IN THE MAGISTRATE COURT FOR THE DISTRICT OF JOHANNESBURG CENTRAL HELD AT JOHANNESBURG

CASE NO:

In the matter between:

OWNER OR PERSON IN CHARGE	APPLICANT
And	
PERSON TO BE EVICTED RESPONDENT	1st
PERSON TO BE EVICTED RESPONDENT	2nd
CITY OF JOHANNESBURG MUNICIPALITY RESPONDENT	3rd

NOTICE IN TERMS OF SECTION 4(2) OF THE PREVENTION OF ILLEGAL EVICTION FROM AND UNLAWFUL OCCUPATION OF LAND ACT, 19 OF 1998

TO:

PERSON TO BE EVICTED (1ST RESPONDENT)

PERSON TO BE EVICTED (2ND RESPONDENT)

TAKE NOTICE that the application for the eviction of the First and Second Respondents from the property is yet to be determined by the above Honourable Court.

WHEREAS the Applicant intends making application on **DATE 2022** at **08H30**, **COURT 25** or so soon thereafter as the matter may be heard, to the above Honourable Court: —

1 . for the eviction of you, the unlawful occupants, and all those holding under you, from the property known as ADDRESS, JOHANNESBURG (*"the property"*);

2. directing that the First and Second Respondents pay the costs of this application for eviction;

3. that the Applicant be granted further and or alternative relief.

TAKE NOTICE FURTHER that the grounds upon which this application is based are the following: _

1 . the Applicant is the registered owner of the property;

2. the First and Second Respondents, being the unlawful occupants, have no right to occupy and is in unlawful occupation of the property;

3. having failed to vacate the property, despite lawful and proper demand to do so, accordingly the unlawful occupants remain in wrongful and unlawful occupation of the properties having no legal right to occupy the properties.

TAKE NOTICE FURTHER that you are entitled to appear before the Honourable Court, at **1ST FLOOR CNR FOX AND NTEMI PILISO STREET**, **JOHANNESBURG, COURT NO. 25 AT 8H30**, on **DATE 2022** and defend this case, and where necessary, you have the right to apply for legal aid. If you do not so appear, an order for your eviction will be granted in your absence.

TAKE FURTHER NOTICE that you are entitled to appear before the above Honourable Court and state any ground and / or reasons as to why you should not be evicted. In this regard, you may be represented by a legal practitioner and, if you are unable to afford legal representation, you have the right to apply for legal aid at: —

1 . the Johannesburg Justice Centre, 9th floor, SA Eagle House, No 70 Fox street, Johannesburg; or

2. the Legal Aid office situated at the Johannesburg Magistrates Court, corner West and Fox streets, Johannesburg; or

3. the Legal Aid offices at any other Magistrate Court nearest where you live or work; or

4. the Pro Bono office situated on the ground floor at the High Court Building, Pritchard Street, Johannesburg.

Should the First and Second Respondents fail to appear as set out above, an order for your eviction may be granted in your absence.

If you require assistance from the Third Respondent with regards to temporary emergency accommodation ("*TEA*"), in the event of eviction: —

1 . The First and Second Respondents, and each member of their household, are advised to present themselves at the Third Respondent's Housing Department Offices, located on the 15th Floor of No. 222 Smit Street, Braamfontein, Johannesburg, in order for the Third Respondent to complete an assessment and in due course deliver a report regarding the availability of TEA.

2. The First and Second Respondents may present themselves, together with the following documents:

2.1 certified copies, of barcoded South African identity documents or valid South African passports or, in the event that the occupiers and/or members of the household of the occupier are residents in South Africa in terms of a valid residence permit, such permit;

2.2 all documentation pertaining to right of such occupiers and member of the household of such occupier, to be legally, in the Republic of South Africa, including but not restricted to asylum seeker permits, work permits and application papers for residency status;

2.3 a declaration of identity or a birth certificate in respect of a minor child of an occupier;

2.4 proof of income of each occupier and the income of each member of the household of such occupier and if such occupier or member of the household is self-employed, an affidavit outlining the nature of the self-employment and income derived therefrom;

2.5 proof of address where the occupier or member of the occupier's household is employed;

2.6 contact details of next of kin of the occupier and the members of the household of such occupier, which next of kin is not living with the occupier;

2.7 the details of any social benefit allocations to the occupiers, including the allocation of RDP or other housing;

2.8 full details of any pension payable to the occupiers and SASSA documents, in confirmation of same;

2.9 Any other information that the First to Fifth Respondents may believe is relevant for purposes of the assessment.

NOTICE TO THE FIRST AND SECOND RESPONDENTS BY THE ABOVE HONOURABLE COURT

AND FURTHER TAKE NOTICE that the First and Second Respondents are hereby afforded the opportunity to file an affidavit in which *inter alia* the following aspects are to be dealt with: _

1 . the First and Second Respondents' personal circumstances; including whether the properties are occupied by elderly persons, children or disabled persons or a household headed by women;

2. the First and Second Respondents' right to housing, whether you will be rendered homeless should an order for your eviction be granted by the abovementioned Court and whether alternative accommodation is or can be made available to you.

The above Honourable Court requires the information referred to above to assist the above Honourable Court in exercising its discretion whether or not to grant an eviction order against you.

TAKE FURTHER NOTICE that should the First and Second Respondents fail to file an affidavit, the Court:

1 . will be entitled to adjudicate this application on the papers filed in the application before court.

2. may, in the exercise of the Honourable Court's discretion, grant an order against the First and Second Respondents and order your eviction from the properties; and

3. must, if the abovementioned Honourable Court is satisfied that all the requirements of this section have been complied with and that no valid defence has been raised by you, in terms of section 4(8) of the Prevention of

Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998, grant an order for your eviction, and determine: —

3.1 a just and equitable date on which you must vacate the properties under the circumstances; and

3.2 the date on which an eviction order may be carried out if you have not vacated the properties on the date as contemplated above.

TO THE SHERIFF:

1.This notice must be served:

1 .1 on the First and Second Respondents personally, in terms of the rules of court, failing which

1 .2 by affixing a copy of the order and notice on the front gate/door of the property; and

2. The contents of this notice must be read out and explained to the First and Second Respondents by the Sheriff or his/her deputy, at the time of service thereof, in both English and where necessary, any other language spoken or understood by the First to Fifth Respondents.

3. The Sheriff is to attempt to ascertain all the names and surnames of those people, not cited as respondents, in occupation of the property;

4. The Sheriff's return of service in respect of this notice must specifically state that each of the above directives were duly carried out.

DATED at **JOHANNESBURG** on this ___day _____**20**___.

_____

APPLICANT'S ATTORNEYS

Attorneys for the Applicant

ADDRESS

TEL:

EMAIL:

REF:

TO:
THE CLERK OF THE ABOVE HONOURABLE COURT
JOHANNESBURG

AND TO:
PERSON TO BE EVICTED
First Respondent
ADDRESS
JOHANNESBURG SERVICE BY SHERIFF

AND TO:
PERSON TO BE EVICTED
Second Respondent
ADDRESS
JOHANNESBURG SERVICE BY SHERIFF

AND TO:
THE CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY
Sixth Respondent
3rd Floor, A Block
Metro Centre
158 Loveday Street SERVICE BY SHERIFF