

IN THE EQUALITY COURT

HELD AT DURBAN MAGISTRATES COURT CASE NO: 69/2007

IN THE MATTER BETWEEN

BRONWYN ELLEN GERBER

APPLICANT

AND

DUNMARSH INVESTMENTS PTY LTD

1ST RESPONDENT

S T EVENWEL

2ND RESPONDENT

ORDER OF COURT

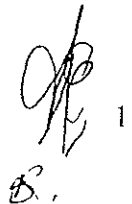
1.

The respondents acknowledge and accept that denying the applicant the opportunity to lease a flat in the residential building known as Dunmarsh building controlled by them, was unconstitutional and therefore unlawful. The respondent's unequivocally apologize for their conduct.

2.

The respondents will pay the applicant the sum of ten thousand rand by way of compensation. The amount of ten thousand rand will be paid as follows:

- (a) An initial payment of five thousand rand will be made by or before the end of November 2007.

A handwritten signature and initials, possibly 'D.P.', are located in the bottom right corner of the page.

- (b) Five monthly installments of one thousand rand will be made by or before the last working day of each month thereafter.

3.

Clause 21 of the lease agreement, which reads as follows:

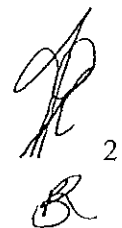
" the LESSEE acknowledges that he knows and understands that the premises can be let for occupation by members of the WHITE GROUP only and he hereby declares that he is a member of that GROUP in terms of ACT NO. 36 OF 1966, as amended."

- (a) Is unlawful, unconstitutional and unenforceable.
- (b) Will be deemed to be deleted from all lease agreements currently existing

4.

A notice to the following effect will be prominently and publicly displayed on the premises of Dunmarsh Building and sent to every individual tenant.

"Clause 21 of the lease agreement is unlawful, unconstitutional and unenforceable. This clause is inconsistent with the spirit and letter of the Constitution of the Republic of south Africa Act 108 of 1996, and with the provisions of the Promotion and Prevention of Unfair Discrimination Act 4 of 2000, and as a consequence will be deemed to be deleted from all lease agreements."



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5.

Each party to pay its own costs.

[Signature]

Dated at Durban this 14 day of November 2007.

Bengon .
APPLICANT



[Signature]
RESPONDENTS .