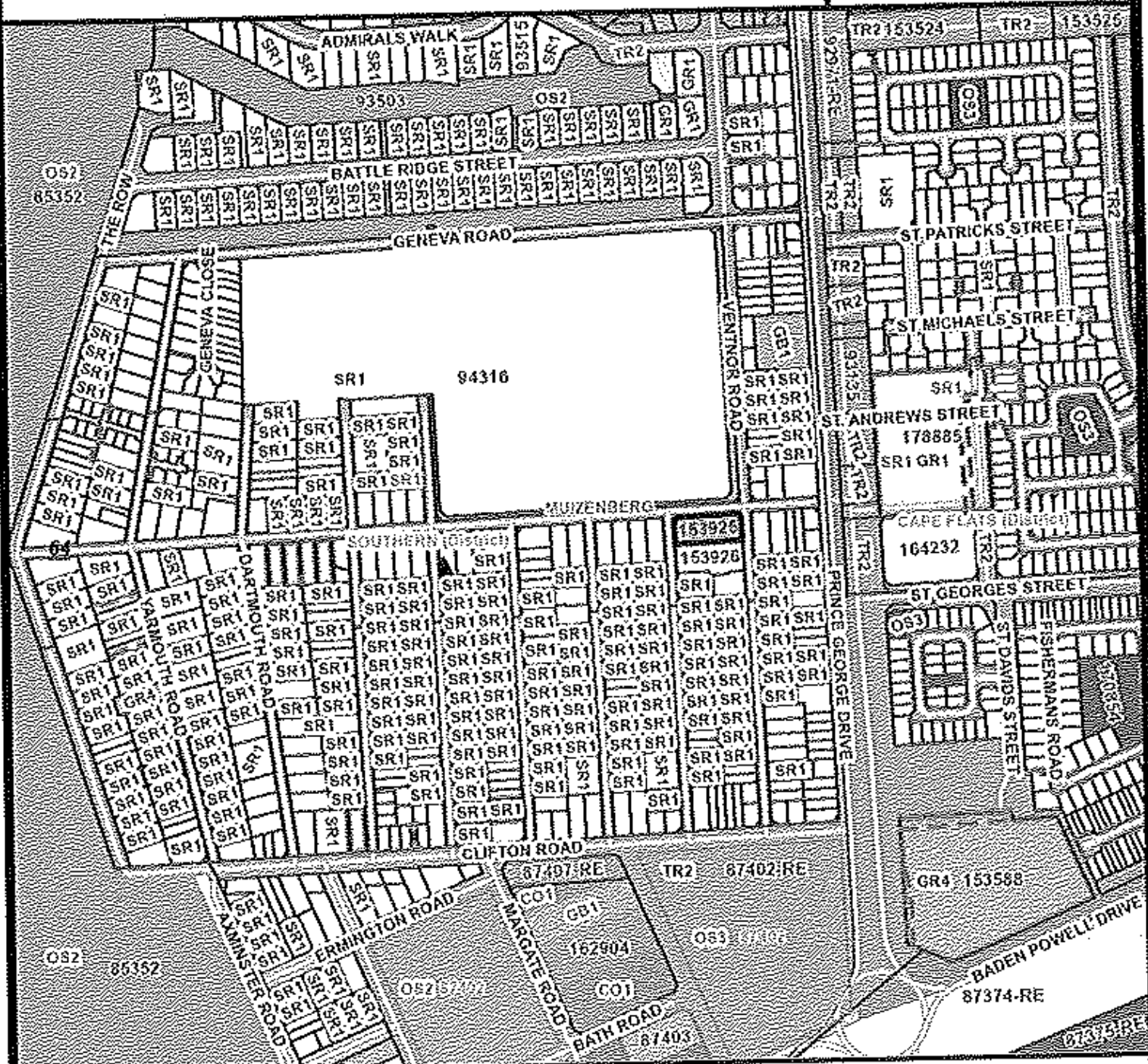
CITY OF CAPE TOWN
ISIXEKO SASAKAPA
STAD KAAPSTAD

Working progress plan for the region

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP

3054

ANNEXURE :



Overview

Erf:

Allotment:

Ward:

District:

Suburb:

Sub Council:



1:4 800

Notices Served



Support
Received



Petition
Signatory



Objections
Received



Generated by:

Date: Monday, 29 April 2019

File Reference:



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Municipal Engineering Department



106 - 108 CHURCH STREET, CAPE TOWN 8001

TEL: (021) 424-4684 FAX: (021) 423-1953

EMAIL: reception@dharch.co.za

Corporate Member of the South African Institute of Architects

18 FEBRUARY 2019

Ref 19/27/9058

THE CITY OF CAPE TOWN
PLUMSTEAD ADMINISTRATIVE OFFICE
CNR MAIN AND VICTORIA ROADS
PLUMSTEAD
TRANSPORT AND URBAN DEVELOPMENT AUTHORITY
DEVELOPMENT MANAGEMENT
TDA

ATTENTION NASRUDEEN FLORIS

REFERENCE 70431220

MOTIVATION IN TERMS OF SECTION 129 (8) OF THE MUNICIPAL PLANNING BY LAW.

With regard to the enclosed Application for an Administrative Penalty, please find below related information in accordance with the Municipal Planning Bylaw.

The information is presented as follows :

1. Detailed motivation in terms of the criteria set out in Section 129(8) of the Municipal Planning Bylaw
2. Drawing indicating the extent of the unauthorized work which triggers a departure.
3. Value of the work

Kindly notify us if further information is required to process this application.

The motivation below relates to structures which contravene the MPBL.

The work in contravention involves 4 components :

- (i) A Roof Structure erected to create shade in summer and shelter in winter for the outside play area. (88m²)
- (ii) Existing Timber Wendy house (4.5m²)
- (iii) Existing Classroom (23,3m²)
- (iv) Existing Jungle Gym Equipment (approximately 17m²)

The contravening structures have been built beyond the permitted 5m building lines for this land use. This application seeks to begin the process of rectifying the contravention.

1. Detailed motivation in terms of the criteria set out in Section 129(8) of the Municipal Planning Bylaw.

INTRODUCTION

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The site is Erf 153925, 13 Windermere Road Muizenberg.

The property was purchased in 2001 as a going concern, which was at the time, a nursery school. The building was initially built as a Jewish Orphanage as reflected on approved building plans dated 1956. Later building plans, approved, and dated 1986 record the existing structure as a Nursery School.

The property continues to operate as a fully registered Early Childhood Development centre [ECD].

During the course of a routine fire inspection by the Fire Department in April 2018, a couple of relatively minor compliance issues were raised, for attendance and issued in a Notice to Comply to the property owner. One specific condition imposed by the Notice to Comply was for the presentation or submission of approved building plans of the existing building.

No building work has been undertaken on the property since taking transfer, and therefore no building plans had been submitted by the current owner. There are no existing building plans in the city's archive which indicate the current building layout. The property owner therefore appointed a land surveyor and architect to survey the existing building and prepare As Built building plans for council submission.

Upon plan submission and discussion with the local authority, it was established that a LUMS Application for an Administrative Penalty would need to be completed to account for certain built structures which contravene the MPBL by falling outside of the 5m building line. These structures have been outlined above and are further clarified in detail below.

It is understood that a further LUMS application in the form of a permanent departure application is required for relaxation of the building lines for these structures.

(a) Nature, duration, gravity and extent of the contravention.

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Nature

The nature of the contravention involves one of unauthorized building work which requires a departure application:

(i) Shaded Roof structure

Departure application for a relaxation of the street building lines from 5m to 0m.

A roofed shade structure has been erected which spans from the existing building to the street boundary on Windermere and Ventnor Roads. The area of the structure which crosses the 5 m building line is 88m² in extent.

The structure is made up of IFR steel sheeting fixed to a timber substructure supported on gum poles.

(ii) Timber Wendy House

Departure application for a relaxation of the common building line from 5m to 1.2m.

An existing timber wendy house measuring 4.5m² has been positioned on the property and is utilized for storage. It is unclear when the wendy house was purchased, and due to the impermanence and size of the structure it was not entirely clear whether building plan approval was required. The wendy house, in its current position, falls within the 5m building line and therefore requires a permanent departure application.

(iii) Existing Classroom

Departure application for a relaxation of the common building line from 5m to 1.2m.

An existing classroom measuring 23.3m² has been added to the original building along its southern side at some point in its history.

It is unclear when this classroom was added, but it has been part of the structure for the duration of the current ownership.

(iv) Jungle Gym Equipment

Departure application for a relaxation of the street building line from 5m to 0m.

During the course of the ECD being in operation, various Jungle Gym equipment has been added or taken away. Some elements of the Jungle Gym have been positioned in such a way that parts of the equipment cross over the 5m street building line.

Duration

(i) Shaded Roof structure

The structure was erected as a shade cloth structure to provide shelter from the sun approximately 10 years ago. Over the course of the last year, during the drought, the shade cloth was replaced with IFR sheeting.

(ii) Timber Wendy House

It is unclear as to when the structure was placed on the site.

(iii) Existing Classroom

It is unclear when this classroom was added, but it has been part of the structure for the duration of the current ownership.

(iv) Jungle Gym Equipment

It is not possible to confirm dates as to when various pieces of Jungle Gym Equipment were added or removed from the property, although it is assumed that the equipment has been in position for ten years.

Gravity

3059

(i) Shaded Roof structure

The structure is a roof constructed in order to provide shade in summer and protection from rain in winter. The intention of the structure is to provide shelter in an outdoor play area for the children accommodated at the creche.

The building has no walls and therefore has a relatively low impact on the massing of the existing building and the streetscape. Fundamentally the shaded structure is very similar to a carport structure.

(ii) Timber Wendy House

The Wendy house is small and has a relatively low roofline, and is barely visible from the street or neighboring property.

(iii) Existing Classroom

The additional classroom reads as part of the original building. It doesn't detract from the existing built fabric or impose upon the direct neighboring property which is a parking area for the adjacent church.

(iv) Jungle Gym Equipment

Jungle Gym Equipment forms an integral part of outside play areas for children of the various ages which attend the ECD. The Equipment in its current state and position does not detract from what one would expect at a school like this, rather, it enhances the nature and available facilities for the children.

Given the relatively temporary nature of the Equipment in terms of actual built structure, it was never considered that a Building Plan Submission of any kind would be required for the installation.

Extent

(i) Shaded Roof structure

As outlined above and in Drawing Number 18-27-001P A, the extent of the unauthorized work is 88m²

(ii) Timber Wendy House

As outlined above and in Drawing Number 18-27-001P A, the extent of the unauthorized work is 4.5m²

(iii) Existing Classroom

As outlined above and in Drawing Number 18-27-001P A, the extent of the unauthorized work is 23.3m²

(iv) Jungle Gym Equipment

As outlined above and in Drawing Number 18-27-001P A, the extent of the unauthorized work is 17m²

(b) Conduct of the person involved in the contravention.

The property owner was notified that certain aspects of the existing building were not compliant with fire regulations. Upon receipt of notification they have undertaken various steps to rectify the non-compliance. This process of rectification has led to an ever-increasing scope of requirements, which have included the appointment of land surveyors and architects to survey the building, prepare as built drawings, prepare council submission drawings for building plan submission, undertake a LUMS application and submit this application for an administrative penalty.

The property owner has gone out of their way to comply with whatever regulation and/or application needs to be made to facilitate due process. In light of the fact that the property has operated as a creche or child care facility since the 1950's, their conduct throughout this process has been exemplary.

(c) Whether the unlawful work was stopped.

The structures have been in place for the periods outlined above. No unlawful work is being undertaken.

(d) Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law.

The property owner has not been involved in previous contraventions of this By Law or a previous planning law.

2. Drawings indicating the extent of unauthorized work which triggers a departure

3060

(i) Shaded Roof structure

As outlined above and in Drawing Number 18-27-001P A , the extent of the unauthorized work is 88m²

(ii) Timber Wendy House

As outlined above and in Drawing Number 18-27-001P A , the extent of the unauthorized work is 4.5m²

(iii) Existing Classroom

As outlined above and in Drawing Number 18-27-001P A , the extent of the unauthorized work is 23.3m²

(iv) Jungle Gym Equipment

As outlined above and in Drawing Number 18-27-001P A , the extent of the unauthorized work is 17m²

The areas in contravention of the MPBL are hatched in blue.

3. Value of the work

(i) Shaded Roof structure

The extent of the unauthorized work is 88m²

R 62,250

(ii) Timber Wendy House

The extent of the unauthorized work is 4.5m²

R 4,500

(iii) Existing Classroom

The extent of the unauthorized work is 23.3m²

R 90,000

(iv) Jungle Gym Equipment

The extent of the unauthorized work is 17m²

R 2,000

TOTAL

R158,750

Partners

GEOFF DAVIS Pr.Arch., MArch, CIA

ROBERT HINSCH B.Arch (UCT), Pr.Arch., MArch, CIA

JULIAN GRIBBLE NDArch (Pentech), Pr S Arch.T., MArch, CIA

Practice

Reg No. 4385 / 4405 / ST0615

SATA Corporate Member PL1306

SECTION G: FURTHER APPLICATION DETAIL

Nature of departure / amendment / approval required:

3061

<input type="checkbox"/>	Building line encroachment				
	Street		From	m	To
	Street		From	m	To
	Common		From	m	To
	Common		From	m	To
	Common		From	m	To
<input type="checkbox"/>	Exceeding permissible site coverage		From	%	To
<input type="checkbox"/>	Exceeding maximum permitted floor area		From	m ²	To
<input type="checkbox"/>	Exceeding maximum permitted floor factor		From		To
<input type="checkbox"/>	Exceeding height restriction / permissible no. of storeys		From	m/st	To
<input type="checkbox"/>	Exceeding height restriction related to wallplate		From	m	To
<input type="checkbox"/>	Relaxation of window and door placement setback requirement		From	m	To
<input type="checkbox"/>	Relaxation of on-site parking / loading bay requirements		From	bays	To
<input type="checkbox"/>	Erection of second / additional dwelling unit				
<input type="checkbox"/>	Work in Heritage Protection Overlay Zone (please specify)				
<input type="checkbox"/>	Other (please specify)				
<input type="checkbox"/>	Administrative penalty				

Additional description of departures / amendments / approval required (if necessary)

SECTION H: ADMINISTRATIVE PENALTY

The following is required for an application for the determination of an administrative penalty made in terms of section 42 (r) of the MPBL.

Give a description of the land use or building work / structure(s) that are in contravention on the property.

A ROOF STRUCTURE, PROVIDING SHADE AND RAIN PROTECTION HAS BEEN ERECTED WITHIN THE STREET

BUILDING LINE SETBACK ON VENTNOR AND WINDERMERE STREETS, AN EXISTING WENDY HOUSE

A CLASSROOM AND JUNGLE GYM EQUIPMENT HAVE BEEN BUILT WITHIN THE BUILDING LINE

Provide the extent(s) in m² of the property used for the unlawful use activity, and unlawful building work / structure(s) that contravene the MPBL. (Indicate extent(s) on a building plan / map / plan / diagram)

ROOFED STRUCTURE - 88 SQUARE METRES, WENDY HOUSE - 43 SQUARE METRES, CLASSROOM - 23,3

SQUARE METRES, JUNGLE GYM - 17 SQUARE METRES

Describe the duration of the contravention(s).

THE STRUCTURES HAVE BEEN IN PLACE FOR MORE THAN TEN YEARS

Has the unlawful activity ceased? ☒ No ☐ Yes If yes, provide date when ceased

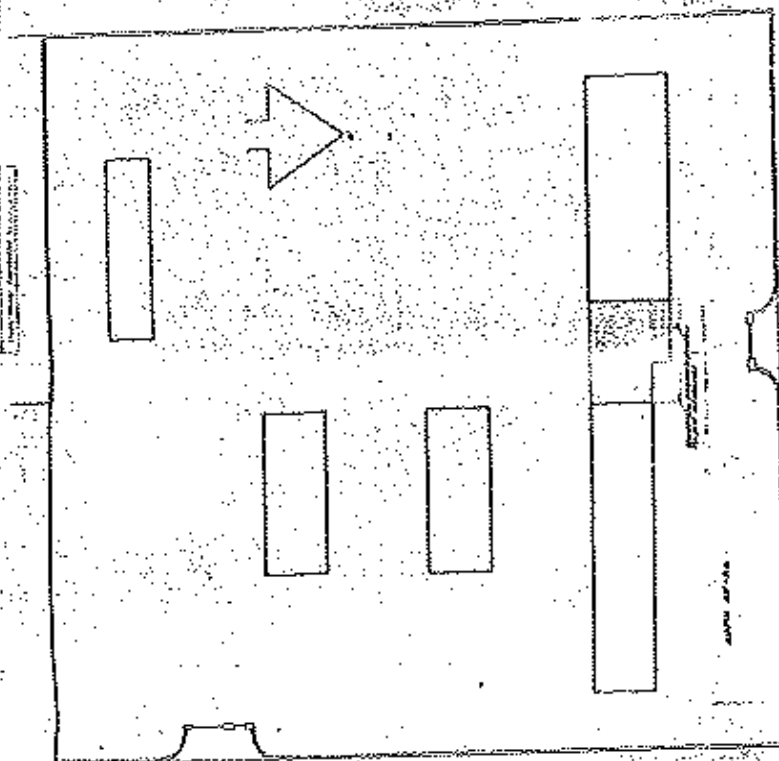
Has the owner / person previously contravened the MPBL, or a previous Planning Law? ☒ No ☐ Yes If yes, please provide more details below.

Provide the municipal valuation of the erf. R 2,400,000

State your determination of the value of the building work / structure(s) and engineering work unlawfully carried out, that is in contravention of the MPBL. R 158,750

Note: Provide supporting documentation for your determination.

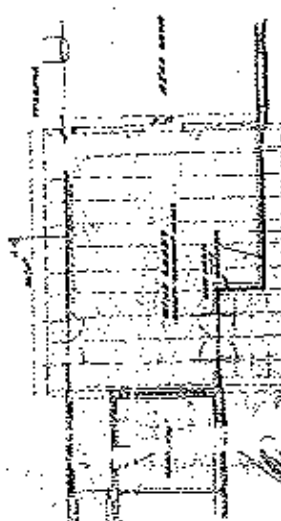
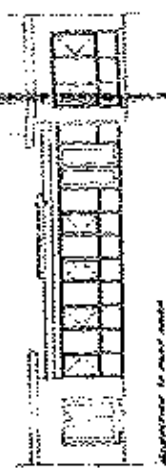
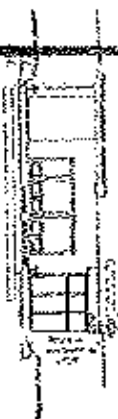
3062



C. A. P. JEWEL GRADUATE
 AUSTIN CAMP WINDMILL HEAD WINTERBROOK
 PROPOSED WIND LOBBY TO WINDMILL HEAD

WINDMILL HEAD

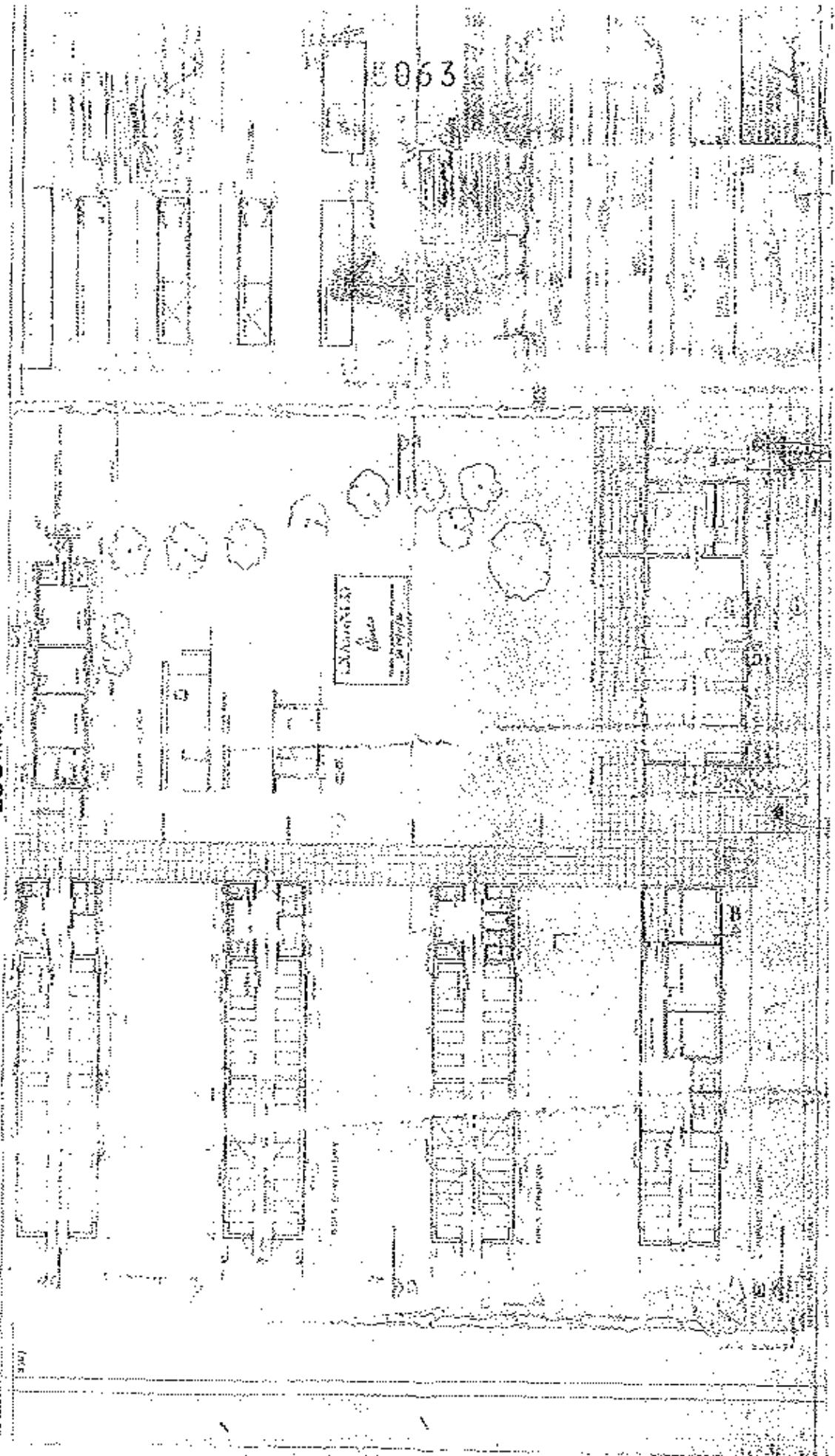
WINDMILL HEAD



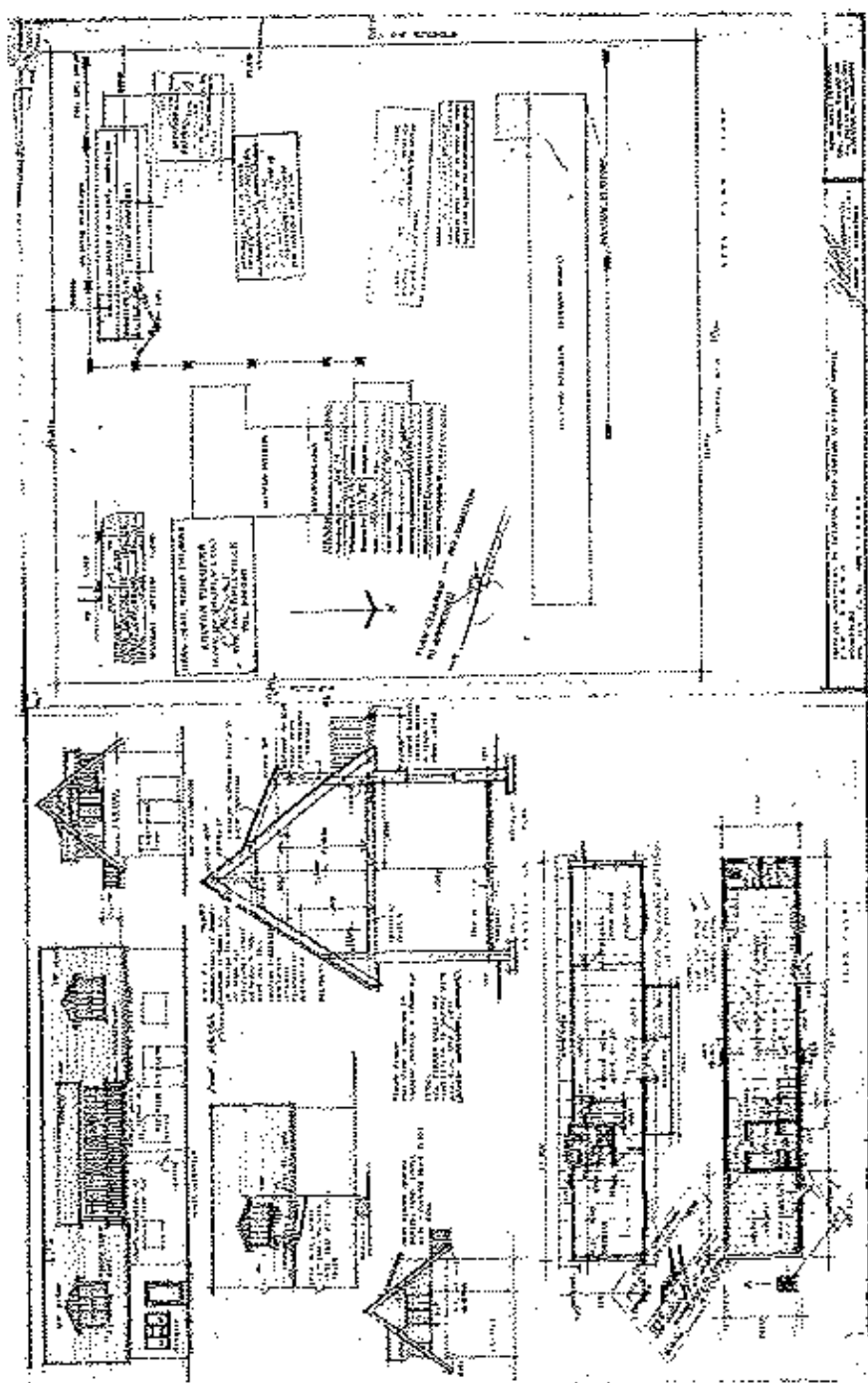
063

250m

LAUSANNE
1963



250



Rates for 2018/2019 Financial Year**Residential Tariff: 0.007154****Non-Residential Tariff: 0.014308****Residential Exclusion: R 200,000.00**

Property Reference	SPM/C09715500000
Property Type	COM
Erf/Farm Number	153925
Physical Address	WINDERMERE MUZENBERG
Total Extent	1262 0000
Existing Use	F07
Allotment Area	CAPE TOWN
Rating Category	NON-RESIDENTIAL

Value of Property	R 2,400,000.00
Residential Exclusion	R 0 00
Rateable Value	R 2,400,000.00
Estimated Annual Rates	R 34,339.20
Estimated Monthly Rates	R 2,861.60

ANNEXURE **F**

140

066

21

CLIFFE DEKKER FULLER MOORE INC.
Attorneys, Notaries and Conveyancers
CAPE TOWN

Prepared by me,

CONVEYANCER
A WHITE

TITDS

SEEL/REG DUTY	R
FOOT SEE	R 260.00

REGISTRATION NUMBER	1002376467
DATE OF REGISTRATION	30/12/2000
REGISTRAR'S SIGNATURE	[Signature]
NOTARY'S SIGNATURE	[Signature]
WITNESS SIGNATURE	[Signature]

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE 4

T 017223-2001

DEED OF TRANSFER

(BY VIRTUE OF A POWER OF ATTORNEY)

KNOW ALL MEN WHOM IT MAY CONCERN

THAT ANTHONY JOHN NOYES PLUMMER

appeared before me, Registrar of Deeds at CAPE TOWN, he being duly
authorised thereto by a Power of Attorney executed at CAPE TOWN on
the 11TH DECEMBER 2000, by

JEFFREY BRIAN ATKINSON

Identity No. 470519 5098 08 2

Married out of community of property

which power, witnessed in accordance with law, was exhibited to me on this
day;

AND the said Appraiser declared that his principal had truly and legally sold on 17TH OCTOBER 2000 and that He, in his capacity as Attorney aforesaid, did, by these presents, cede and transfer in full and free property to and on behalf of

MICAWBER 106 (PROPRIETARY) LIMITED
Co No 1997/008641/07

or its Assigns:

ERF 153925, PORTION OF ERF 87694 CAPE TOWN AT MUIZENBERG,
in the City of Cape Town, Cape Division, Province of the Western Cape;

IN EXTENT : 1262 (One Thousand Two Hundred and Sixty Two) square
metres

AS WILL APPEAR from the annexed Diagram No 10793/93;

HELD BY Deed of Transfer No T.32999/1982.

SUBJECT

- (a) In so far as the constituents lettered A B x y F on Diagram 10793/93 annexed hereto is concerned, to the conditions referred to in Deed of Transfer No 10183 dated 11th October 1918.
- (b) In so far as the constituents lettered x C D E y Diagram 10793/93 annexed hereto is concerned, to the conditions referred to in Deed of Transfer No 3974 dated 27th May 1899.

Al

WHEREFORE the Appearer, renouncing all the right and title the said
JEFFREY BRIAN ATKINSON
heretofore had to the premises, did, in consequence also acknowledge the
said

JEFFREY BRIAN ATKINSON

to be entirely dispossessed of, and disentitled to, the same; and that by
virtue of these presents, the said

MICAWBER 106 (PROPRIETARY) LIMITED

or Its assigns, now is and henceforth shall be entitled thereto, conformably
to local custom, the State, however, reserving its rights; and finally
acknowledging the said JEFFREY BRIAN ATKINSON to be satisfactorily
paid and/or secured the whole of the purchase price amounting to the sum
of R250 000.00 (TWO HUNDRED AND FIFTY THOUSAND RAND).

IN WITNESS whereof, I, the said REGISTRAR, together with the
Appearer q.q. have subscribed to these Presents and have caused the Seal
of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF
DEEDS in CAPE TOWN on the 16th
day of March in the year of Our Lord Two Thousand and One
(2001)



q.q.


In my presence,

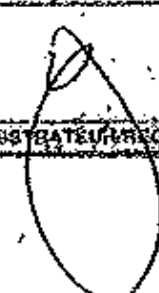

REGISTRAR OF DEEDS

-4-

069

W.O.P.

VERBIND		MORTGAGED	
R 3.000.000,00			
B	20100/2007		
05-03-2007			
		REGISTRATEUR/REGISTRAR	

ENDOSSEMENT KRACHTENS ARTIKEL 27 (7) VAN WET 49 VAN 1984	ENDORSEMENT BY VIRTUE OF SECTION 27 (7) OF ACT 69 OF 1984
RIJNIGEMALD MAATSCHAPPIJ IS OMGEKEERD IN 'N BE- SLOTTE KORPORASIE EN STAAT HOU BIKEND AS MICAN BEL	WITHIN MENTIONED COMPANY HAS BEEN CONVERTED INTO A CLOSE CORPORATION, AND IS NOW KNOWN AS 106 CC
NO 2007/019611/23	
BC 8524/2009	
2 MARCH 2009	
REGISTRATEUR/REGISTRAR	