THE GAUTENG ATTORNEYS' ASSOCIATION PRESENTS

The Candidate Attorney Challenge 2019

Draft Defend Present & Win



GAUTENG
Gaa
ATTORNEYS ASSOCIATION

In January 2018, Mr Alpha (owner) and Mr Beta (tenant) in their personal capacities enter into a written lease agreement for a property located in at 3 4th Avenue, Birdhaven. Mr Beta shall run a Bakery from the property. Mr Beta is a Congolese man married to Ms Zeta in South Africa in community of property. In terms of the lease agreement, Mr Beta is liable for rental in the amount of R15 000.00 per month and is liable for electricity consumed and/or supplied to the property as invoiced by the municipality. The lease agreement is entered into for a period of 12 months commencing on 1 February 2018 and terminating on or about 31 January 2019.

The Bakery uses electricity in an amount of approximately R70 000.00 per month.

In June 2018, Mr Beta stops paying rental and electricity charges to Mr Alpha.

On or about 8 June 2018, Mr Alpha sends a letter of demand to Mr Beta demanding payment of the June 2018 and July 2018 rental and utilities within 7 days as outlined in the breach clause of the lease agreement.

Despite demand, Mr Beta does not effect payment as demanded and on or about 20 August 2018, Mr Alpha send a formal cancellation letter to Mr Beta. The letter advises Mr Beta that Mr Alpha is cancelling the lease agreement. Despite demand to vacate the property, Mr Beta and his bakery continue to occupy the property and use the electricity charges.

On 12 December 2018, Mr Beta's driver crashes his bakery truck into the boundary wall of the property and the wall collapses. Upon demand from Mr Beta, Mr Alpha reluctantly repairs the wall and the repairs cost Mr Alpha R98 000.00.

In April 2019, Mr Alpha approaches you for legal advice.

INSTRUCTIONS TO ENTRANTS:

Advise your client, Mr Alpha, on what legal rights he has against the tenant in terms of the relevant laws/legal remedies. Include any additional facts necessary to supplement your papers to make them appear 'real'. Submissions due by 07 July 2019

Draft the pleadings/notices necessary in order to vindicate your client's rights. Include any additional facts necessary to supplement your papers to make them appear 'real'. Submissions due by 31 August 2019.

The tenant will file opposing papers. Copies will be given to you after 31 August 2019 for consideration. Assume that you decide not to reply. Draft your heads of argument in the application based on your papers, and the answer by the tenant. Submissions due 30 September 2019.

The best 10 submissions will be given an opportunity to appear before the full bench of Judges Tarica, Gascoigne and De Klerk to move their applications. Notices of set down will be sent to the candidates. The best presented case will win the competition and receive a prize.

All submission to be emailed to the Competition Registrar, Chantelle Gladwin-Wood at gladwin@schindlers.co.za. No late entries will be accepted. Entries open to candidates and junior attorneys with less than three years post-admission experience as well as students.

GAUTENG Gaa ATTORNEYS ASSOCIATION