CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

3827

REPORT TO MUNICIPAL PLANNING TRIBUNAL

CASE ID		70485287			
CASE OFFICER		M Siamat			
CASE OFFICER PHONE NO		021 444 9541			
DISTRICT		Southern			
REPORT DATE		2020-03-03			
INTERVIEW REQUESTED	APPLICANT	YES		NO	√
	OBJECTOR(S)				√

ITEM NO MPTSW50/03/20

WARD 71: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): REMAINDER ERF 4761 CONSTANTIA, 470 MAIN ROAD, LAKESIDE

1 EXECUTIVE SUMMARY

Property description	Remainder Erf 4761 Constantia
Property address	470 Main Road, Lakeside
Site extent	253m²
Current zoning	Single Residential Zone 1
Current land use	Shop
Overlay zone applicable	Constantia – Tokai Local Area Overlay Zone
Submission date	2019-11-22
Subject to PHRA / SAHRA	None
Any unauthorised land use / building work?	The unauthorized land use relates to the property being used as a motorcycle servicing & custom build workshop.
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?	A Property Inspector served a notice on 2019-10-22 with regard to the unauthorised motorcycle servicing and custom build workshop operating on a Single Residential Zone 1 property (see Annexure E).

2 DECISION AUTHORITY

For decision by the Municipal Planning Tribunal.

3 BACKGROUND / SITE HISTORY

3.1 The owner of Remainder Erf 4761 is currently using the adjoining Erf 4760, which is owned by the City and zoned Single Residential Zone 1, for parking.

3.2 The required application to regularize the unauthorised land use has not yet been submitted.

3.3 A complaint was received from a neighbour which relates to the noise nuisance coming from the noise of revving of motorbikes on the property as well as other nuisances, which resulted in serving of a notice by a Property Inspector on 2019-10-22 with regard to the unauthorised motorcycle servicing and custom build workshop (see Annexure E).

4 SUMMARY OF APPLICANT'S MOTIVATION

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

- The property with its existing business has recently been bought by the current owner not knowing that it was an illegal land use.
- The property currently uses the adjoining Erf 4760 for parking, which is currently owned by the City of Cape Town.
- The activity is all business related.
- The business has been operating since 2016.
- The business activity is done in an enclosed workshop on a relatively small scale.
- The full extent of the property is being used for the business.
- No extensions are proposed.
- As the owner was not aware that the business is operating illegally a 0% penalty should be imposed.
- A temporary departure application will be submitted in the near future to address the land use and parking issues.

5 ASSESSMENT OF APPLICATION

5.1 The unauthorised land use in the form of a motorcycle servicing and custom build workshop as well as private parking on adjoining Erf 4760 is in contravention of Item 21 of the DMS which relates to the use of land zoned Singe Residential Zone 1.

5.2 In terms of section 129(7)(b) of the By-Law, an administrative penalty for the land use contravention may not be more than 100% of the municipal valuation of the area that is used unlawfully.

5.3 The total municipal value of Remainder Erf 4761 is R1 500 000.00 (see Annexure D). As the full extent of the property is being used for the unauthorized motorcycle servicing and custom build workshop, the total administrative penalty that can be imposed for this erf is R1 500 00.00.

5.4 With regard to the adjoining Erf 4760 being used for parking by the customers of the business on Remainder Erf 4761, it is difficult to determine the extent of the contravention as this property is being used for parking by various other businesses in the area as well. The municipal value of Erf 4760 is R990 000.00 (see Annexure D).

5.5 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 unauthorized land use relates to the operation of a motorcycle servicing and custom build workshop on a property zoned Single Residential

Zone 1. The owner is also currently using Council owned land as parking without the required lease or purchase agreement, and without land use approval.

Duration – According to the applicant, the business has been operating since 2016 by the previous owner, however the current owner has only been operating the business since 2019. The duration of the contravention is thus long. However, the duration of the contravention carried out by the current owner is short.

Gravity - The gravity of the contravention is serious. The current zoning of the property does not permit the operation of a motorcycle servicing and custom build workshop. It appears that the use is having a negative noise impact on the residential properties to the west, as is evidenced by a complaint that was received from a neighbour. The gravity is however partly mitigated by the fact that the property is located on Main Road in a very busy location and has for many years been used for business uses. The residential amenity of the property has been lost.

Extent – As the full extent of the property is being used as part of the unauthorized land use, the extent of the contravention is large.

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

According to the applicant, the owner was not aware at the time of purchasing the property that the business was unauthorized and only became aware when a notice was served by a Property Inspector. Should the applicant's explanation be correct, it should be pointed out that ignorance of the law is not a legitimate excuse. It could also suggest negligence in that the current owner should have checked on the legality of the activity before purchasing the property. The conduct of the owner cannot be condoned.

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

The unauthorized land use has not been 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 not previously contravened this By-Law or any other planning law.

5.6 In view of the above considerations, and particularly the gravity of the contravention, and that administrative penalties are, in part at least, intended to act as a deterrent, this Department recommends that 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 land use in the form of a motorcycle servicing and custom build workshop as well as private parking on adjoining Erf 4760 is in contravention of Item 21 of the Development Management Scheme which relates to the use of land zoned Singe Residential Zone 1.

6.2 The gravity of the contravention is serious. The current zoning of the property does not permit the operation of a motorcycle servicing and custom build workshop. It appears that the use is having a negative noise impact on the residential properties to the west, as is evidenced by a complaint that was received from a neighbour. The gravity is however partly mitigated by the fact

that the property is located on Main Road in a very busy location and has for many years been used for business uses. The residential amenity of the property has been lost.

6.3 The duration of the contravention is long.

6.4 The extent of the contravention is large.

6.5 The conduct of the owner cannot be condoned.

6.6 As far as can be ascertained, the owner has not previously contravened this Bylaw or any other planning law.

5 RECOMMENDATION

In view of the above, it is recommended that:

a) 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 Remainder Erf 4761 Constantia with regard to the unauthorised motorcycle servicing and custom build workshop as per the plan LUM/16/4761.

ANNEXURES

Annexure A	Locality plan
Annexure B	Plan LUM/16/4761
Annexure C	Applicant's motivation
Annexure D	Municipal valuations
Annexure E	Property Inspector's notice
Annexure F	Title deed

Section Head : Land Use Management

		Comment
Name	P Hoffa	
Tel no	021 444 7724	
Date	2020-03-03	

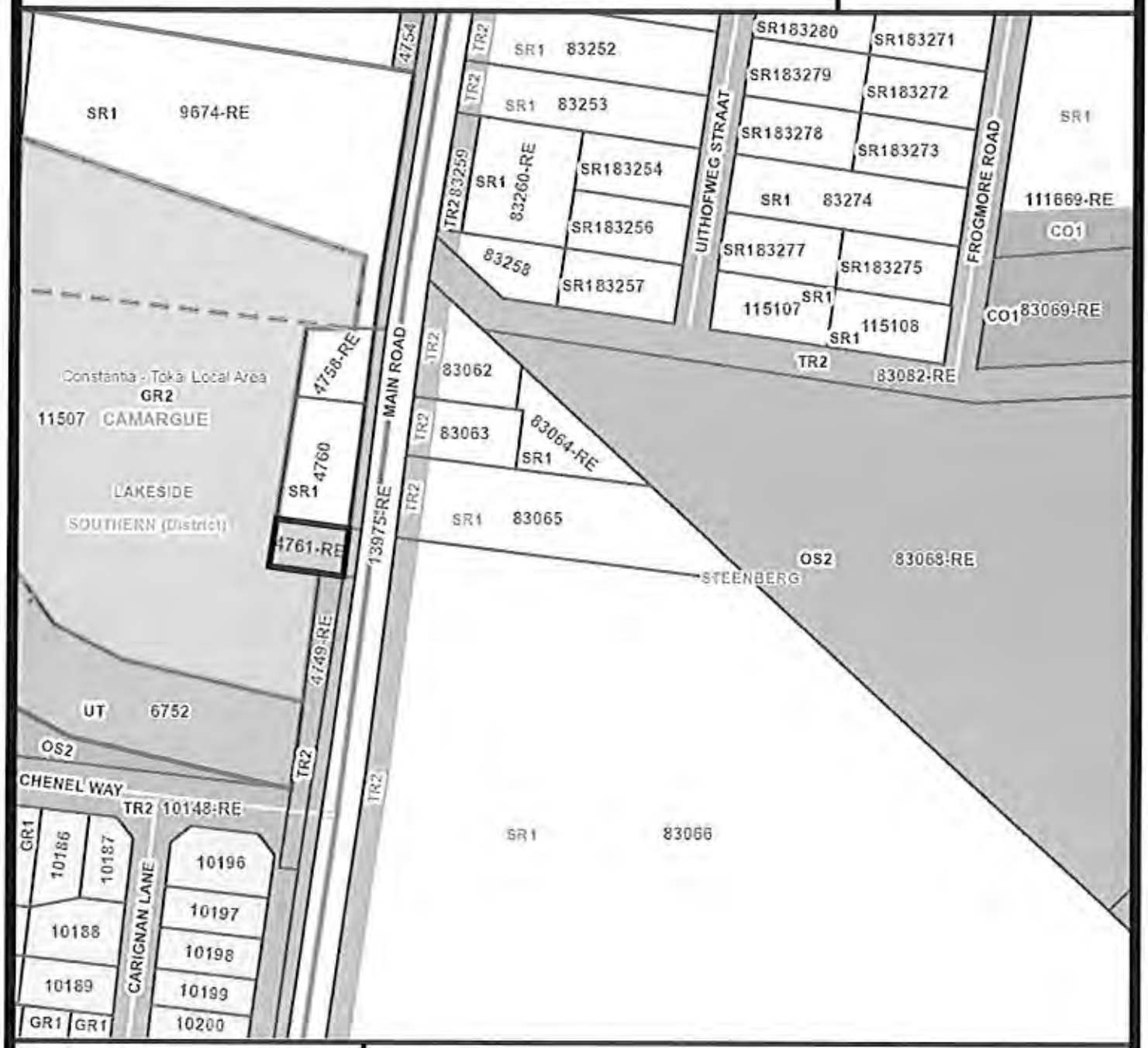
District Manager

		Comment
Name	U Gonsalves	
Tel no	021 444 7720	
Date	2020-03-03	

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT
LOCALITY MAP

3831

ANNEXURE : A1



Overview

Erf: 4761-RE

Allotment: CONSTANTIA

Ward: 71

District: SOUTHERN

Suburb: LAKESIDE

Sub Council: Subcouncil 20

N 1:1 500	Notices Served	●	Support Received	✓
	Petition Signatory	■	Objections Received	✗

Generated by: M Slamat

Date: 28 February 2020

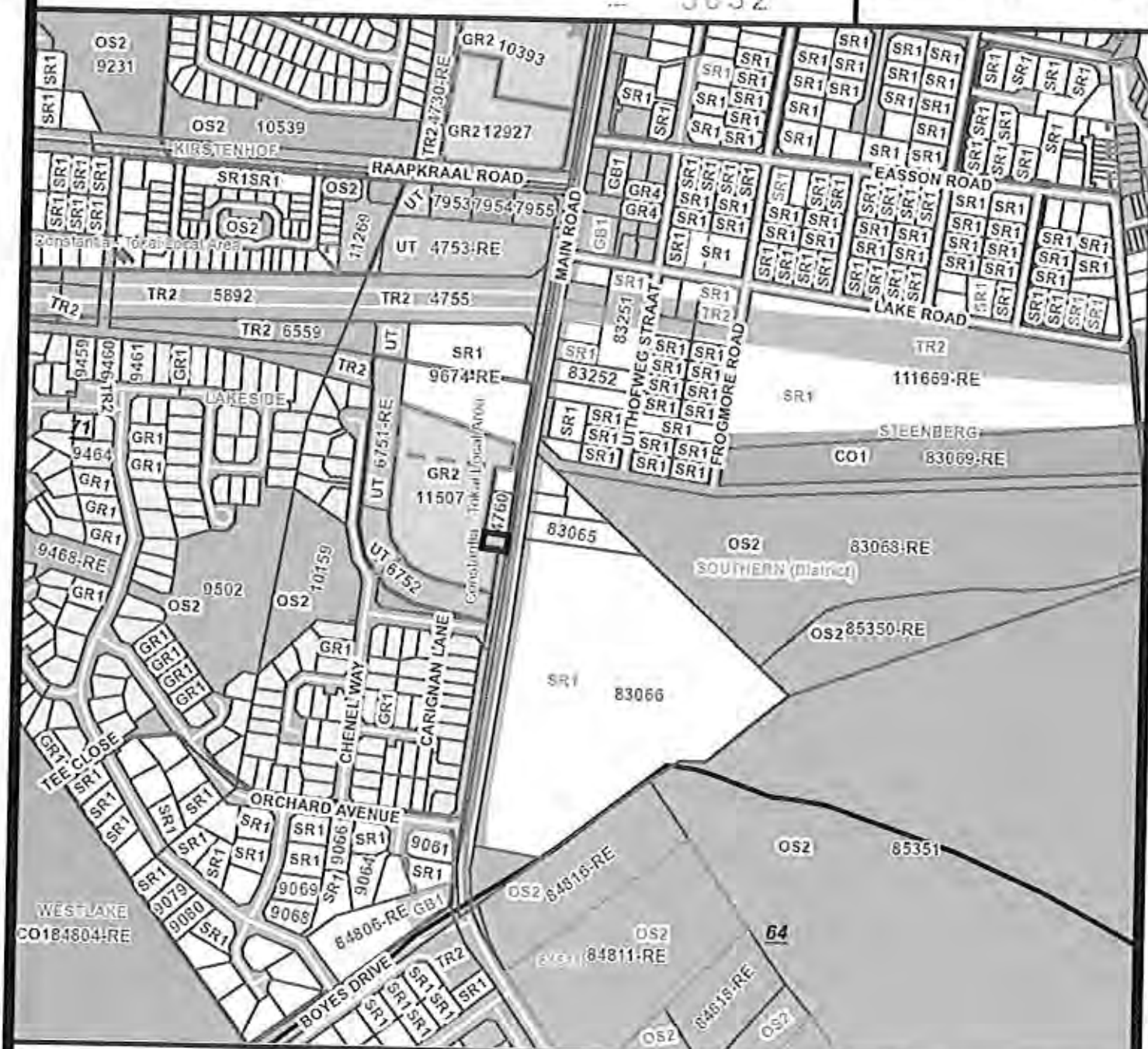
File Reference:

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT
LOCALITY MAP

3832

ANNEXURE : A2



Overview

Erf: 4761-RE

Allotment: CONSTANTIA

Ward: 71

District: SOUTHERN

Suburb: LAKESIDE

Sub Council: Subcouncil 20

N	Notices Served	●	Support Received	✓
1:4 500	Petition Signatory	■	Objections Received	✱

Generated by: M Slamat

Date: 28 February 2020

File Reference:

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

83259
RE/83260
832
8325
83258
83257
83062
83063
83064
83065
83066
11507
6752
LUM/16/4761
RE/4758
(356.6m²)
4760
(631.4m²)
SRI
PARKING
Future Road Widening
SHOP
4761
(249.6m²)
SRI
Main Road (M4)
12.8m
6.3m
18.4m
20.3m
11.6m
6.3m
32.0m
32.0m
13.9m
6.3m
12.7m
12.7m
13.9m
6.3m
LEGEND
Erf
Zoning
Area
4761
Single Residential 1
249.6m²
NOTES:
Proposed Administrative Penalty
on Erf 4761 Constantia
Locality Plan
Phillip Kleinhans
1:420 (A4)
822 -1
ANNEXURE B

ANNEXURE C

3834

APPLICATION FOR ADMINISTRATIVE PENALTY
ERF 4761, CONSTANTIA

FEBRUARY 2020

CLIENT:

PHILIP KLEINHANS

TOWN PLANNERS & APPLICANT:

terraplan

Town and Regional Planners
Stads- en Streekbeplanners

TABLE OF CONTENTS

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3.	BACKGROUND	1
4.	REGISTERED DETAIL	2
5.	ADMINISTRATIVE PENALTY	2
6.	DESIRABILITY	3
7.	REQUEST FOR 0% PENALTY	3
8.	CONCLUSION	4

1. Introduction

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1.1 PURPOSE OF THE APPLICATION

Application is hereby made for an administrative penalty in terms of Section 42(r) of the MBPL (2015) over erf 4761, Constantia to formalise the existing motorcycle service and custom build workshop on the erf.

1.2 APPLICANT

Philip Kleinhans appointed Terraplan Town Planners, on behalf of PRK Group Trust, to submit this application on their behalf. The relevant power of attorney and resolution giving effect to this appointment, is attached.

2. Location

FIGURE 1: LOCATION OF SITE

Erf 4761 is situated within the Lakeside area, an area of low density in nature consisting of single residential neighbourhoods in close proximity to large open spaces. The area consist of single residential erven ranging from 200m² to 500m² as well as relatively large portions of open space ranging from 3000m² to 37 000m². The immediate neighbourhood consist mostly of single residential land uses and Zandvlei Nature Reserve. The property is bordering a higher density residential complex namely Camargue. The Westlake Gold Club can be identified as an important land mark to the west of erf 4761. The said property is in close proximity to the Simon van der Stel Freeway with relatively easy access from M4 and M42 roads.

3. Background

FIGURE 2: EXISTING MOTORCYCLE SERVICE AND CUSTOM BUILD WORKSHOP (WRENCH MONKEY)

Erf 4761, Constantia, is situated on the M4 Main Road in Lakeside, next to the Camargue residential complex. The erf, with its existing business, Wrench Monkey, a motorcycle service and custom build workshop, has recently been purchased by PRK Group Trust, represented by Philip Kleinhans.

FIGURE 3: ADJACENT SHARED PARKING ON ERF 4760

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It is important to note the fact that Erf 1247 is adjacent to a vacant erf 4760, currently zoned as "Single Residential 1" as well as owned by the City of Cape Town. In reality, this property vacant property has been utilised for parking purposes by a verbal agreement between the owners of Erven 4761 (Wrench Monkey) and 4758 (Namibian Hardwood and Baboon Boards) for quite some time as there has been no intention to develop Erf 4760 by the City of Cape Town.

A property inspector Gamedullah Carr, visited the premises and issued a notice dated 22 October 2019, to inform Philip Kleinhans to that he is operating the business illegally and is required to submit an application within thirty days in order to require the relevant land use rights.

4. Registered Detail

4.1 TITLE DEED

Table 1 reflects the current registered detail of erf 4761, Constantia:

TABLE 1 – OWNER DETAILS			
OWNER DETAILS			
REGISTERED DESCRIPTION	TITLE DEED NO.	REGISTERED OWNER	EXTENT
Erf 4761, Constantia in the City of Cape Town, Cape Division, Province of Western Cape	T33326/2019	PRK Group Trust	249.6m²

The property is registered in the name of The City of Cape Town, and is held by deed of transfer.

T33326/2019. A copy of the title deed is attached.

5. Administrative Penalty

Relevant land uses that are being utilized are as follows:

5.1 Motorcycle Service and Custom Build Workshop

Activity:

The existing business, Wrench Monkey, is an established motorcycle workshop specializing in custom building, servicing and repairing of motorcycles.

Days and Times:

i. Monday to Fridays: 08:00 – 17:00

ii. Saturdays: 09:00 – 12:00

Our client purchased the property in its present state, not knowing it was an illegal land use.

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6. Desirability in terms of section 99(3) of the Municipal Bylaw (2015)

In terms of Section 129(7) and (8) of the MPBL, the following factors need to be considered when dealing with an admin penalty. Our response is included next to the various factors.

TABLE 2: SECTION 129 (7) AND (8) FACTORS	
FACTOR	RESPONSE
The nature, duration, gravity and extend of the contravention.	**Nature**: the activities are all business related (motorcycle, custom build, service and repairs). **Duration**: A time-period of approximately 3 years, since 2016. **Gravity**: Not severe as the activities are in an enclosed workshop on a relative small scale with the necessary safety components installed. **Extent**: The extent of the activities are set out above. It takes place within an enclosed workshop limited to a single property of 249.6m². No extension is proposed, only an application to formalise the land use rights.
The conduct of the person involved in the contravention.	Philip Kleinhans recently purchased the erf 4761 with its existing business and wishes to obtain the necessary land use rights to formalise the existing motorcycle custom build workshop.
Whether the unlawful conduct was stopped.	The conduct was not stopped since it started in 2016.
Whether the involved person has previously also contravened a planning law.	Not as far as we are aware.

7. Request for 0% penalty

The existing business, Wrench Monkey, is an established motorcycle workshop specializing in custom building, servicing and repairing of motorcycles which has been functioning successfully on the property since 2016, and it also provides employment for five persons as unique facility to the surrounding community of Lakeside.

Our client, Philip Kleinhans, has recently purchased the erf with its existing business as is, and now wishes to formalise the land use. Terraplan has been formally appointed to handle the application on his behalf and has already negotiated substantially with the City regarding the planning application details and parking issues etc. These issues will all be addressed in the formal land use application to follow in due course.

The owner in fact purchased this undertaking not knowing that is comprises a non-authorised land use, it is motivated that this land use contravention be granted a 0% penalty.

As indicated, at this point in time only an administrative penalty application is submitted, which will be followed by a temporary departure application in the near future to address the land use and parking issues once consensus has been reached with council.

8. Conclusion

- 0839

In view of the above facts it is requested that this application for an administrative penalty in terms of Section 42(r) of the MPBL be considered swiftly, to enable the formal land use application to be proceeded with.

It is also requested that a 0% penalty be granted in view of the facts mentioned above.

Your early attention would be appreciated.

James Marais (Pr. Pln. A/2809/2019)

TERRAPLAN
Town and Regional Planners
Stads- enStreekbeplanners
Quantico House 2B, Loerie Park, Paul Kruger Street 15, Durbanville, 7550
Tel: 021 975 1300
Fax: 021 975 1179
Sel: 082 304 9840
Web: www.terraplan.co.za

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PRK GROUP TRUST

IT002720/2015

14 Proteaway, Proteaville, Durbanville, 7550
E-mail: phillipkleinhans777@gmail.com
Cell: 082 420 9054
VAT Reg. Nr: 4290276221

20/11/2019

Good day Thinus,

Thank you for meeting with me earlier today with regards to the Land Use of Erf 4760.

Also thank you for dealing with the COCT directly, to have this application of Erf 4760 run smoothly.

I would like to bring under your attention that part of the proposal of getting the departure, I would gladly maintain this property and keep it clean, cut the grass, ensure the papers, bottles, other garbage are removed from the property. I see this is a constant battle due to people walking on the sidewalk along with passing vehicles disposing their garbage from their windows or hand – therefore we need to keep it clean as it affects the view of our building.

I would like to add more G3 stone gravel to neaten the property. I have also noted that there is an increase in homeless people in the area, and that they use this property to build their shelters and they make a mess in this area.

This is causing a problem to us, and I would like to suggest if I can put up a small palisade fence to try and keep any unwanted out of the property. If not, then fine, we shall do as per above.

Therefore, I shall do the effort in getting extra security and paint the walls to tidy the parking and access point. We are trying to uplift the area and trying to upscale the value of our investment.

I hope the city will appreciate these points and that we shall have a positive outcome.

Kind regards

Phillip Kleinhans

ANNEXURE D

MUNICIPAL VALUATION – REMAINDER ERF 4761 CONSTANTIA

Parcel of Land 232849 C016001100004761000000000RE

General Data | Owners | Addresses | Subdivision / Consolidation | Areas | Assignments | Zoning | GIS | Values | Conditions

Values

[Display All Periods]

RTyp	FT	Effective from	Valid To	Value	Currency	VRNo	Impl.Date	UseCd	FiTyDesc.	Descript.	Changed on	Val Reason	GRM ID
0002	GV	01.07.2013	01.07.2016	685,431	ZAR	186503	01.07.2013	B01	GV2012	Retail	11.06.2013		
0002	GV	01.07.2016	01.07.2019	969,179	ZAR	76	01.07.2016	B01	GV2015	Retail	04.06.2016		541821
0103	GV	01.07.2019		1,500,000	ZAR	91	01.07.2019	B01	GV2018	Retail	08.06.2019		157313

City of Cape Town

3842

Usage Code	E04
Usage	Vacant residential
Area (Calculated)	627.93 m2
Total Value	990000
Valuation Year	20190701
Approval Date	0000-00-00
Registered Date	1972-10-26
Purchase Date	- -
Purchase Price	0,0
Title Deed Number	T26722/1972
Business Partner Nr	1000815756
Owner Title	None
Owner Name	CITY OF CAPE TOWN
Owner First Name	CITY OF CAPE TOWN
Language	
Owner Postal Address	12 HERTZOG BOULEVARD CAPE TOWN 8001
ID Number	NONE(None Available, expired)
Rate payer Name	CITY OF CAPE TOWN
Rate payer Street Address	L1697-1728 L1697-L1697- NYANGA ZA
Rate payer Postal Address	L1697-1728 L1697-L1697- NYANGA 7750
key	232848
Physical Address	468 MAIN ROAD, LAKESIDE
Erf No	4760

ANNEXURE E

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

SPATIAL PLANNING AND ENVIRONMENT DIRECTORATE

Gamedullah Carr
PROPERTY INSPECTOR

T: 021 4449511 F: 0865780909
E: Gamedullah.carr@capetown.gov.za

BLUM001

PERSONAL SERVICE / REGISTERED MAIL

22nd October 2019
PRK Group Trust Represented by Mr Phillip Kleinhans
470 Main Road
Lakeside
7945

Dear Sir / Madam

Criminal Prosecution

COMPLIANCE NOTICE IN TERMS OF SECTION 126 OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: ERF 4761-RE LAKESIDE , 470 MAIN ROAD.

You are the registered owner/occupier of Erf 4761-RE situated at No 470 Main Road, Lakeside.

An inspection carried out on 30th September 2019 indicated that you are/allowing The operation of a Motorcycle servicing & custom build workshop from the abovementioned property.

The property is zoned Single Residential Zone1 1 in terms of the development management scheme which constitutes schedule 3 of the City of Cape Town Municipal Planning By-law, 2015 ("the By-Law"). A list of the uses that are permitted in terms of this zoning is attached as Annexure A.

The use of Operating a motorcycle servicing & custom build workshop is in contravention with Single Residential Zone1of the property.

Section 35(2)/(3) of the By-Law provides that:

35(2) No person may use or develop land unless the use or development is permitted in terms of the zoning scheme or an approval is granted or deemed to have been granted in terms of this By-Law.

and/or

35(3) No person may contravene or fail to comply with a condition of approval imposed or deemed to have been imposed in terms of this By-Law.

In terms of section 133 of the By-Law, a person is guilty of an offence if the person-
(a) contravenes a -
(i) decision taken or a condition imposed or deemed to have been taken or imposed in terms of this By-Law;
(ii) provision of the development management scheme;
(iii) uses land in a manner other than permitted by the development management scheme;
(iv) compliance notice issued in terms of section 126; or
(v) directive issued in terms of section 128.

You are hereby instructed to cease the unlawful conduct and to comply with the provisions of the By-Law/ zoning of the property within 30 calendar days.

In terms of section 133(2) of the By-Law, a person is liable to a fine of R800 000.00 or imprisonment not exceeding 20 years, or to both a fine and such imprisonment.

In terms of section 133(4) of the By-Law, an owner -

(a) who permits their land to be used, or fails to take reasonable steps to ensure that their land is not used in a manner which constitutes an offence in terms of this By-Law is guilty of an offence and upon conviction is liable to the penalties contemplated in subsection (2).

The City may, in the event of non-compliance with this notice, take one or more of the following measures –

(i) if relevant, take steps contemplated in section 127 to withdraw an approval for a temporary departure or an approval granted for a limited period of time;
(ii) take steps contemplated in section 128 to issue a directive in the terms specified in the notice;
(iii) apply in terms of section 129 for the determination of an administrative penalty;
(iv) apply to a competent court for appropriate relief including the costs of the application; and
(v) institute a criminal prosecution.

Note that in terms of section 130 of the By-Law, you may apply to the City for the necessary approval. In the event that such an application is not submitted to the City within 21days, the City may take on or more of the measures mentioned above.

If you apply for approval, you are still required to cease the unlawful conduct. You will also be required to apply for the determination of an administrative penalty in terms of section 129 of the By-Law.

Yours faithfully

G.Car

for **DIRECTOR : PLANNING & BUILDING DEVELOPMENT MANAGEMENT**

If personal service:

Received by	Phillip Kleinhans ..... I.D. No. 8605205157082
Signature	.....
Capacity	Owner
Date	22.10.2019
Served by	Mr. G.Car at 470 Main Road, Lakeside
Signature	.....
Capacity	Property Inspector
Date	22nd October 2019.

0845

ANNEXURE F

103

Laas & Scholtz
Queen Street Chambers
33 Queen Street
Durbanville
7550

Prepared by me,

CONVEYANCER
MARIA JOHANNA OLIVIER

For endorsement		
	Amount	Office Do
Purchase price/value	R 2200 000.00	R 1588.00
Mortgage capital Amount	R	R
Reason for exemption	Ex	Exempt M. 9 section Act

VERBIND MORTGAGED
VIR FOR R 1980 000.00

B 000017751 / 2019
13 AUG 2019
REGISTRAR OF DEEDS

DATA / CAPTURE
14 -08- 2019
ELIZABETH VAN TONDER

T 000033326 / 2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

THAT DION PIETER KETS

appeared before me, REGISTRAR OF DEEDS at **CAPE TOWN**, he/she, the said Appearer, being duly authorised thereto by a Power of Attorney granted to him/her by

DAVID DEALTRY PICKFORD
Identity Number 611114 5010 08 7
Unmarried

dated 10 July 2019

and signed at Durbanville

AND the said Appearer declared that his/her principal had on **10 May 2019** truly and legally sold by Private Treaty and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

THE TRUSTEES FOR THE TIME BEING OF
PRK GROUP TRUST
Registration Number IT002720/2015(C)

its successors in office or assigns in full and free property:

REMAINDER ERF 4761 CONSTANTIA
IN THE CITY OF CAPE TOWN
DIVISION CAPE
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 253 (TWO HUNDRED AND FIFTY THREE) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No. T13249/1920 with a Diagram relating thereto and held by Deed of Transfer No. T85560/1999.

A. SUBJECT to the conditions contained in Deed of Transfer No. T9271/1912.

B. ENTITLED to the benefit of a certain servitude contained in Servitude Endorsement dated 13 August 1930 endorsed on Deed of Transfer No. T6377/1926, which endorsement reads as follows, namely:

"By Deed of Transfer No. 6786 dated 13th August, 1930, a condition that the land thereby conveyed shall be utilised only for road widening purposes has been imposed for the benefit of the remainder held hereunder as will more fully appear on reference to the said Transfer."

WHEREFORE the Appearer, renouncing all the right, title and interest which the said **DAVID DEALTRY PICKFORD, Unmarried** heretofore had to the premises, did, in consequence also acknowledge him, to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said **THE TRUSTEES FOR THE TIME BEING OF PRK GROUP TRUST,** its successors in office or assigns now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of **R2 200 000,00 (TWO MILLION TWO HUNDRED THOUSAND RANDS).**

IN WITNESS WHEREOF I, the said Registrar of Deeds 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 13 August 2019.

q.q. Signature of Appearer

In my presence:

Registrar of Deeds