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EVICTION JUDGMENT WAS MISINTERPRETED

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TENANTS, Landlords and Acts by Tamlyn Reid (The Mercury Network of October 2) appears to contain a misinterpretation of the recent Prevention of Illegal Eviction From and Unlawful Occupation of Land judgment.

Tamlyn says the court has ruled that tenants who don't pay rent and buyers who default on bond payments will have the same protection against eviction as illegal squatters have.

Her reference to the ruling on non-payment by the Supreme Court of Appeal in Bloemfontein in the Ndlovu and Bekker cases does not seem to exist in the judgment. The court had to decide whether the landlord in the Ndlovu case and the new owners in the Bekker case had complied with the procedural requirements of the judgment so that an eviction order granted in the former case and denied to the latter, in the lower courts, were just and equitable.

Perhaps we have misinterpreted Harms J A, who said: "In neither case did the applicants for eviction comply with the procedural requirements of (the Act) and the single issue on appeal is whether they were obliged to do so."