



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

**GAZETTE EXTRAORDINARY – BUITENGEWONE KOERANT – IGAZETHI EYISIPESHELI**

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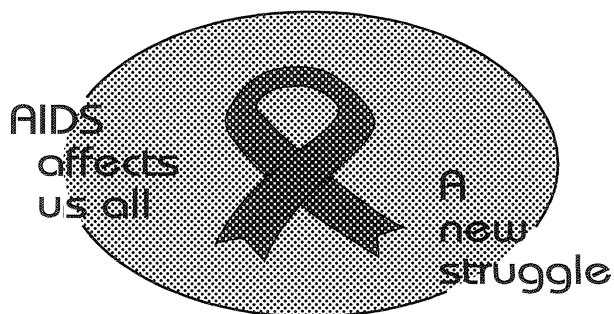
**Vol. 5**

**PIETERMARITZBURG,**

11 MARCH 2011  
11 MAART 2011  
11 kuNDASA 2011

**No. 562**

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

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**CONTENTS***No.**Page***PROVINCIAL NOTICE**

30 Mkhambathini Municipality: Notice of expropriation .....

3

**INHOUD***No.**Bladsy***PROVINSIALE KENNISGEWING**

30 Mkhambathini Munisipaliteit: Kennisgewing van onteining.....

6

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**PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS**

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**No. 30****11 March 2011****MKHAMBATHINI MUNICIPALITY  
OFFICE OF THE MUNICIPAL MANAGER****NOTICE OF EXPROPRIATION****THIS NOTICE IS ADDRESSED TO:**

Bridoon Trade & Invest 172 (Pty) Ltd, being the owner of the property referred to below (hereinafter referred to as "the owner" and which expression includes the trustee or liquidator in the insolvent estate of the owner and the authorized representative of the owner in the Republic of South Africa).

PLEASE TAKE NOTICE that the Mkhambathini Municipality ( hereinafter referred to as "the Municipality") in terms of the powers vested in the Municipality by Section 9 (3) (a) of the Housing Act, No. 107 of 1997 (hereinafter referred to as "the Housing Act" read with and in terms of Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, No 63 of 1975 ( hereinafter referred to as "the Expropriation Act") hereby expropriates the following property together with all improvements and all rights to minerals attaching thereto in respect of which you are the owner:

The Portion 42 (of 8) of the Farm Poortjie No. 904 measuring 25, 6033 (twenty five comma six naught three three) hectares under Deed of Transfer No. T63229/2006 (hereinafter referred to as "the property").

**PLEASE TAKE FURTHER NOTICE:**

1. That the date of expropriation is 20 December 2010 from which date ownership in the property shall vest in the Municipality;
2. That the Municipality shall take possession of the property within ninety days of the publication of this notice in the Gazette;
3. That the property is being expropriated for public purposes in general, with the specific purpose of providing and delivering housing;

4. That the Municipality offers the compensation of R 633 000.00 to the owner in terms of this expropriation notice and the owner's attention is drawn to the provisions hereinafter set out with regards to the claim for compensation;
5. Of the provisions of Section 9 (1) of the Expropriation Act, read with Section 9 (3) (b) of the Housing Act which provides that:
  - “(1) An owner whose property has been expropriated in terms of this Act, shall within sixty days from the date of the notice in question, deliver or cause to be delivered to the Minister a written statement indicating-
    - (a) If any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in Section 12 (1) (a) (i) and (ii) or (b) and full particulars as to how such amounts are made up;
    - (b) If no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in Section 12 (1) (a) (i) and (ii) or (b) and full particulars as to how amounts are made up;
    - (c) If the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars at all improvements thereon which, in the option of the owner, affect the value of such land;
    - (d) If the property being expropriated is land –
      - (i) Which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it in writing, or full particulars of the lease, if it is not in writing;
      - (ii) Which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;

(iii) On which a building has been erected which is subject to a builder's lien by virtue of a written building contract or a certified copy thereof;

(e) The address to or at which the owner desires that further documents in connection with expropriation may be posted or delivered or tendered;

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days".

6. Of the provisions of Section 12 (3) (a) (ii) of the Expropriation Act (read with Section 9 (3) (b) of the Housing Act) which provides that:

"(3) (a) Interest at the standard interest rate determined in terms of Section 26 (1) of the Exchequer Act, 1975 (Act No. 66 of 1975), shall, subject to the provisions of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of Section 8 (3) or (5) on any outstanding portion of the amount of compensation payable in accordance with subsection (1)."

And the provisions of sub section 12 (3) (a) (ii) of the Expropriation Act which provides that:

"(ii) if the owner fails to comply with the provisions of Section 9 (1) within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment of interest be deemed not to be an outstanding amount".

7. Of the provisions of Section 13(3) of the Expropriation Act, which provides that:

"(3) if the owner of the expropriated property fails to comply with the provisions of section 9 (1) (d) (i) and the Minister did not prior to the payment of any compensation money to the owner become aware of the existence of the lease in respect of such property the State shall not be obliged to pay any compensation to the lessee concerned in respect of the termination of his rights, but such owner shall be liable to any such lessee for damage sustained by him in consequence of the termination of his rights".

8. Please take further notice that all responses in terms of this Notice of Expropriation must be addressed to:

**MUNICIPAL MANAGER  
MKHAMBATHINI MUNICIPALITY  
PRIVATE BAG X 04  
CAMPERDOWN  
3720**

  
\_\_\_\_\_  
**DA PILLAY  
MUNICIPAL MANAGER**

**21 FEBRUARY 2011**

**MKHAMBATHINI MUNISIPALITEIT**  
**KANTOOR VAN DIE MUNISPALE BESTUURDER**

**KENNISGEWING VAN ONTEINING**

**HIERDIE KENNISGEWING IS GEADRESSEER AAN:**

Bridoon Trade & Invest 172 (Edms) Bpk, die geregistreerde eienaar van die ondergenoemde eiendom (wat hierna verwys word as "die eienaar" welke uitdrukking insluit die trustee of likwidateur in die insolvente boedel van die eienaar en die gemagtigde verteenwoordiger van die eienaar in die Republiek van Suid Afrika).

**NEEM ASSEBLIEF KENNIS** dat die Mkhambathini Munisipaliteit (hierna verwys as "die Munisipaliteit") by wyse van die magte gevestig in die Munisipaliteit Ingevolge Artikel 9(3)(a) van die Behuisingwet, No 107 van 1997 (hierna verwys as die "Behuisingwet") gelees saam met Artikels 1,6 tot 15 en 18 tot 23 van die Ontelingswet, No 65 van 1975 (hierna verwys as "die Ontelingswet") die volgende eiendom ontelen, tesame met alle verbeterings daarop en regte tot minerale daarin waarvan u die eienaar is:

Gedeelte 42 (van 8) van die Plaas Poortje No 904, groot 25,6033 (vyf en twintig komma ses nul drie drie) hektaar, gehou onder Titelakte No T63229/2006 (hierna verwys as "die eiendom").

**NEEM VERDER KENNIS:**

1. Die datum van ontelening die 20ste dag van Desember 2010 is van welke datum eienaarskap gevestig word in die Munisipaliteit;
2. Dat die Munisipaliteit besit sal neem van die eiendom binne 90 (negentig) dae vanaf publikasie van hierdie kennisgewing in die Staatskoerant;

3. Dat die eiendom onteien word vir algemene publieke gebruik, met spesifieke doel vir die voorsiening en lewering van behuising.
4. Dat die Munisipaliteit as vergoeding vir die eiendom aan die eienaar 'n bedrag van R633000.00 bied en dat die eienaar spesifiek verwys word na die voorwaardes soos uiteengesit hierna met betrekking tot die eis vir vergoeding:
5. Ingevolge Artikel 9(1) van die Ontelingswet, gelees saam met Artikel 9(3)(b) van die Behuisingwet word bepaal dat:

“(1) 'n Eienaar wie se eiendom onteien word in terme van hierdie Wet, binne sestig dae van die datum van die kennisgewing, 'n geskrewe eis aan die Minister lewer of laat aflewer wat aandui:-

- (a) Indien enige vergoeding in die kennisgewing van ontelning aangebied was vir sodanige eiendom, of die vergoeding aanvaar word, en indien hy dit nie aanvaar nie, die bedrag wat die eienaar vereis en volle besonderhede van hoe sodanige bedrag saamgestel is soos beoog in artikel 12 (1) (a) (i) en (ii) of (b);
- (b) Indien geen vergoeding aangebied was nie, die bedrag geëis deur die eienaar as vergoeding van sodanige eiendom en volle besonderhede van hoe sodanige bedrag saamgestel is soos beoog in artikel 12 (1) (a) (i) en (ii) of (b);
- (c) Indien die eiendom wat onteien is grond is en 'n bedrag geëis word in terme van paragraaf (a) of (b), moet volle besonderhede verskaf word van alle verbeterings daarop wat na mening van die eienaar 'n invloed op die waarde van sodanige grond sal he;
- (d) Indien die eiendom wat onteien grond is:-
  - (i) wat voor die datum van die kennisgewing verhuur was as 'n geheel of gedeeltelik deur 'n ongeregistreerde huurkontrak, die naam en adres van die huurder, 'n gesertifiseerde afskrif van die huurkontrak, indien dit skriftelike is, of volledige besonderhede van die huurkontrak, indien dit 'n mondelingse kontrak is.
  - (ii) wat voor die datum van die kennisgewing verkoop is deur die eienaar, dan die naam en adres van die koper, tesame met 'n gesertifiseerde afskrif van die koopkontrak;
  - (iii) waarop 'n gebou opgerig is wat onderworpe is aan 'n bouer se retensiereg op sterkte van 'n skriftelike boukontrak, dan die naam en adres van die bouer, tesame met 'n gesertifiseerde afskrif van die boukontrak;

(e) die adres waar die eienaar verlang dat verdere dokumente in verband met die ontelening gepos word of afgelewer word of aangebied word;

Met dien verstande dat die Minister na goeë dunnke die genoemde tydperk van sestig dae kan verleng en dat, indien die eienaar die Minister skriftelik versoek binne dertig dae vanaf datum van hierdie kennisgewing, die Minister sodanige tydperk van sestig dae moet verleng vir 'n verdere tydperk van sestig dae."

6. Van die voorwaardes van Artikel 12(3)(a)(ii) van die Onteieningswet (gelees met Artikel 9(3)(b) van die Behulswet) wat bepaal dat:

"(3)(a) Rente teen die die standaard rentekoers bepaal in terme van artikel 26 (1) van die Skatkis Wet, 1975 (Wet 66 van 1975), onderhewig aan die bepalinge van subartikel (4), betaalbaar is vanaf die datum wat die Staat besit neem van die eiendom in terme van artikel 8(3) of (5) op enige uitstaande gedeelte van die bedrag van vergoeding betaalbaar in ooreenstemming met subartikel(1)"

En die bepalinge van subartikel 12(3)(a)(ii) van die Onteieningswet wat bepaal dat:

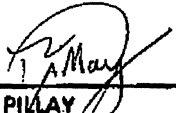
"(ii) indien die eienaar versuim om te voldoen aan die bepalinge van artikel 9 (1) binne die gegewe tydperk soos bepaal in die genoemde artikel, sal die bedrag sodanig betaalbaar gedurende die tydperk van versuim en vir die doel van die betaling van rente nie geaag word as 'n uitstaande bedrag nie."

7. Van die bepalinge van Artikel 13(3) van die Onteieningswet wat bepaal dat:

"indien die eienaar van onteiene eiendom versuim om te voldoen aan die bepalinge van Artikel 9 (1) (d) (i), en die Minister nie voor die betaling van enige vergoeding aan die eienaar bewus geword het van die bestaan van die huurkontrak ten opsigte van sodanige eiendom nie, die Staat nie verplig sal wees om vergoeding te betaal aan die betrokke huurder ten opsigte van die beëindiging van sy regte nie, maar dat so 'n eienaar aanspreeklik sal wees vir enige skade gely deur sodanige huurder as gevolg van die beëindiging van sy regte."

8. Neem asseblief kennis dat enige reaksie tot die inhoud van hierdie kennisgewing op skrif geadresseer moet word aan :

**DIE MUNISIPALE BESTUURDER  
MKHAMBATHINI MUNISIPALITEIT  
PRIVAATSAK X04  
CAMPERDOWN  
3720**

  
\_\_\_\_\_  
**DA PILLAY  
MUNISIPALE BESTUURDER  
21 FEBRUARIE 2011**