

DRC7 of 2017

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

PURPOSE OF REPORT

To request Council to correct a mistake made in 2000 by a 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

BACKGROUND

The sites 4589/4590 K6 were allocated to the late Jappie Mosese in 1992 by the Kutlwanong Municipality.

*** A copy of permit holder **is attached on page 1 of the Annexures.**

The deceased was the elder son of the late Kedibone Emily Nkhatho. They were staying together with his mother and his wife.

The late Mr Japie Mosese bought the house at 3769 K5 and left his mother in sites 4589/4590 K6. His mother Kedibone Nkhatho applied for RDP house in the year 2000 for site 4589 K6 and it was approved

*** The HSS report **is attached on page 2 of the Annexures.**

However the house was wrongly built on site 4590 K6 instead of 4589 K6.

PROBLEM STATEMENT

- The problem is that the RDP house was built wrongly at site 4590 K6.
- The conflict between two families continued, because of the complicated matter.

FINDINGS

- The committee must note that site 4589 has a title deed issued out in the name of Kedibone Emily Nkhatho, Title Deed no: TE14862/2000

*** A copy of Deed Search **is attached on page 3 to page 4 of the Annexures.**

- The committee must note that although site 4590 was allocated to Mr Jappie Mosese and there is proof, the title deed is still with the Municipality.
- The committee must note that the Construction company that was allocated the work to build an RDP house for the late Kedibone Emily Nkhatho on site 4589 K6 made a mistake and built the said house on site 4590 K6.
- The committee must note that the Magistrate Court issued out the Letter of Authority as follows:
 - a) The estate of Emily Nkhatho Letter of Authority issued out to Sello Nkhatho on 22/07/2015 for site 4589 K6.
 - b) The estate of Jappie Mosese – Letter of Authority issued out to his wife Matsela Lydia Mafabatho on 21/01/2009 for site 4590.

*****Letters of Authority are attached on page 5 to page 6 of the Annexures.**

- The RDP house was wrongly built at site 4590 K6 where the site is still under the name of the late Mr Japie Mosese, and has no Title Deed.
- Mr Japie Mosese died in 2009 while he left both sites 4589/4590 K6 Kutlwanong to his mother Kedibone Nkhatho.
- The internal transfer for site 4589/4590 K6 to Kedibone Nkhatho were not been processed by the Municipality.

LEGAL IMPLICATIONS

***** Refer to the advice from Legal Services on page 7 to page 8 of the Annexures.**

RECOMMENDATION

1. That the Committee recommends to Council that a 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.

DRC8 of 2017

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

PURPOSE OF THE MEETING

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

BACKGROUND

The Municipal site 2588 Mmamahabane was not initially allocated to both complainant and defendant.

Both parties were illegally occupying the site.

In the departmental dispute committee meeting that was held on the 20 October 2016 at Ventersburg Unit, the following was discussed:

DISCUSSION

Me Modiehi Koko (**complainant**) stated that she was staying at the site since 2007 while it was an informal settlement. She further stated that the then Ward Councillor stated that all the people who do not have sites could identify the empty sites and occupy.

Me Modiehi Koko claimed that since she occupied the site nobody claimed that the site belongs to him or her.

Me Modiehi Koko stated that in 2013 Mr Ramakhupane came to her and claimed that the site belongs to him.

Mr Ramakhupane (**defendant**) claimed that the site was given to his late sister by the then Ward Councillor Me Nelly. He stated that he never occupied the site or registered it in his name.

Mr Ramakhupane stated that the then Ward Councillor Mabote came to him and stated that he can apply for subsidy for site no 2588 in his name.

PROBLEM STATEMENT

- Mr Ramakhupane wants to evict Mrs Koko from the site and stated that the site belongs to him.
- Mrs Koko refused and stated that she stayed in the site before him, therefore the site belongs to her.
- The construction of house is in hold because of the fighting between the parties.

FINDINGS

- The site 2588 Mmamahabane belongs to the Municipality.
- The Municipality did not allocate site 2588 Mamahabane either to the complainant or defendant, they were both occupying it illegally.
- In 2010 the Housing Department filled the application for subsidy on behalf of Mr N Ramakhupane.

*** An application form **is attached on page 9 of the Annexures.**

- On 30 November 2010 the subsidy was approved in the name of the applicant.

*** The HSS report **is attached on page 10 of the Annexures.**

- The Contractor went on site on 2016 and a dispute arose as there was someone staying on site. The site belongs to the Municipality and it is not clear how both defendant and complainant came to occupy it. In their verbal testimony she claims that a Ward Councillor gave them permission to identify and occupy sites in the area.

RECOMMENDATION TO RESOLVE

1. That both parties did not follow the proper procedures regarding the occupation of site.
2. That the committee must note that the subsidy was approved in Mr Ramakhupane's name on site 2588.
3. That the complainant be assisted in line with Council policy to get and alternative site.

DRC9 of 2017

**REPORT REGARDING DISPUTE OVER SITE 2132 PHOMOLONG HENNEMAN
BETWEEN AFRICAN CHURCH AND AFRICAN GOSPEL CHURCH (AED: LED, P &
HS) (8/3/2/51/1)**

PURPOSE OF THE MEETING

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

BACKGROUND

On the 22nd September 2015 a meeting was held at the Matjhabeng Housing Department office. Present in the meeting were representatives of the African Church and the African Gospel Church. The issue was a dispute over site 2132 Phomolong, Henneman.

*** The Attendance register is attached on page 11 of the Annexures.

African Church (complainant):

1. The African church claims that site 2132 was allocated to them in 1980 by the then Phomolong Local Council. There is no documentary proof.
2. The church after allocation moved forward to buy bricks, cast foundation and erected a fence on the church site.
3. In 2011 after 31 years the African Church decided to host a Christmas ceremony on site 2132 only to discover that the site has been allocated to African Gospel church.

*** The proof of allocation is attached on page 12 of the Annexures.

PROBLEM STATEMENT

- The African Church wants to occupy the site to proceed with the construction of the building.

FINDINGS

- The African Gospel Church was given permission to occupy site 2132 in 1997 by the Municipality.
- At the time of occupation the site was abandoned.

RECOMMENDATION

1. That Council in line with its policy on the sale of church sites invites both churches to make an offer to purchase site 2132 Phomolong.

DRC10 of 2017

DISPUTE OVER HOUSE 13263 CALABRIA MELODING (AED: LED, P & HS)
(8/3/20/50/2)

PURPOSE OF REPORT

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 currently staying at site 13263 Calabria Meloding.

BACKGROUND

The statement of Me Sehole (**complainant**) is that the site 13263 Meloding was allocated to her by the late housing official Mr Patrick Oliphant. Me Sehole have a receipt of R3.00 dated 20 April 2009 that was paid for the transfer of site into her name.

*** The receipt **is attached on page 13 of the Annexures.**

The housing file was not opened to prove the allocation of the site to Me Sehole, and she did not take occupation of site no. 13263 immediately, thus resulting in the site being vacant.

Mr Morabane the (**defendant**) stated that, he went to Matjhabeng Finance Department at Virginia to enquire about the vacant site 13263 Calabria Meloding. He was informed by Finance Department that the site belongs to the Municipality. He stated that he went to Finance Department to open the services account in his name so that he can be able to pay the Municipal services which was actioned by the Finance.

*** The Municipal services account **is the attached on page 14 of the Annexures.**

PROBLEM STATEMENT

The continuous fight between two parties regarding the site 13263 Calabria Meloding.

FINDINGS

- The site 13263 Calabria Meloding has no Title Deed it belongs to the Municipality.
- Presently the site 13263 Calabria Meloding is occupied by Mr Morobane and his family since 2013.
- According to housing records the site was not allocated to any one of the parties.

LEGAL IMPLICATIONS

Refer to the advice from Legal Services **on page 15 to page 16 of the Annexures.**

RECOMMENDATIONS TO RESOLVE

1. That site 13263 Calabria Meloding be allocated to the current occupant Mr. Morabane.
2. That Me Sehole be prioritized in the next allocation of sites.

DRC11 of 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 the resolution of a dispute concerning site 7279, Ward 17 Thabong.

Description of parties in dispute

Complainant: Ms Rankhathali
 Defendant : Mr Simon Bokhatsi

BACKGROUND

Me M.C. Rankhathali approached the Municipality to complain about site 7279 Thabong that is allocated to her, and is presently occupied by Mr S. Bokhatsi who is refusing to vacate.

*** The Proof of allocation **is attached on page 17 of the Annexures.**

A file was opened and subsequent to that a meeting was convened between the complainant and the defendant.

*** The Attendance register of the meeting **is attached on page 18 of the Annexures.**

In the meeting it was revealed that Mr Bokhatsi is the owner of site 27085 and the RDP house has been built in his name.

*** The Proof of subsidy **is attached on page 19 to page 20 of the Annexures.**

Mr Bokhatsi further agreed that site 7279 Thabong belongs to Ms MC Rankhathali.

PROBLEMS STATEMENT

Ms Rankhathali struggled to occupy her site because Mr Bokhatsi left his children in the site 7279 and refused to move out.

FINDINGS

- The site was allocated to Ms MC Rankhathali by the Municipality.
- Site 7279, ward 17 Thabong is still registered in the name of the Municipality.

RECOMMENDATIONS

1. That Committee note that site 7279 belongs to Ms MC Rankhathali.
2. That the Municipality assists Ms MC Rankhathali to occupy 7279 Thabong.

DRC12 of 2017

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

PURPOSE OF THE MEETING

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

Description of parties in dispute

Complainant: Moleleki's family
Defendant : Tholani Moleleki

BACKGROUND

The Municipality housing file indicates that the house was allocated to the late Mr David Moleleki and Mrs Pascalina Moleleki in 1971 by the Municipality. They were survived by 6 children who are:

Elizabeth Semakaling Moleleki – deceased
Ermelda Tsokolo Moleleki – deceased
Celestina Feikie Moleleki
Augustina Matsele Moleleki
Martin Makalo Moleleki
Johannes Tsiliso Moleleki

*** The Proof of allocation is attached on page 21 of the Annexures.

The deceased left four children, but three children have moved out to their own permanent accommodation. Me Celestina Moleleki remained in the house to look after the house. The then Housing Committee in consultation with the Ward Councillor recommended on 20-03-1990 that though the parents are deceased and they left four children, the residential permit be issued to Celestina Moleleki to be responsible for the house.

*** Council Resolution 29/03/1990 is attached on page 22 of the Annexures.

In the year 1991 Me Celestina Moleleki bought this house 1160 Thabong for the amount of R2496.40 and stayed with her children. The house was registered in her name and the Title Deed was issued out under her name TL4331/98.

*** A copy of Title Deed is attached on page 23 to page 25 of the Annexures.

PROBLEM STATEMENT

- The Moleleki's family want to evict the children of the late Celestina Moleleki claiming that the house 1160 Thabong belongs to their parents David Moleleki and Pascalina Moleleki.
- They further stated that the late Celestina stole the house and registered it in her name without their permission.
- They claimed that the house should be a family house so that they can have access when they want to use it.

FINDINGS

- The house 1160 was registered in Celestina Moleleki's name in 1991 by the Municipality to take the responsibility of the house and the Title Deed was issued out in her name TL4331/1998.
- The certificate of holder in the house file indicates that Celestina Moleleki was the holder of house 1160 Thabong, her children and her siblings were her dependents.

DEPARTMENTAL RECOMMENDATION 03/04/2017

1. That the late Me Celestina Moleleki was the rightful owner of house 1160 Thabong.
2. That her children have to advance the Local Magistrate Court to handle the estate of their mother and any dispute could be raised at the Magistrate to solve as property situated residential site 1160 falls within her estate.

DRC13 of 2017

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

PURPOSE OF THE MEETING

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

Description of parties in dispute

Complainant: Lydia Naanyane
Defendant : Chale Bernado

BACKGROUND

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

*** The Deed Search is attached on page 26 of the Annexures.

In the departmentally meeting that was held on 08 September 2016 at Nyakallong housing office the following were discussed:

Me Lydia Naanyane (complainant) the daughter of the late Mrs Naanyane claimed that she has been working in Gauteng since 1988. She stated that she got the information from strangers stating that her mother is selling the site. She stated that she came home later to talk to her mother regarding the matter, but her mother insisted that she is selling the site and if she is interested she can buy it. The latter said that she told her mother that she is not willing to buy the site since it was their home.

The latter stated that after her mother's death in 2015 she proceeded to register the estate of which she was appointed on the Letter of Authority. The site 3900 was including as part of the estate. She stated that she fully believed that the site 3900 belongs to Naanyane's family.

Mr Bernado (defendant) claimed that he bought the site 3900 Nyakallong from Mrs Dikeledi Naanyane with the amount of R3000.00 in 2011. Mrs Naanyane left the site with him and relocated to Bothaville to stay with her son. Mr Barnardo stated that the payments were done to Me Naanyane in the presence of his Lawyer and the granddaughter of Mr Nyaanyane. He claimed that the site was legally bought from Me Naanyane.

PROBLEM STATEMENT

- Me Lydia Naanyane wants the site back stating that her mother had no authority to sell the site alone without her children's permission.

FINDINGS

- That the site was allocated to Mr and Mrs Naanyane in 2000 by the Municipality.
- The Title Deed T27566/2001 was issued out under their names.

DEPARTMENTAL RECOMMENDATION 03/04/2017

1. That the committee endorse ownership of the residential site 3900 Nyakallong in the names of late Mr and Mrs Naanyane.
2. That the complainant Me Lydia Naanyane be advised by the Dispute Resolution Committee to contact her Lawyer, hence the property is registered in the names of Mr and Mrs Naanyane and is no longer the Municipality's property.

DRC14 of 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 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.

*** An agreement of purchase **is attached on page 27 of the Annexures.**

Thereafter Daffue sold site 20101 to Mrs Mbali Mofokeng. The clearance certificate of site 20101 Thabong was issued out by the Municipality in 2014 as a proof of payment for settlement of Municipal services.

*** The clearance certificate **is attached on page 28 of the Annexures.**

In the departmental meeting that was held on 02 February 2016 at Procor housing office the following were discussed:

Mrs Mbali Mofokeng (**complainant**) stated that she bought the site from Daffue in 2014. She further stated that she made all the processes and procedures to purchase the site 20101 Thabong. The latter stated that she did not take occupation immediately because of personal problems that needed to be solved. She stated that she found somebody illegally occupying her site, and then she came to Housing office for assistance regarding the matter.

Mrs Nozipho Stemela (**defendant**) stated that she bought the site with the amount of R5000.00 from certain gentlemen called Tshokolo. She further stated that Mr Tshokolo gave her a letter to confirm that the site 20101 belongs to her.

*** The letter **is attached on page 29 of the Annexures.**

She stated that she fenced the site and started and laid the foundation.

FINDINGS

- That the site 20101 Thabong was bought by Antoinette Johanna Daffue from the Municipality and sold to Mrs Mofokeng in 2014.
- The documents that prove the purchase of site are available.
- The site has no Title Deed.
- That there is no information in Housing records indicating that Mrs Stemela has been allocated site 20101Thabong.
- The letter that Mrs Stemela has does not indicate the writer of the letter, and the office in which the letter was done.
- The alleged purchase of site by Mrs Stemela seems to be illegal.

RECCOMENDATION TO RESOLVE

1. That site 20101 Thabong legally belongs to Mrs Mbali Mofokeng.
2. That the confirmation letter that Mrs Stemela has is not valid.
3. That Mrs Mbali has all the necessary documents to testify her case.
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 waiting list of sites in Matjhabeng.

DRC15 of 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 4813 Thabong regarding the rightful occupant or rightful owner.

Description of the parties

Johannes Tseki:	Complainant
Maputlaki Julia Tseki (daughter in-law):	Defendant

BACKGROUND

In the internal dispute departmental meeting that was held on the 23-08-2016, the following were discussed.

The two roomed house no. 4813 Thabong was initially allocated to the late Mr Simon Tseki and Mrs Letia Tseki in 1978.

*** The Permit holder **is attached on page 30 of the Annexures.**

The house was transferred to his wife Mrs Letia Tseki in 1981 after her husband died in 1981.

*** The Permit holder **is attached on page 31 of the Annexures.**

According to housing records the deceased had four children which are:

Sophia Tseki:	died in 2004
Rebecca Tseki:	died in 2005
Anna Tseki:	died in 2011
Johannes Tseki:	surviving beneficiary

Mr Sophia Tseki was the elder son of the late Mr and Mrs Tseki, after his parents died he took the responsibility to look after the house 4813 while the others were allocated their own houses by the Municipality. Mr Sophia died in 2004 and left his wife and children in the house 4813.

In the year 2010 the Premier announced a project called Operation Hlasela (Rectifications project), where all the old two roomed house in Free State Province were upgraded through housing subsidies. The old structure was demolished.

The Municipality Housing Department took the initiative to identify all Matjhabeng old two roomed houses. They found that in most houses, the original owners were deceased.

The current occupants should apply for the house subsidy, this resulting that the original owner of the house would be replaced by the current occupants who qualified for subsidy.

The defendant Mrs Mapotlaki Julia Tseki according to list from Housing Development section applied for the subsidy of house 4813 in the year 2012, but we don't have the report that indicates the approval of the house in the name of the defendant.

***** The List of people who applied for subsidy is attached on page 32 of the Annexures.**

In the year 2007 the memo was written by the late Admin Officer Mr Daniel Lengau to transfer the house 4813 to Johannes Tseki.

***** The Memo is attached on page 33 of the Annexures.**

Eventually the Title Deed was issued out in the name of Mr Johannes Tseki in 2010.

***** The Deed search report is attached on page 34 of the Annexures.**

PROBLEM STATEMENT

- The complainant Mr Johannes Tseki wants to evict Mrs Julia Tseki in the house stated that the house belongs to him.

FINDINGS

- The two roomed house was initially allocated the late Mr and Mrs Tseki in 1978.
- The application form of Me Julia Tseki for her subsidy was not found from District Human Settlements and Provincial Human Settlements, therefore we don't have any documents regarding her subsidy.
- The house was built but we don't have any idea whether it is in the defendant's name or complainant's name.

RECOMMENDATION TO RESOLVE

1. That the Title Deed was issued out in the name of Johannes Tseki.
2. In this case we need legal advice of applicable Interstate Succession in order to determine right beneficiary.

DRC16 of 2017

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

PURPOSE OF THE MEETING

To resolve the dispute on site 12559 Thabong between R.M Sesing and MJ Leisa

Description of parties in dispute

Complainant: Mrs R.M. Sesing

Defendant : Mr M.J Leisa (Tenant)

BACKGROUND

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

*** Proof of allocation is attached on page 35 of the Annexures.

In 1999 Mr Olien sold the site to Mrs Nosisa Radebe, the internal transfer was done by the Municipality to transfer the site to Mrs Nosisa Radebe.

*** Proof of transfer is attached on page 36 of the Annexures.

In the departmental meeting that was held on 07 April 2017 at Procor housing office the following were discussed:

Mrs Sesing (**complainant**) the daughter of the late Mr Olien stated that the site was allocated to her parents, due to their marital problems which led to them separating. Mr Olien left the site to the tenant Mrs Nosisa Radebe to take care of the site.

Mrs Sesing stated that after the death of her father she approached the Ward Councillor Tsatsa regarding the site and told her that her father sold the site to Mrs Radebe with the amount of R2500.00. She stated that she is willing to pay back the money to the deceased's family so that she could get the site back.

Mr Leisa (**defendant**) is currently staying at the site. He stated that he rented the site from other people who Mrs Radebe left at the site when she returned back to Eastern Cape. He further said that he was paying the rent to Mrs Radebe's neighbor who was responsible to collect the money for the rent and send it to Mrs Radebe at Eastern Cape.

Me Leisa said that they have been stopped to pay because the neighbor does not send the money to Mrs Radebe and also the water was cut off by the Municipality. He further stated that after Mrs

Radebe's death, he requested her mother to come from Eastern Cape so that they could solve the problem of payment.

PROBLEM STATEMENT

- The letter from the complainant's Attorney Kemi Akinbohun to evict the occupant **is attached on page 37 of the Annexures.**

FINDINGS

- That the site 12559 Thabong was allocated to Mr Olien in 1987 and has no Title Deed.
- The site was transferred to Mrs Radebe in 1999 by the Municipality.
- The letter from Ward Councillor Tsatsa that testify the agreement of sale between Mr Olien and Mrs Radebe **is attached on page 38 of the Annexures.**

RECOMMENDATION TO RESOLVE

1. That the late Radebe's family to be called in for the estate of the late Nosisa Radebe.
2. That the site has no Title Deed, it belongs to the Municipality.
3. That the transfer of site to the complainant Me Sesing not to be approved until Mrs Radebe's family is available and the process to transfer the site must be done accordingly.
4. That the tenant be advised to register his name in the waiting list of allocation of sites.
5. That the tenant should pay the Municipal services and provide the proof of payment.
6. That Cllr Tsatsa and other witnesses to be called for their witness.

DRC17 of 2017

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

PURPOSE OF THE REPORT

To resolve the dispute of site 31881 Ext 15 Bronville between Mr Shadrack Khoza and Moeti's family

Description of parties in dispute

Complainant: Mr Shadrack Khoza
Defendant : Mrs Moeti's family

BACKGROUND

According to the Municipal records, site no. 31881 Bronville was allocated to Pulane Fair Khoza in the year 2000. The site has title deed T40671/2000.

*** The Deed Search report **is attached on page 39 of the Annexures.**

In the departmentally meeting that was held on 16 October 2013 at Housing Office Procor the following were presented:

Mr Shadrack Khoza (**complainant**) stated that he is the biological son of the late Mrs Pulane Fair Khoza. He further stated that he was under age when his mother died; therefore the family requested Mrs Vuyiswa Kheswa to look after the site until he grows up.

*** The Death certificate **is attached on page 40 of the Annexures.**

Mrs Kheswa, the family of Mr Shadrack Khoza stated that she met Me Maria Moeti in the year 2008 desperately looking for accommodation. They agreed that Me Moeti will stay temporarily at site 31881 until she found her own place.

Me Moeti (**defendant**) agreed that she was looking for accommodation, and she met Me Kheswa and they agreed for temporarily accommodation. She further said that she requested to buy the site and they agreed, but before the payment could be done Me Kheswa requested to wait for Shadrack to come back so that they could make an arrangement of payments. She further stated that she was so surprised when Me Kheswa came later with Shadrack the son of the late and requested her to vacate the site. The latter said that she refused to move out because the agreement was that she can buy the site but waiting for Shadrack to come back.

She further said that she requested Shadrack to give them a period of time to look for other accommodation because there is no place to stay.

PROBLEM STATEMENT

- Mr Seabata Shadrack Khoza stated that he struggled to occupy the site because Mrs Moeti refused to move out.

FINDINGS

- That the site 31881 Ext 15 Bronville was allocated to Me Pulane Fair Khoza.
- The site has Title Deed no. T40671/2000.
- The Letter of Authority was issued under the name of Seabata Shadrack Khoza in 2007.

*** The letter of Authority is attached on page 41 of the Annexures.

RECOMMENDATION TO RESOLVE

1. That Me Pulane Fair Khoza is the rightful owner of site 31881 Ext 15 Bronville.
2. That Mr Seabata Shadrack Khoza 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 Moeti to register her name in the Matjhabeng waiting list for next allocation.

DRC18 of 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 443 Block 7 Kutlwanong between Mrs. Motaung and Mrs. Nkuta

Description of parties in dispute

Complainant: Maria Motaung
Defendant : Relebohile Nkuta

BACKGROUND

The house no. 443 Block 7 was allocated to the late Mr April Motaung in 1982 by the Municipality.

*** The Proof of permit holder **is attached on page 42 of the Annexures.**

In the departmental meeting that was held on 21 January 2016 at Kutlwanong Office Housing the following were discussed:

- Me Motaung (**complainant**) stated that they were staying with her family at house 443 Block 7 Kutlwanong and that was a three roomed house.
- She further stated that her family was growing and her late husband decided to buy a big house, so that it can accommodate the whole family.
- They moved to a new house and her husband rented the house no. 443 Block 7.
- In 1997 her husband died while the house was been rented.

*** The Death certificate **is attached on page 43 of the Annexures.**

- In 2011 Me Motaung received the appointment letter which was issued from the Magistrate Court as an Executor of the estate.

*** The appointment letter from Magistrate court **is attached on page 44 of the Annexures.**

Mrs Nkuta (Defendant) declared as follows:

- She stated that she rented the house since 2004 from the people who ?? from Mr Motaung.

- She further stated that after the death of Mr Motaung she also rented the house from Mrs Motaung.
- She further stated that the agreement was to buy the house with the amount of R8 000.00, then the transfer would be done.

PROBLEM STATEMENT

- Mrs Motaung wants to evict Mrs Nkuta at house 443 Block 7 stating that she wants to give it out to one of her children.

FINDINGS

- The house 443 Block 7 according to the Municipality records is allocated to the late Mr Motaung and does not have a Title Deed.
- The Letter of Authority was issued out to Mrs Motaung.
- The Municipality transferred the house in her name in 2011 instructed by Letter of Authority. **The transfer form is attached on page 45 of the Annexures.**
- Mrs Nkuta rented the house for more than 12 years from Mr Motaung.
- Mrs Nkuta is not on the waiting list for allocation of site.

RECOMMENDATION TO RESOLVE

1. That the matter be discussed by the committee and that after presentations by both parties, the committee resolve on the matter.