

MATJHABENG MUNICIPALITY

MINUTES

OF

**DISPUTES RESOLUTION COMMITTEE
MEETING**

HELD ON

TUESDAY, 24 OCTOBER 2017

AT

09:00

IN

**ROOM 302, 3RD FLOOR, REINET BUILDING,
WELKOM**

**MINUTES OF THE SECTION 79: DISPUTE RESOLUTIONS COMMITTEE HELD ON
TUESDAY 24 OCTOBER 2017 AT 09:00 ROOM 302, 3RD FLOOR REINET BUILDING,
WELKOM**

PRESENT

COUNCILLORS

Cllr. H. Mokhomo : Chairperson

Cllr. N.R. Manzana

Cllr. M.S. Tsoeli

Cllr. G. Mafaisa

Cllr. T. Monjovo

Cllr. N.A. Mthebere

OFFICIALS

Mr. .T Rasmeni

Me. N. Lebajoa

Me. T. Gaborone

PER INVITATION

Me. N.M. Phakiso

Me. M.M. Motaung

Mr. M. Nkuta

Me. N. Nkuta

1. OPENING AND WELCOME

The meeting was officially opened by Chairperson Councilor H. Mokhomo who welcomed everyone.

2. APPLICATION FOR LEAVE OF ABSENCE

None

3. OFFICIAL ANNOUNCEMENT

None

4. MOTION OF SYMPATHY AND CONGRATULATIONS

The Chairperson congratulated the Griffons Rugby Club for winning Curry Cup on the 20 October 2017.

Motion of sympathy from the Chairperson to Mr. Papi Mabuya, the Community Development Officer, who was strangled in the early hours of Saturday 21 October 2017 at his home. May his soul rest in peace.

5. DISCLOSURE OF INTERESTS

None

6. DEPUTATIONS AND INTERVIEWS

Presentation of the disputes by Mr. Rasmeni and Mrs. Lebajoa.

7. MINUTES OF THE PREVIOUS MEETING

None

8. MATTERS ARISING FROM THE MINUTES

None

9. MATTERS FOR DISCUSSION

DRC7/2017 – DRC18/2017

10. CLOSING REMARKS

Concern from the Committee members was that when coming to a meeting members must consider Dress Code. The members must avoid casual wear. The Chairperson explained that this matter is entertained at Rule 42 of Standard Rules and Procedures.

The Committee recommend that there must be a Legal Person who should be deployed in the Committee.

That the items be delivered to the Legal Service before they can be distributed to members.

Ward Councilors should be informed about the cases in their wards. They should be briefed about the resolved cases and those that have been taken to Council and the recommendations.

11. CLOSURE

The Chairperson thanked everyone present for their input and ended the meeting at **15:25**

CHAIRPERSON

DATE

DRC7/2017

REPORT REGARDING DISPUTE OVER SITE 4589 AND 4590 K6 KUTLWANONG
(AED: LED, P&HS) (8/3/2/47/5)

PURPOSE

To request Council to correct a mistake made in 2000 by Contractor on sites 4589 and 4590.

Description of the parties

Complainant: Mr. Sello Nkhatho the son of the late Kedibone Emily Nkhatho

Defendant: Mrs. Matsela Lydia Mosese daughter in law of the late Kedibone Emily Nkhatho.

The RDP house was supposed to be built at 4589 K6 not 4590 K6, the mistake was done by the contractor.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That the title deed for site 4590 **BE ISSUED** to Sello Solomon Nkhatho.
2. That Sello Solomon Nkhatho as the executor of the estate of the late Kedibone Nkhatho **TRANSFER** the title deed TE14862/200 to Lydia Mafabatho.
3. That whenever there is an RDP house to be built a stringent measures **SHOULD BE TAKEN** in future in the form of documentation to avoid such mistakes.
4. That Municipality **SHOULD CARRY** the costs of registration and de-registration.

DRC8/2017

REPORT REGARDING DISPUTE OF SITE 2588 MMAHABANE, VENTERBURG
(AED: LED, P&HS) (8/3/2/48/2)

PURPOSE

To present the report to the Dispute Resolution Committee on site 2588 Mmamahabane, Ventersburg to decide on the rightful owner.

Description of the parties

Complainant: Me Modiehi Koko

Defendant: Mr. Nuwejaar Ramakgupane

Both parties were illegally occupying the site.

The complainant stated that she was staying at the site since 2007. She further stated that the then Ward Councilor allowed them to occupy the empty sites.

The defendant claimed that the site was given to his late sister by the then Ward Councilor. He stated that the Ward Councilor advised him that he can apply for subsidy for site number 2588 in his name.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That both parties **DID NOT** follow proper procedure regarding the occupation of site
2. That the complainant **BE ASSISTED** in line with Council policy to get an alternative site.
3. That the matter **BE INVESTIGATED** thoroughly to find out which official assisted in this regard.

DRC9/2017

**DISPUTE REGARDING DISPUTE OVER SITE 2132 PHOMOLONG HENNEMAN
BETWEEN AFRICAN CHURCH AND AFRICAN GOSPEL CHURCH (AED: LED,
P&HS) (8/3/3/51/1)**

PURPOSE

To request Dispute Resolution Committee to allocate site 2132 to either African Church or African Gospel Church.

BACKGROUND

The African Church claims that site 2132 was allocated to them in 1980 by the then Phomolong Local Council. There is no documentary proof.

In 2011 after 31 years they discovered that the site 2132 is being allocated to African Gospel Church.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That the council in line with its policy on the sale of church sites **INVITES** both churches to make an offer to purchase site 2132 Phomolong.
2. That Council **SHOULD APPOINT** a committee that **WILL DEAL** with the allocation of sites churches.

DRC10/2017

DISPUTE OVER HOUSE 1326 CALABRIA MELODING (AED: LED, P&HS)
(8/3/20/50/2)

PURPOSE

To request council to allocate site 13263 to Mr. Melamu Jonas Morabane.

Description of parties

The Complainant: Me Mpofi Evodia Sehole

The Defendant: Mr. Melamu Jonas Morabane

According to housing records the site was not allocated to any one of the parties. The site belongs to council. Presently the site is being occupied by Mr. Morabane who has opened the service account in his name.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That site 13263 Calabria Meloding **BE ALLOCATED** to the current occupant Mr. Morabane.
2. That Me Sehole **BE PRIORITISED** in next allocation of sites.
3. That Finance Department **SHOULD OPEN** an account with Housing Department for Mr. Morabane.

DRC11/2017

REPORT REGARDING DISPUTE OVER SITE 7279 THABONG (AED: LED, P&HS)
(8/3/2/45/7)

PURPOSE

To report to the Dispute Resolution Committee to resolve a dispute concerning site 7279 Ward 17 Thabong.

Description of parties in dispute

Complainant: Me M.C Rankhathali

Defendant: Mr. S. Bokhatsi

The site 7279 Ward 17 is still registered in the name of the Municipality but it was allocated to Me MC. Rankhathali.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That site 7279 **BE GIVEN** to Me Rankhathali.
2. That Municipality **ASSISTS** Me Rankhathali to occupy the site 7279 Thabong.
3. That Mr. Simon Bokhatsi **MUST NOT GET** site as he is the beneficiary to the RDP house.

DRC12/2017

REPORT REGARDING DISPUTE OVER HOUSE 1160 THABONG (AED: LED, P& HS)
(8/3/2/45/5)

PURPOSE

To inform the Dispute Resolution Committee about a complaint lodged on house 1160 Thabong.

Description of parties in dispute

Complainant: Moleleki's Family

Defendant: Tholani Moleleki

Both parties were called but the defendant did not attend the meeting. Tholani Moleleki the defendant refused to come. Housing officials phoned him and he told them that he can only meet with the Speaker or his Lawyer not the officials or Committee.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That the house **BELONGS TO** Celestina Moleleki as per the deed search and after going through the documentation it was found that there was no misrepresentation in the side of Me Celestina Moleleki.
2. That the house is having a title deed therefore it is regarded as a private matter and the Council **CANNOT BE** involve.
3. That it **SHOULD BE IN RECORD** that the defendant refused to attend and the Speaker be requested not entertain him but referred him to this committee.
4. That the Conveyancer **BE CONSULTED** with regard to the document in the annexure that is written in Afrikaans as to why it said a lease hold instead of a right of ownership.

DRC13/2017

REPORT REGARDING DISPUTE OVER SITE 3900 NYAKALLONG ALLENRIDGE
(AED: LED, P&HS) (8/3/2/45/6)

PURPOSE

To inform the Dispute Resolution Committee about a dispute on site 3900 Nyakallong owned by Mrs. Dikeledi Rebecca Naanyane

Description of parties in dispute

Complainant: Lydia Naanyane

Defendant: Chale Bernado

BACKGROUND

According to the Matjhabeng Municipality records, site 3900 was allocated to the late Mr. Komme Kameel Naanyane and Mrs. Dikeledi Rebecca Naanyane in the year 2000. The site has Title Deed T27566/2001.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That the site 3900 **BELONGS TO** Mr. and Mrs. Naanyane.
2. That the Mrs. Naanyane **SHOULD CONTACT** her Lawyer, hence the property is registered in the name of Mr. and Mrs. Naanyane and is no longer Municipal property.

DRC14/2017

REPORT REGARDING DISPUTE OVER SITE 20101 THABONG (AED: LED, P&HS)
(8/3/2/45/5)

PURPOSE OF THE MEETING

To request the Dispute Resolution Committee to reconfirm site 20101 in Thabong as that of Mrs. Mbali Mofokeng.

Description of the parties in dispute.

Complainant: Mrs. Mbali Mofokeng

Defendant: Mrs.Nosipho Stemela

BACKGROUND

The Municipality sold the following sites 20101, 20342, 20088, 20344 to African Life Homes in 1994 and the said company sold the sites to Antoinette Johanna Daffue, Thereafter Daffue sold site 20101 to Mrs. Mbali Mofokeng. The clearance certificate of site 20101 Thabong was issued out by Matjhabeng Municipality in 2014 as a proof of payment for settlement of Municipal services.

The defendant, Mrs. Stemela stated that she bought the site with the amount of R5000.00 from a certain gentleman called Tshokolo who gave her a letter to confirm that the site belonged to her.

The letter had no office number nor inquiry. The alleged purchase of site by Mrs. Mofokeng seems to be illegal.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That site 20101 Thabong **BELONGS TO** Mrs. Mbali Mofokeng.
2. That the confirmation letter that Mrs. Stemela has is **NOT VALID**.
3. That the official who drafted or wrote the letter **AVAIL** him/herself to testify in court.
4. That Mrs. Stemela **BE INSTRUCTED** to vacate the site as it belongs to Mrs. Mofokeng.
5. That Mrs. Stemela **BE ADVISED** to register her name in the waiting list of sites in Matjhabeng for next allocations.

DRC15/2017

REPORT REGARDING DISPUTE OF HOUSE 4813 THABONG (AED: LED, P&HS) **(8/3/2/45/8)**

PURPOSE OF THE MEETING

To present the report to the Dispute Resolution Committee on house number 4813 Thabong regarding the rightful occupant or rightful owner.

Description of the parties in dispute.

Complainant: Mr. Johannes Tseki

Defendant: Me. Maputlaki Julia Tseki (Daughter-in-law)

BACKGROUND

The two roomed house number 4813 Thabong was initially allocated to the late Mr. Simon Tseki and Mrs. Letia Tseki in 1978.

Mr. Sophia Tseki the elder son of the late Mr. and Mrs. Tseki took the responsibility to loot after the house while the other children (his siblings) were allocated their own houses by the Municipality. Mr. Sophia died in 2004 and left his wife and children in the house 4813. In 2010 the Title Deed was issued out in the name of Mr. Johannes Tseki a brother to Mr. Sophia Tseki.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

That the matter **BE REFFERED BACK** for more information.

DRC16/2017

REPORT REGARDING DISPUTE OVER SITE 12559 THABONG (AED: LED, P&HS) **(8/3/2/45/15)**

PURPOSE

To resolve the dispute on site 12559 Thabong between Mrs. R.M. Sasing and Mr. M.J. Leisa.

Description of parties in dispute

Complainant: Mrs. R.M. Sasing

Defendant: Mr. M.J. Leisa (Tanant)

BACKGROUND

According to the Matjhabeng Municipality records the site 12559 Thabong was allocated to Mr. Boy Piet Olien in 1987 by Municipality.

Mr. Olien sold the site to Mrs. Nosisa Radebe. The internal transfer was done by the Municipality to transfer the site to Mrs. Radebe.

Mrs. Sasing the daughter of the late Mr. Olien wanted to pay back the money to Mrs. Radebe I order to have the site back.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

That the matter **BE REFERRED** back to Housing Department.

DRC17/2017

REPORT REGARDING DISPUTE OVER SITE 31881 EXT 15 BRONVILLE (AED: LED, P&HS) (8/3/2/12)

PURPOSE

To resolve the dispute of site 31881 Ext 15 Bronville between Mr. Shadrack Koza and Mrs. Maria Moeti.

Description of parties in dispute.

Complainant: Mr. Shadrack Khoza

Defendant: Mrs. Maria Moeti

BACKGROUND

According to Municipal records the site 31881 was allocated to Me Pulane Fair Khoza in 2000. The site has a Title Deed T40671/2000.

Mr. Shdrack Koza claimed that he is the biological son of the late Me Pulane Fair Khoza and decided to evict Me Maria Moeti the tanant.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That Me Pulane Fair Khoza **IS THE RIGHTFUL OWNER** of site 31881 Ext 15 Bronville.
2. That Mr. Seabata Shdrack Koza **HAS THE AUTHORITY** over the property of his mother.
3. That the site has Title Deed, therefore it is **NO LONGER** under the Municipality properties.
4. That the committee advises Mr. Khoza **TO CONSULT** his Attorney for the process of eviction.
5. That the committee advises Me Mpoeti **TO REGISTER** her name in the Matjhabeng Municipality waiting list for next allocation.

DRC18/2017

**REPORT REGARDING DISPUTE OVER HOUSE 443 BLOCK 7 KUTLWANONG
BETWEEN MRS. MARIA MOTAUNG AND MRS. RELEBOHILE NKUTA (AED: LED,
P&HS) (8/3/2/47/5)**

PURPOSE OF THE MEETING

To resolve the dispute on house number 443 Block 7 Kutlwanong between Mrs. Motaung and Mrs. Nkuta.

Description of parties in dispute.

Complainant: Mrs. Maria Motaung

Defendant: Mrs. Relebohile Nkuta

BACKGROUND

The house number 443 Block 7 Kutlwanong was allocated to the late Mr. April Motaung in 1982 by Municipality. Mr. Motaung decided to buy a bigger house to accommodate his growing family and he rented the house number 443 which was a two roomed house.

In 1997 Mr. Motaung passed away.

Me. Nkuta rented the house from the former tenant of Mr. Motaug who also passed away but now she does not want to hand over the house to Mrs. Motaung. The house does not have a Title Deed. It is still the property of the Municipality. Mrs. Motaung is a permit holder.

THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

1. That the house number 443 Block 7 Kutlwanong **BELONGS TO** Mrs. Motaung.
2. That Mrs. Motaung **SHOULD APPLY** for Title Deed.
3. That the Municipality **SHOULD EVICT** the tenant.
4. That Mr. Nkuta has a **RIGHT TO CLAIM** for renovations done in the house
5. That the house **COULD NOT BE** transferred to her daughter while Mrs. Motaung is still alive.
6. That Mr. Nkuta **REGISTER** for housing/site in the waiting list for next allocation.