



NOTICE OF INTENTION TO EXPROPRIATE

Issued by the eThekweni Municipality (“the Municipality”) in terms of Section 9 (3) of the Housing Act (Act No. 107 of 1997) - read with section 7 (5) of the Expropriation Act (Act No. 63 of 1975)

TO: The owner(s) (within the meaning of that term as defined in Section 1 of the Act) of the property described in the schedule hereto;

AND TO: All other persons claiming any right to or interest in the properties described in the schedule hereto, whether by virtue of registration or otherwise and particularly any lessee, buyer or builder contemplated in terms of Section 9 (1) (d) of the Act.

NOTICE OF INTENTION TO EXPROPRIATE LAND FOR HUMAN SETTLEMENT PURPOSES: PORTION 29 (OF 27) OF ERF 302 BERKSHIRE DOWNS: HARMONY HEIGHTS HOUSING PROJECT

In order to carry out the upgrade of the existing block of flats for inclusion into the Harmony Heights Housing Project, it will be necessary for the Municipality to acquire the property reflected on the following schedule. The Municipality deems prudent to achieve by means of expropriation in the interest of efficient administration. Any inconvenience or anxiety that the expropriation procedure may cause is sincerely regretted and accordingly, every effort will be made to assist you with any problems or queries you may have.

However, before the Municipality proceeds any further you are:

- a) Hereby given notice of the intention of the Municipality (subject to the approval of the MEC: Public Works and Human Settlements) to expropriate the property listed in the schedule hereto, and
- b) Invited to submit within 30 days of the date of this notice a written statement detailing any objections you may have to the proposed expropriation.
Your attention is directed to the following salient provisions of the Expropriation Act (Act No. 63 of 1975 which are applicable upon service of a Notice of Expropriation:
- c) Section 9 (5) of the Expropriation Act which provides that “Any person who wilfully furnishes false or misleading particulars in any written instrument which he by the virtue of the provisions of subsection (1) or 3 (a) [of Section 9] delivers or causes to be delivered to the Minister, shall be guilty of an offence and liable on conviction to be punished as if he had been convicted of fraud.”
- d) Section 9 (6) of the Expropriation Act which provides that “Any person who without sufficient reason refuses or fails to comply with the request by the Minister in terms of subsection (3) [of Section 9] shall be guilty of an offence and liable on conviction to a fine not exceeding R2,000 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.”
- e) The offer made by the Minister shall, in accordance with the provisions of Section 10 of the Expropriation Act, be regarded as having been accepted by you if an application for a determination of the amount of compensation by a Provincial or the Local Division of a High Court having jurisdiction in the area, is not submitted within 8 (eight) months (or such longer period as may be determined) from the date of the offer of compensation-unless it has been





agreed, before the expiry period that the amount of compensation should be determined by the said court.

- f) Section 19 of the Expropriation Act, which provides that any registered mortgage bonds held over an expropriated property shall be discharged as a preferential claim.
- g) Section 8 (4) of the Expropriation Act, which reads as follows : “The owner of expropriated property shall from the date of expropriation to the date upon which the State takes possession of the property, take care and maintain the property, and if the owner wilfully or negligently fails to do so and as a result thereof the property depreciates in value, the Minister may recover the amount in depreciation from the owner : Provided that the Minister shall compensate the owner for costs which, in the opinion of the Minister, were necessarily incurred after the date of expropriation in respect of such maintenance or care.”

SCHEDULE:

Description: Portion 29(of 27) of Erf 302 Berkshire Downs, Registration Division FT, Situate in the eThekweni Municipality area, Province of KwaZulu-Natal

Extent: 1599m2

Plan: SG1089/2013

Owner: SS Harmony Heights Body Corporate

ENQUIRIES can be directed to the Land Assembly Branch on 031- 311 6516/ 031- 311 3433 or to Human Settlements Department, 3rd Floor, Shell House, 221 Anton Lembede Street, Durban.

WRITTEN STATEMENTS detailing any objections should be sent within 30 days of the date of notice to the Municipal Manager, eThekweni Municipality, 1st Floor City Hall, Dr Pixley Ka-Isaka Seme Street, Durban, 4001.

Sibusiso Sithole
City Manager
1st Floor City Hall
Dr Pixley Ka-Isaka Seme Street
Durban

