



REPORT TO: **MUNICIPAL PLANNING TRIBUNAL**

ITEM NO **MPTSW32/11/19**

CASE ID	70479569
CASE OFFICER	K Fisher (C Jacobson)
CASE OFFICER PHONE NO	021 444 9535
DISTRICT	Southern
REPORT DATE	30/10/2019

WARD 73: APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): ERF 640 BERGVLIET, 86 DREYERSDAL ROAD

1 EXECUTIVE SUMMARY

Property description	Erf 640 Bergvliet
Property address	86 Dreyersdal Road
Site extent	1062m ²
Current zoning	Single Residential Zone 1
Current land use	Dwelling house
Overlay zone applicable	None
Submission date	21/10/2019
Subject to PHRA / SAHRA	No
Any unauthorised land use / building work?	Unauthorised verandah
Has owner applied for the determination of an administrative penalty	Yes
Has the City Manager applied to the MPT for an order that a person who is contravening the MPBL must pay an administrative penalty in an amount determined by the MPT.	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 of an administrative penalty?	No

2 DECISION AUTHORITY

For decision by the Municipal Planning Tribunal

3 BACKGROUND / SITE HISTORY

- 3.1 A building plan was submitted on 05/11/2018 for a verandah and a garage. It was not cleared due to the fact that it triggered a land use application that had not been applied for. The application was subsequently closed.

- 3.2 An application for a setback departure and relaxation of a restrictive title deed condition (relating to the setback from the 1.57m lateral building line) was submitted on 15/03/2019. This application was incomplete and still needs to be advertised.

4 SUMMARY OF APPLICANT'S MOTIVATION

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

- The portion of the "patio" which contravenes the MPBL is 17.02m² in size.
- The building work was completed about 1 year ago.
- The building work does not impact the neighbours or neighbourhood.
- The property owners did not know that a covered patio required approved building plans and had they known they would have done so.
- Their contractor did not advise them to submit building plans.
- The owners apologize for failing to submit plans for approval and violating the MPBL.
- The owners have not been informed by any Council official that the covered patio required building plan approval.
- The owners have not previously contravened the MPBL or any other planning law.

5 ASSESSMENT OF APPLICATION

- 5.1 The unauthorised verandah is in contravention of Item 22 of the Development Management Scheme (DMS) which prescribes a 3m common boundary building line. It also contravenes a title deed condition (that prescribes a 1.57m lateral building line) that was imposed in terms of the Townships Ordinance No 33 of 1934. As a result, this title deed contravention is also a contravention of the MPBL.
- 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 Based on the estimate provided by the owner (Annexure D), the value of the area of the portion of the verandah that contravenes the MPBL is R51 060.00. It is not clear how this value was determined.
- 5.4 Using the table of building values attached to the Standard Operating Procedure for Administrative Penalties the value of the contravention is calculated as follows:

$$17.02\text{m}^2 \times \text{R}1020 = \text{R}17\,360.40$$

- 5.5 It would thus appear that the applicant's value is more correct.
- 5.6 An amount which is not more than 100% of R51 060.00 may be imposed as an administrative penalty.
- 5.7 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 contravention relates to a verandah that is ordinarily permitted in Single Residential Zone 1.
- Duration** – Although the applicant states that the building work occurred about 1 year ago, when this was queried, the owner stated that it was in fact constructed in December 2017, almost 2 years ago. The duration of the contravention is thus relatively long.
- Gravity** – The gravity of the contravention is not serious as it is a low structure at ground floor. However, the gravity is aggravated by the fact that the verandah also contravenes a title deed condition.
- Extent** – At ±17m², the extent of the contravention is relatively small.

b) **The conduct of the person involved in the contravention**

The applicant states that the owner did not know that a building plan was required for the verandah. This may well be correct, but ignorance of the law is not an excuse for breaking the law.

In any event, the applicant was well aware of the contravention when submitting the building plan application in November 2018, yet it took the applicant until March 2019 to submit the required land use application and until October 2019 to submit the administrative penalty application.

The applicant claimed that the contravention occurred only 1 year ago, which was patently false, and in the main application submitted in March 2019, completed the sections of the application form stating that there was no unauthorized building work and that the purpose of the application was not to legalise a contravention of the MPBL. This was patently incorrect.

In this regard it is important to note that Section 78 of the MPBL states:

(1) An applicant must ensure that –

- (a) no misrepresentation is made to the City;
- (b) the City is not misled;
- (c) all information furnished to the City is accurate; and
- (d) the application does not omit any relevant information.

(2) A person who contravenes subsections (1)(a) or (1)(b) is guilty an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).

It is clear that the applicant/owner made a misrepresentation to Council and did not submit correct information. The conduct of the applicant/owner cannot be condoned.

c) **Whether the unlawful conduct was stopped:**

The unauthorised verandah is already fully constructed and 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 has now previously contravened the MPBL or any other planning law.

- 5.8 In view of the above considerations, and particularly the conduct of the owner, and that administrative penalties are intended, in part at least, to serve as a deterrent, this Department recommends an administrative penalty of **R5 000.00** be imposed.

6 REASONS FOR DECISION

Reasons for the recommended decision may be summarised as follows:

- 6.1 The unauthorised verandah is in contravention of Item 22 of the Development Management Scheme as well as a title deed condition that prescribes a 1.57m lateral building line.
- 6.2 The duration of the contravention is relatively long.
- 6.3 The extent of the contravention is relatively small.
- 6.4 The gravity of the contravention is not serious as it is a low structure at ground floor. However, the gravity is aggravated by the fact that the verandah also contravenes a title deed condition.
- 6.5 The applicant/owner made a misrepresentation to Council and did not submit correct information. The conduct of the applicant/owner cannot be condoned.
- 6.6 As far as can be ascertained, the owner has now previously contravened the MPBL or any other planning law.

7 RECOMMENDATION

In view of the above, it is recommended that:

- a) That an administrative penalty in the amount of **R5 000.00** be determined in terms of section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 640 Bergvliet with regard to the unauthorised verandah as per the plan drawn by K & J Honeyman Architectural Designers with drawing number 3014AP/1001, dated September 2018.

ANNEXURES

2362

Annexure A Locality plan
Annexure B Site Development Plan
Annexure C Applicant's motivation
Annexure D Costing
Annexure E Title deed



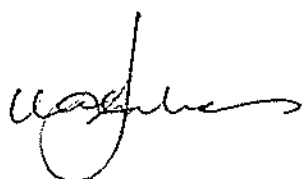
**Section Head : Land Use
Management**

Name P Hoffa

Tel no 021 444 7724

Date 2019-10-30

Comment



District Manager

Name U Gonsalves

Tel no 021 444 7720

Date 2019-10-31

Comment

2363

ANNEXURE : A



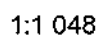
Alotment: BERGVLIET

Ward: 73

District: SOUTHERN

Suburb: BERGVLIET

Sub Council: Subcouncil 20



Notices Served

Support
Received

Petition Signatory



Objections
Received



Generated by:

Date: Monday, 04 November 2019

File Reference:



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.



Overview

Erf: 640

District: SOUTHERN

Allotment: BERGVLIET

Suburb: BERGVLIET

Ward: 73

Sub Council: Subcouncil 20



1:4 192

Notices Served



Support
Received



Petition
Signatory



Objections
Received



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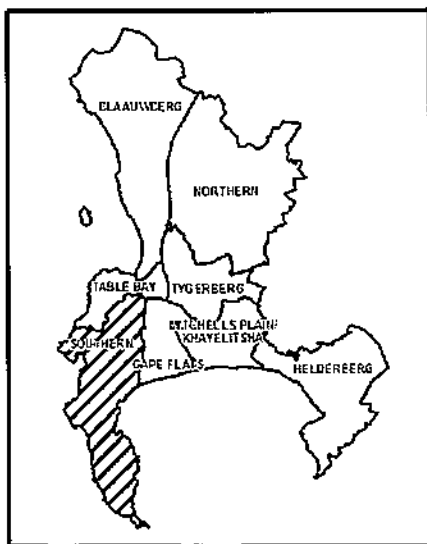
Date: Monday, 04 November 2019

File Reference:



CITY OF CAPE TOWN
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Making progress possible. Together.



APPROVAL
STAMPS

At the same time, the U.S. Chemical Safety and Hazard Investigation Board (CSHIB) is conducting an ongoing investigation into the circumstances surrounding the release of the chemical from the plant. The release of the chemical from the plant is a violation of the Clean Air Act, and the CSHIB is conducting an ongoing investigation into the circumstances surrounding the release of the chemical from the plant. The release of the chemical from the plant is a violation of the Clean Air Act, and the CSHIB is conducting an ongoing investigation into the circumstances surrounding the release of the chemical from the plant.

[illegible]

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No.	Date	Particulars	
		Brought Forward	\$ 100.00
		To Balance	75.00
		Total	\$ 175.00

Address _____
 Smith
 Alterations & Extensions
 c/o E & J's Building
 86 Ovington Road, Brighton


Grading Year
Culvert Stationing (Miles)

Report	Date	Frequency	Classified By
As Above	Sept 2018	YTD	

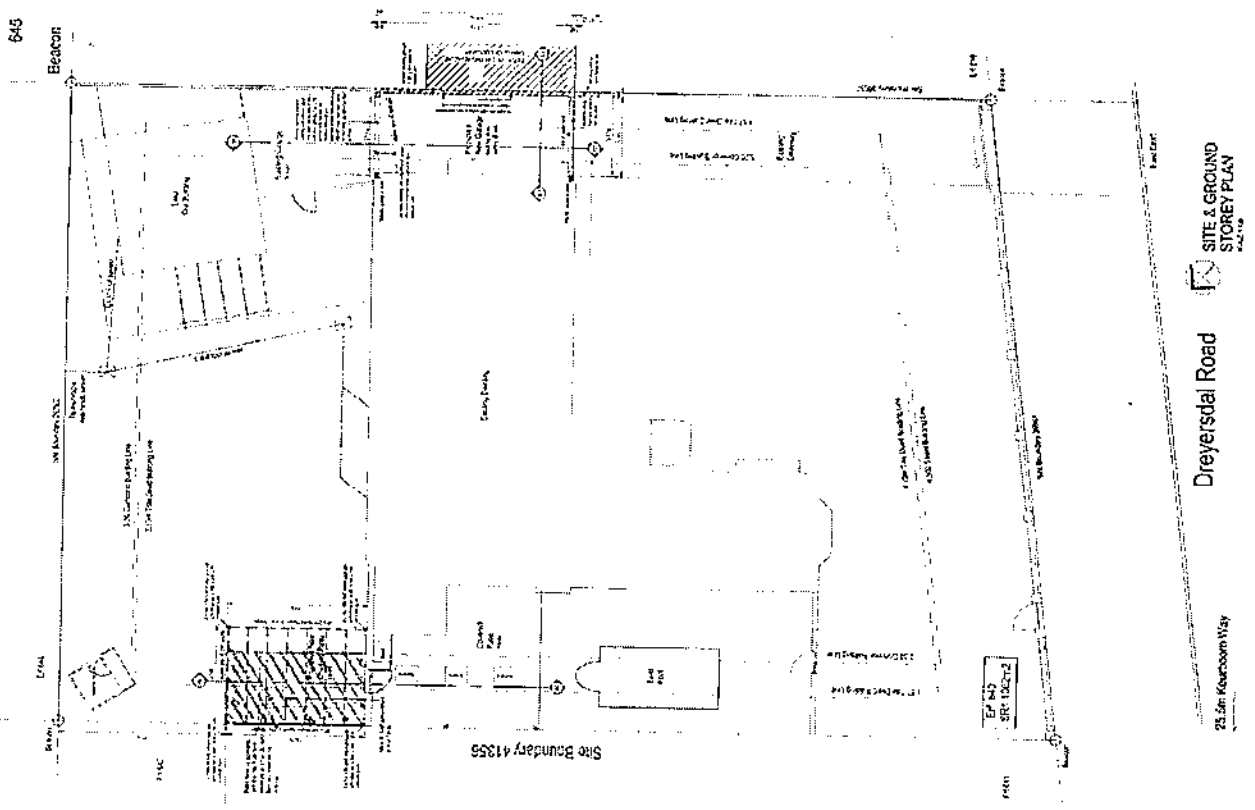
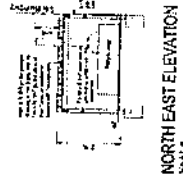
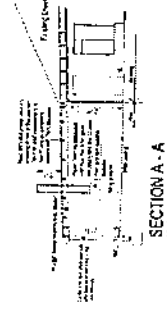
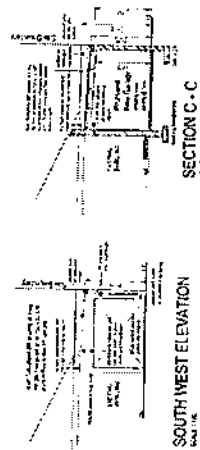
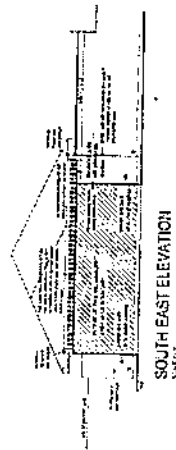
Cranny Street 24 Sept 2018 - County W.

Municipal Museum & Library	Page 1	30146971001
R.J. McGeoffrey Architectural Drafts		
12 Linden Court, Westport, N.Y.		

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 1-800-888-8888
 1-800-888-8888



McGraw-Hill



Erf 642

3,00 Common Building Line

3,15m Title Deed Building Line

2366

Exist foul sewer

2 x 150 x 50 SAP timber post with
gms plate set in 500 x 500 x 700
concrete base

2 x 150 x 50 SAP timber post with
gms plate set in 500 x 500 x 700
concrete base

Pizza Oven by specialist
with fire min 1.5m from
boundary and min 293mm
from any combustible
material

□ Area of unauthorised
work
▨ Area which contravenes
the MPBL

5675

5745

Proposed New
Covered Patio

2 x 150 x 50 SAP timber post with
gms plate set in 500 x 500 x 700
concrete base

2 x 150 x 50 SAP timber post with
gms plate set in 500 x 500 x 700
concrete base

150 x 50 SAP punnirahers
at max 750mm

Site Boundary 41356

North
Point

Existing Dwelling

Exist
Pool

1,57 Title Deed building line
3,00 Common Building line

Covered
Patio
Area



2367

To City of Cape Town

14 October 2019

Letter of Motivation: Administrative Penalty Application
Erf 640, 86 Dreyersdal Road, Bergvliet

- (a) The building work that contravenes the Municipal Planning By-law is an area of 17.02 square meters of the covered patio. The building work was completed about one year ago. The neighbours have been not affected by the building work and it does not impact negatively on the neighbourhood or surrounds.
- (b) The owners of the property were unaware that erecting the roof to form a covered patio required the submission and approval of building plans. They said that, had they known, they would have had them drawn up and had them approved. They had investigated costs and a contractor gave his input. At no time did he advise that a covered patio required building plans to be submitted to council for erecting the roof. The owners apologise for not investigating whether plans were indeed needed for the covered patio and hence, for the contravention of the by-law.
- (c) During and after the building work had been completed, the owners were not notified by a building inspector or any other council official that the work being carried out was unlawful.
- (d) The owner has not previously contravened this by-law or a previous planning law.

1

ARCHITECTURAL DESIGN

BUILDING PLANS

COUNCIL APPROVAL

67 Edison Drive, Meadowridge Tel: (021) 713 3603 Fax: 0865871381 Email: justin@kjhoneyman.co.za

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

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 bounding plan / map / plot / diagram)

Provide explanatory motivation addressing the circumstances in which the land use or structure(s) / building work has occurred

Describe the duration of the contract bond(s). erecting a roof to form a covered path
± 1 year

Has the unlawful activity ceased? ☒ Yes ☐ No If yes, provide the date when the activity ceased 5/9

Has the owner / person previously consulted the MPBL, or a previous Planning Law? ☐ ☒ If yes, please provide more details below:

Provide the municipal valuation of the car:

R 2500 000.00


State and provide supporting documentation for your determination of the value of the unauthorised building work / structure or modification that is in contravention of the MBPL.

R 51060.00


Here briefly wish to explain the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. That I/we *are* properly authorized to make this application on behalf of the owner and (where applicable) that copies of such full consent in writing are attached hereto.
3. That where an agent is authorized to submit this application on the owner's behalf, it is accepted that correspondence and formal notification as required in terms of Planning law will only be sent to such consent / agent and that the owner will regularly consult with the agent / consultant in this regard.
4. That this submission includes all necessary planning applications required to enable the development proposed herein. I/we specifically confirm that I/we have read the relevant bye-objects of the attached conveyancer certificate. I/we confirm that there are no restrictive conditions which impact on the this application, or alternatively where there are applications for the removal / amendment / suspension of these or consent required in terms of all the deed condition, form part of the submission.
5. I/we *are* aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.
6. That where the proposal involves existing building work erected and / or used in contravention of the development management scheme, that I/we have consulted with the Section Manager, Land Use Management for the applicable area to ensure the correct application in terms of Planning law is being made. I/we confirm that I/we have not been served with a demolition directive in terms of section 125 (1)(b)(ii) of the MPBL on the property.
7. That, as owner / applicant / developer, I/we are aware of the state of existing bulk services provision and infrastructure availability in the subject area and any development contributions that might be payable in respect of the development proposed herein (if applicable).
8. The email address and cell number provided on this form is to be used by the City to communicate when there is correspondence relating to the application for my attention that will be available through e-Services. Any email address or cell number changes, I/we will notify the Corporate Call Centre on 0960 101050 to update my / our business partner details.


* If the application is made by a person other than the registered owner (e.g., an agent / consultant) the requirements in force of section 71(1)(b) of the MPAH must be adhered to.

Registered owner's signature:  Date: 09-10-2017

FULL NAME AND SURNAME X-5-magnum 10mm. 3076

Registered owner's signature  Date 3-20-2014

Full name and surname x T-LOCK MEDICAL SYSTEM

Agent/Consultant's signature:  Date: 9/10/2019

Full name and surname: JUSTIN HONEYMAN 7/7

Professional capacity: PROF ARCH TECH Applicant's ref: T1466

14 October 2019

Erf 640, Bergvliet, 86 Dreyersdal Road

Area of covered patio in contravention of MPBL: 17.02 metres squared

Cost of building: R3 000 p/m²

Value of building work in contravention of the MPBL: 17.02m x R3 000=

Total: R51 060

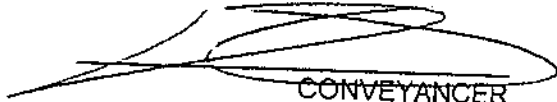
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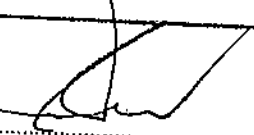
Grant Gunston

2370

Prepared by me

Fee endorsement		
	Amount	Office fee
Purchase price/value	R. 2 400 000,00	R. 950,00
Mortgage capital amount	R.	R.
Reason for exemption	Cat.	Exempt i.t. o. section Act.


 CONVEYANCER
 VRAAGOM DT

VERBIND		MORTGAGED	
VIR FOR R. 2 000 000,00			
089503353 / 2013		 REGISTRATEUR/REGISTRAR	
2013-02-11			

T000005951 / 2013

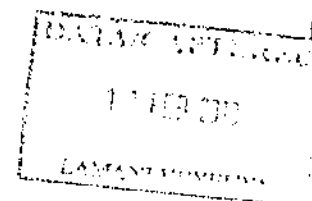
DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

MICHAEL GORDON LUTHER WILKEN

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Tokai 19 July 2012 granted to him by

1. The Executor in the Estate Late
MARGARET GLORIA DE KOCK
Number 8023/2011
2. COLIN NYDAHL DE KOCK
Identity Number 360921 5053 088
Unmarried



2371

And the appearer declared that his said principal had, on 25 June 2012, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1. **SANDRA LOUISE SMITH**
Identity Number 761222 0206 085
Married out of community of property
2. **TREVOR FREDERICK SMITH**
Identity Number 680303 5142 083
Married out of community of property

their Heirs, Executors, Administrators or Assigns, in full and free property

ERF 640 BERGVLIET

1b Situate in the City of Cape Town
Cape Division

PROVINCE OF THE WESTERN CAPE ~~IN THE CITY OF CAPE TOWN, CAPE~~
~~DIVISION, WESTERN CAPE PROVINCE~~

IN EXTENT 1062 (ONE THOUSAND AND SIXTY TWO) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No. T3255/1961 with Diagram SG. No. 12465/1954 relating thereto and held by Deed of Transfer No. T92884/2002.

- A. **SUBJECT** to the conditions referred to in the Certificate of Uniform Title No. 8786/1952.
- B. **NOT SUBJECT** to condition B on page 2 of Deed of Transfer No. T92884/2002, by virtue of Section 53 of the Mining Titles Registration Admendment Act 24 of 2003.
- C. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T3255/1961 imposed by the Administrator of the Cape of Good Hope when approving of the establishment of the said Township;
 - i. any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No. 401 dated 17th October 1935, and in the memorandum which accompanied the said regulations.
 - ii. The owner of this erf shall without compensation, be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or erven within or without this Township to be conveyed across this erf if deemed necessary by the Local Authority, and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or

inspect any sewer, manhole, channel, conduit or other works pertaining thereto.

- iii. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street, as finally constructed, and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority.
 - iv. No septic tank shall be erected on this erf.
 - v. This erf shall be subject to the following further conditions, provided especially that where in the opinion of the Administrator after consultation with the Townships Board and Local Authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:
 - a. it may not be subdivided;
 - b. it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
 - c. not more than half the area thereof shall be built upon
 - d. no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4.72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres to the rear of 1,57 metres of the lateral boundary common to any adjoining erf, provided that the consent of the Local Authority, an outbuilding not exceeding 3,15 metres in height, measured from the floor to the wall plate, and a portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf.
 - e. In the event of provisions of a Town Planning Scheme being made applicable to his erf, which provisions are more restrictive than the provisions contained in the above, then the conditions of such Scheme shall apply.
- D. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T3255/1961 imposed by the Divisional Council of the Cape with the approval of the Administrator in favour of itself and its successors in title, as owners of the remainder of the said Township by Certificate of Uniform Title No. 8786 dated 6th June 1952:-
- 1. The erection of the dwelling house and buildings must be completed within two years from the date of signing of this Agreement. Should the said house not be completed within two years of the date of signing of

this Agreement then and in such case the Council at such time as it may consider most suitable shall, after giving the Buyer 14 days notice of its intention to do so, be empowered to either

- a sell the plot together with any buildings or erections thereon either by private treaty or public auction at such price and subject to such conditions as the Council may consider proper and without reference to or consulting the Buyer. In such case the Council shall receive the purchase price and after deduction of any unpaid portion of the purchase price for the lot and all expense to which the Council may have been put in connection with the sale, pay the balance if any to the extent of the original cost to the owner, and retain the excess if any, or be entitled to
- b re-transfer the plot to itself. If prior to such re-transfer the Buyer shall have erected any buildings or other structures on the plot, the Council may either require these to be removed by the Buyer at his own cost or may accept them as part of the plot in which case the Council shall pay the Buyer such amount as may be agreed upon in respect thereof or failing agreement as may be decided by arbitration.

When such building shall have been erected and shall subsequently be partly or wholly destroyed, the dwelling shall within a period of three years calculated from the date of destruction, be restored or re-erected as the case may be to its original or greater valuation as stipulated in condition 2 of this Agreement.

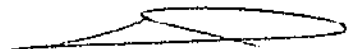
In case such a dwelling is not restored or re-erected as aforesaid, the liquidated damage equal to the annual rates which would have been leviable on the basis of such valuation shall be payable to the Council in addition to the rates levied on the valuation of the ground on the 15th March, each year, until such dwelling is restored to the satisfaction of the Council.

A Certificate by the Council's Consulting Architect of the non-completion of the house shall be sufficient proof that the obligations required under this Clause have not been complied with.

- 2. The house to be erected by the Buyer on this plot must not cost less than and must not be of less value than R4 800,00 exclusive of the land.
- 3. The dwelling to be erected on the plot shall be in keeping with the type of architecture of other houses in the Bergville Township and the plans, elevations or specifications thereof shall be prepared by a registered Architect and shall be submitted to the Council for approval and the Council may in its sole discretion either approve or disapprove of such plans, and if approved, no alterations in the plans, elevations or specifications shall be made without the consent in writing from the Council. The location of the building on the site must also be approved by the Council.
- 4. All buildings, alterations to or additions to existing buildings on the plot must be constructed according to the Council's Building Regulations as amended from time to time.
- 5. The buyer shall be responsible at his own cost for fencing the plot where not already fenced and shall not commence the erection of any fences until the Council has approved of the type and design thereof.

6. The Council reserves the right to transmit electric current over the plot and where necessary to erect a standard strut or stay on the plot, the Council also reserves the right to lay and maintain electric and telephone cables and pipes under the plot for gas, drainge and storwmater and to close and divert to other purposes any roads and open spcaces shown on the genral plan of the Bergvliet Township, all without compensation.
7. The Buyer shall not commence building operations until he has received the written approval of the Council for his plans, elevations and specifications and in the event of a breach of Clauses 3.4 and 5, the Council have the right to interdict the Buyer from proceeding with the building operations and shall have the option to invoke the remedies provided in clause 1 of this Agreement.
8.
9.
10.
11. In the event of the Buyer having committed a breach of clause 8 and 9 the Council shall, after giving the Buyer 14 days notice of its intention to do so, be empowered to sell the said plot hereinbefore mentioned together with any building or erections thereon either by private treaty or public auction at such price and subject to such conditions as the Council may consider proper and without reference to or consulting the Buyer and to receive the purchase price thereof and after deduction of any unpaid portion of the purchase price of the plot and all expense to which the Council may have been put in connection with the sale, to pay the balance if any to the exent of the original cost to the Buyer and retain the excess if any.
12.
13.
14. The Buyer shall not have the right to open, or allow to cause to be opened and carried on thereon, any canteen, hotel, restaurant or any other place for the sale of wine, beer or spirituous liquor, or any shop or business place whatsoever.
15. The Buyer or any tenant or occupier of the plot shall not do or suffer to be done on such property anything which in the opinion of the Council is noisome, injurious or objectionable, or a public or private nuisance or a source of damage or disturbance to the owners, tenants or occupiers of other plots in the neighbourhood of the said plot. Private gardens and allotments shall be kept in such state as not to be a nuisance or annoyance to persons using the neighbourhood or to neighbours. If any Buyer, a tenant or occupier of the said plot shall by act or omission commit a breach of this clause, the Council may give him or them notice to make good such breach within a time specified on such notice or upon his or their failure so to do the Council or any person authorised by the Council may enter upon the plot and take such steps to abate such nuisances as he may deem fit and may recover the cost involved in so doing from person upon whom such notice has been served.
16. The Buyer shall not, without the consent in writing if the Council, use the said plot or any buildings erected or to be placed thereon, for the purpose of advertising or display or permit to be displayed thereon any advertisement. Such consent of given, may be withdrawn by the council at any time in which event the Buyer shall remove or discontinue the use of such advertisement.

17. The foregoing provisions 13,14 and 15 are imposed for the benefit of any may be enforced by the Council or any owner of any plot within the Bergvliet Township originally registered in the name of the Council.
18. Should the Buyer at any time commit a breach of any of the conditions of this Agreement, the provisions of Clause 11 shall apply and the Council may at its option invoke such provisions.
19. The term "Buyer" in foregoing conditions shall include the transferee and his successors-in-title. The Agreement referred to above is the Deed of Sale dated 11 January 1961.



GhostConvey 14.1.14.8

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WHEREFORE the said Appearer, renouncing all right and title which the said

1. Estate Late MARGARET GLORIA DE KOCK
2. COLIN NYDAHL DE KOCK, Unmarried

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

1. SANDRA LOUISE SMITH, Married as aforesaid
2. TREVOR FREDERICK SMITH, Married as aforesaid

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 400 000,00 (TWO MILLION FOUR HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, 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 at Cape Town on

11 FEB 2013

~~2012~~

In my presence

REGISTRAR OF DEEDS

q.q.