

DRC1 of 2018

**REPORT REGARDING DISPUTE OVER SITE 3900 NYAKALLONG
ALLANRIDGE (AED: LED, P&HS) (8/3/2/49/1)**

1. PURPOSE OF THE MEETING

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

1.2 Description of parties in dispute

Complainant: Lydia Naanyane

Defendant : Chale Bernado

1.3 COUNCIL RESOLUTION: (31 JANUARY 2018).

That the item **BE REFERRED BACK** and in future Ward Councilors must be invited to express their views in dispute matters.

*** **The Dispute Committee Resolution is attached on page 1 of the Annexures.**

2. BACKGROUND

2.1 According to the Matjhabeng Municipality records the 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 2-3 of Annexures.**

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

2.2 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 insist 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.

2.3 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 included as part of the estate. She stated that she fully believed that the site 3900 belongs to Naanyane's family.

- 2.4 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. Naanyane. He claimed that the site was legally bought from Me Naanyane.

3. **PROBLEM STATEMENT**

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

4. **FINDINGS**

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

5. **THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)**

That the site 3900 **BELONGS TO** Mr. and Mrs. Naanyane.

That Mrs. Naanyane **SHOULD CONTACT** her Lawyer, since the property is registered in the name of Mr. and Mrs. Naanyane and is no longer Municipal property.

SUBMITTED FOR CONSIDERATION

DRC2 of 2018

REPORT REGARDING DISPUTE OVER HOUSE 1160 THABONG (AED: LED, P&HS) (20/14/4/5/1)

1. 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

The item was referred back by Council on 31 January 2018, reason being, that in future Ward Councilors must be invited to express their views in dispute matters.

The Council Resolution is attached on page 4 of the Annexures.

2. 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

Proof of allocation is attached on page 5 of the Annexures.

The deceased left four children, but three children have move 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 Councilor recommended on the 20-03-1990 that though the parents are deceased and they left four children, the residential permit was issued to Celestina Moleleki to be responsible for the house.

The Resolution of the then Housing Resolution Committee 29/03/1990 is attached on page 6 of the Annexures.

In the year 1991 the house was transferred to Me Celestina Moleleki and the payment of R2496.40 was paid as stipulated on the transfer form.

*** A Copy of transfer form is attached on page 7-14 of the Annexures.

It was registered in her name with the Title deed no. TL4331/98.

*** A Copy of Title Deed and Deed Search is attached on page 15-18 Annexures.

3. 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 family house so that they can have access when they want to use it.

4. 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.

5. THE DISPUTE RESOLUTION COMMITTEE RESOLVED (24 October 2017)

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.

That the house is having a title deed therefore it is regarded as a private matter and the Council **CANNOT BE** involved.

That it **SHOULD BE IN RECORD** that the defendant refused to attend and the Speaker be requested not entertain him but refer him to this committee.

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.

SUBMITTED FOR CONSIDERATION

DRC3 of 2018

REPORT REGARDING DISPUTE OVER HOUSE 2786 THABONG BETWEEN MOKHOSI 'FAMILY AND MR MOEKA MALLANE (AED: LED, P&HS) (20/14/4/5/1)

1. PURPOSE OF REPORT

To request Dispute Resolution Committee to resolve the dispute of house 2786 Thabong accordingly.

Description of the parties

Complainant: Mokhosi's family

Defendant: Mr. Moeka Mallane

2. BACKGROUND

The house 2786 Thabong was allocated to Mr. Adam Mallane and Mrs. Elisa Mallane in 14 October 1901 by the Municipality

A Copy of permit holder is attached on page 19 of the Annexures.

The departmental dispute meeting was held on 13 February 2018 at Housing Department room 113 the following people were present:

Cllr Mokhomo	Ward councilor
Me Lebajoa	Admin Officer/Dispute
Me Totolo	Unit Officer Thabong
Me Moipone Mokhosi	Complainant
Me Pontso Mokhosi	Complainant
Mr. Molatudi Mokhosi	Complainant
Mr. Moeka Mallane	(refused to attend)

The attendance register is attached on page 20 of the Annexures.

DISCUSSION

Mokhosi's family declared as follows (complainant)

Mr. Molatudi Mokhosi the son of the late Lefu Gilbert Mokhosi stated that his late father Lefu Gilbert Mokhosi bought a four (4) room house from Mr. Adam Molete Mallane with

the amount of R13000.00 in 1994. Mr. Mokhosi was staying with his children Molatudi, Moipone and Pontsho Mokhosi.

*** **The agreement of sale between two parties is attached on page 21 of the Annexures.**

He stated that on the 18TH of January 2010 Mr. Mallane died, and after some months his father died on 03 August 2010

*** **A Copy of death certificate of Mallane and Mokhosi attached on page 22-23 of the Annexures.**

He further stated that after the death of his father their relatives took his two sisters to look after them because they were still young and he remains at house 2786 alone.

The latter stated that in 2013 he went to jail and left a tenant to look after the house. He further stated that when he was in jail his sisters told him that Mr. Moeka Mallane the son of the late Mr. Mallane sold the house to other people. He further stated that Mr. Moeka Mallane refused to communicate with them since instead he insulted and threaten them. His sisters went to the Municipal offices for assistance regarding the matter.

3. **PROBLEM STATEMENT**

- The children of the late Mr. Mokhosi struggled to get their house back as it was sold to other people.
- The current occupant is continuing with the developments and renovations of the house.

4. **FINDINGS**

- The house was allocated to Mr. Adam Mallane in 1901 by the Municipality
- The house has no Title Deed therefore is still the Municipal property.
- The internal transfer of house 2786 from Mr. Mallane was not done.
- The agreement of sale between two parties is available.
- The house was not transferred to the defendant Mr. Moeka Mallane even though the house was allocated to his late father.
- Mr. Moeka Mallane was invited to several meeting to the office of Housing Department but it was in vain

*** **Proof of invitation is attached on page 24 of the Annexures.**

- The case was delayed because of the absence of the defendant.

*** **The Memorandum from Land Affairs Section for their opinion is attached on page 25 of the Annexures.**

5. **LEGAL IMPLICATION**

6. RECOMMENDATIONS

1. That the house 2786 does not have Title Deed therefore belongs to the Municipality.
2. That there is binding contract between Mr. Mokhosi (deceased) and Mr. Mallane (deceased).
3. That the matter be referred to Dispute Resolution Committee.
4. That all parties be invited to the meeting including the current occupant.
5. That the letter be written to occupant of site 2786 to stop the development until the dispute is resolved.
6. That Legal Department to advice regarding the matter.
7. That the department of Law Enforcement to assist the Municipality to stop any development that occurring at site 2786.

DRC4 of 2018

REPORT REGARDING THE DISPUTE OVER HOUSE 3702 THABONG (AED: LED, P&HS) (20/14/4/5/1)

1. PURPOSE OF REPORT

To request Council to correct a mistake of de-registered Title Deed of house 3702 Thabong in the name of Mr. Seekane.

Description of the parties

Mr. Seekane and the Matjhabeng Municipality

2. BACKGROUND

The house 3702 Thabong according to the Municipal records was bought by Mr. Seekane on the 22 February 1990 with the amount of R1306.90 from the Municipality.

***** A Copy of Deed of Sale is attached on page 26-30 of the Annexures.**

On the 2nd of April 1990 the house was registered in the name of Mr. Matete Frank Seekane and Mrs. Noziqi Rachel Seekane Title Deed no. TL1201/1990

***** A Copy of Title Deed is attached on page 31-33 of the Annexures.**

In 2005 the Title Deed was de-registered from his name and re-registered in the Matjhabeng Municipality with Title Deed TL26113/2005. There were no records indicating that the house was repossessed from Mr. Seekane by the Municipality in 2005.

***** A Copy of Deed Search for Title Deed is attached on page 34-35 of the Annexures.**

Investigations were done by Housing department and Finance department but there is no information regarding the history of repossession of house 3702 Thabong. The Municipal account is still under the name of Mr. Seekane.

***** A Copy of Municipal account is attached on page 36 of the Annexures.**

3. PROBLEM STATEMENT

- De-registration of the Title Deed TL1201/1990 of Mr. Seekane Thabong is mistakenly.

4. FINDINGS

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- The house 3702 Thabong belongs to Mr. Seekane
- The Deed of Sale between Mr. Seekane and the Municipality is valid.
- The information in the file indicates that the household of house 3702 Thabong is Mr. Seekane`s.
- The Municipal services account is still in the name of Mr. Seekane
- The Title Deed no. TL1201/1990 was de-registered in 2005 and no reasons were given.
- Discovered why it had been de-registered.

- There is no information from the Municipality regarding the de-registering of house 3702 Thabong.

6. RECOMMENDATION

1. That the house 3702 Thabong be re-registered in the name of Mr. Seekane and Mrs. Seekane at the Municipality`s cost.

DRC5 of 2018

**REPORT REGARDING DISPUTE OVER HOUSE 72 PHOMOLONG
HENNENMAN (AED: LED, P&HS) (8/3/2/51/1)**

1. PURPOSE OF THE MEETING

To request the Dispute Resolution Committee to confirm the rightful owner of house 72 Phomolong Hennenman.

Description of parties in dispute

Complainant: Jackson Sithole grandson

Defendant: Mafofoke Sithole grandson

2. BACKGROUND

The Municipality housing file indicates that the house 72 Phomolong was initially allocated to the late Mr. Simon Sithole and Mrs. Ida Sithole in 1982.

*** **Proof of allocation is attached on page 37 of the Annexures.**

In 1987 Mr. Simon Sithole died and the house was transferred to elder son Joseph Sithole.

*** **Proof of transfer is attached on page 38 of the Annexures.**

3. DISCUSSION

Mr. Jackson Sithole (**complainant**) claimed that he is the son of the late Agnes Sithole who was the daughter of Simon Sithole and Ida Sithole and they were all staying at house 72 Phomolong together with their grandparents. He further stated that he was in jail for 25 years, when he return back he found that his family were all deceased. He further stated that the defendant who the house is currently transfer to, was not staying in the house 72 Phomolong.

Mr. Mafofoke Sithole (**defendant**) stated that he is the son of Enoch Sithole who was the son of his late grandparents. Malahdeni Piet Sithole was the younger brother of his father. He stated that Mr. Piet Sithole was sick and living alone in the house, therefore he was forced to come and look after him. He further stated that on the 28th of January 2011 Mr. Piet Sithole died.

He stated that he was appointed by the Magistrate Court to take the control over the estate of the deceased.

*** **The letter of Authority is attached is attached on page 39 of the Annexures.**

The house was transferred to Mafofokane Sithole in 2011 due to the Letter of Authority.

4. PROBLEM STATEMENT

Mr. Jackson Sithole want the house be registered as a family house not in the name of Mr. Mafofoke Sithole.

5. FINDINGS

- The house 72 Phomolong is transferred to Mr. Mafofoke Sithole by the Municipality through Letter of Authority.

***** Transfer form is attached on page 40-41 of the Annexures.**

- The house 72 Phomolong is presently occupied by the Sithole family (Affidavit)
- For the house 72 to be transferred to any of the family, the family must approach the Magistrate Court.

6. LEGAL IMPLICATIONS

7. RECOMMENDATION

1. That the complainant can approach the Magistrate court to dispute issuing of Letter of Authority.

DRC6 of 2018

REPORT REGARDING THE DISPUTE OF SITE 3079 K9 KUTLWANONG (AED: LED, P&HS) (8/3/2/47/5)

1. PURPOSE OF THE MEETING

To request Dispute Resolution Committee to resolve the dispute of site 3079 K9 Kutlwanong between Mr. Majoro and Mrs. Mokoaledi.

Description of the parties

Complainant: Mr. Majoro
Defendant: Mrs. Mokoaledi

The dispute meeting was held on the 07 August 2012 at Procor Housing Department the following were discussed.

PRESENT

Me Lebajoa	Admin Officer	
Me Maphutsi	Acting Manager Land Affairs	:
Cllr Taliwe	MMC Housing	
Cllr Makgowe	Ward Councilor	
Mr. Majoro	Complainant	
Me Mokoaleli	Defendant	

2. DISCUSSION

Mr. Majoro (complainant) declared as follows:

That the site 3079 K9 Kutlwanong was bought from Mr. Mokoaleli in 1997 by his sister Me Ramahloko. The site was never transfer to his sister's name, his sister got sick and went to Botshabelo for treatment unfortunately she died after some time. Before she went to Botshabelo she gave her brother Mr. Majoro permission to stay on the site, and Mr. Majoro claimed that he stayed more than 14 years on the site.

Ward Cllr Makgowe declared as follows:

Cllr Makgowe declared that he sent Mr. Majoro and Me Mokoaleli to Kutlwanong's office to make the transfer of site 3079 to Mr. Majoro's name. The then Admin Clerk Me Konyana refused to do the transfer. She advised that, the owner of the site is Mr. Mokoaleli not Me Mokoaleli therefore Mr. Mokoaleli must be present when the transfer be in process.

Cllr Makgowe further explained that most of the people have many sites in Kutlwanong but they don't stay on it and also they don't pay the services to the Municipality. He further said Me Mokoaleli she is one of them and don't pay the Municipal services.

Me Mokoaleli (defendant) declared as follows:

Me Mokoaleli refused everything that had been discussed, she claimed that her late husband never sold the site to anyone; she said that site 3079 K5 belongs to her late husband.

3. PROBLEM STATEMENT

Mrs. Mokoaleli wants to evict Mr. Majoro stating that the site belongs to her late husband.

4. FINDINGS

- 4.1 According to housing records Mr. John Mokoaleli bought site 3079 K5 Kutlwanong from the Municipality with the amount of R4632.00 in 1993.

Proof of purchase is attached on page 42-46 of the Annexures.

- 4.2 The site 3079 K5 Kutlwanong does not have Title Deed
- 4.3 Mr. John Mokoaleli has an RDP house at site 3455 Kutlwanong where he was staying with his family.
- 4.4 The site has title Deed TE16866/2001.

Deed Search is attached on page 47-48 of the Annexures.

- 4.5 According to the discussion from the meeting that was held it shows that Mr. Mokoaleli never occupied site 3079 K5, instead he rented the site to other people.
- 4.6 Site 3079 K5 Kutlwanong was under the dispute since 1997 after Mr. Mokoaleli sold it to the late Me Ramahloko. The dispute was never resolved. Attached is the proof of documents written to the then Dispute Committee and the letter from the office and the affidavit from the late Me Ramahloko.
- 4.7 After Mr. Mokoaleli died in 2010 and his wife Mrs. Mokoaleli applied for Letter of Authority for the estate of her husband and site 3079 was included in the estate.

The Letter of Authority is attached on page 49 of the Annexures.

***** The Memorandum from Land Affairs Section for their opinion is attached on page 50 of the Annexure.**

5. LEGAL IMPLICATIONS

6. RECOMMENDATIONS

1. That both parties to be invited to the Dispute Resolution Committee meeting to give their evidence.
2. That both parties should bring proof to back their evidence.

DRC7 of 2018

REPORT DISPUTE OVER SITES 3560 AND 3561 PHOMOLONG HENNENMAN
(AED: LED, P&HS) (8/3/2/51/1)

1. PURPOSE OF REPORT

1.1 To request Council to correct a mistake made in 2002 by a Contractor on sites 3560 and 3561 Phomolong Hennenman

2.2 Description of the parties

2.2.1 Complainant: Mr. Matite Samuel Lebona

2.2.2 Defendant: Mr. Lucas Sebetoane the son of the late Mrs. Theko Vivian Baleni

2.2.3 The internal meeting was held on 6 March 2018 at Phomolong Hennenman Housing office.

2.2.4 Attendance register is attached

2. BACKGROUND

2.1 The site 3560 was allocated to the late Mrs. Theko Vivian Baleni in 2002 by the Municipality. The RDP house was built in her name.

*** **HSS report is attached on page 51-54 of the Annexures** and the house has Title Deed.

*** **A Copy of Deed Search attached on page 55 of the Annexures.**

However the house was wrongly built on site 3561 instead of 3560.

2.2 The complainant Mr. Lebona stays at site 3560 where the site belongs to Mrs. Baleni and has Titled Deed but it does not have structure.

3. PROBLEM STATEMENT

3.1 The problem is that the RDP house was built wrongly at site 3561.

4. FINDINGS

4.1 The Council to take note that the Construction company that was allocated the work to build an RDP house for the late Mrs. Theko Vivian Baleni on site 3560 Phomolong made a mistake and built the said house on site 3561 Phomolong.

4.2 The Council to take note that site 3560 has a title deed issued out in the name of Theko Vivian Baleni, Title Deed no: T24376/2002.

4.3 The site 3561 Phomolong has no Title deed it belongs to the Municipality

4.4 According to housing investigation various areas in Phomolong Hennenman there are no household files for the beneficiaries.

5. LEGAL IMPLICATIONS

6. RECOMMENDATIONS

1. That the late Mrs. Baleni 's children should apply for Letter of Authority for the estate thereafter the Title Deed for site 3560 be de-registered from Mrs. Baleni.
2. That the household file for site 3561 be open in the name of Mr. Lebona and the Municipal services account be open in his name.
3. That whenever there is an RDP house to be built, stringent measures should be taken in future, in form of documentation to avoid such mistakes.
4. That the Municipality should carry the costs of registration and de-registration.

DRC8 of 2018

REPORT REGARDING DISPUTES IN THANDANANI THABONG (AED: LED, P&HS) (20/14/4/5/1)

1. PURPOSE OF THE MEETING

- 1.1 To resolve the disputes of residential sites allocated in Thandanani Thabong which are not occupied by the rightful individual people allocated but are by individuals alleged to be allocated by the then Ward Committee. These individuals received housing subsidies different from the control list by Land Affairs.
- 1.2 **Description of parties in dispute.**

Refer to the pages attached list compiled of all beneficiaries who were initially accommodated in the project but have been removed and replaced by others.

2. BACKGROUND

- 2.1 Thandanani (Ward 25) is one of the areas in Thabong that was formalized in the year 2010. The beneficiaries were from informal settlement next to Doornpan graveyard.
- 2.2 The allocation of sites was interrupted by political intervention of the Ward committee appointed around 2010. On the basis that the said Committee begin allocating sites to people outside Housing allocation list.

These incidents led to numerous disputes of beneficiaries of sites against individuals wrongly allocated by the committee.

- 2.3 The procedures that were used to allocate the residential site by the Municipality/Housing Department was approved by Council thus allocation to all those who were on our Human Settlement register.

3. DEPARTMENTAL RECOMMENDATION

- 3.1. That all the beneficiaries who were not accommodated as per control list be prioritized for next allocation by Municipality Land Affairs.
- 3.2. That the Matjhabeng Land Affairs section writes to all the beneficiaries whose residential sites were taken to inform them that their names will be prioritized in the next allocation.

SUBMITTED FOR CONSIDERATION