



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: ~~YES~~/NO

(2) OF INTEREST TO OTHERS JUDGES: ~~YES~~/NO

(3) REVISED: ~~YES~~/NO


GARVEY AJ

27 MARCH 2026

CASE NO: 2024-052208

In the matter between:

STEYN CITY PROPERTIES (PTY) LIMITED

APPLICANT

and

SAKHILE VUSUMUSI THUSI

FIRST RESPONDENT

**THE UNLAWFUL OCCUPIERS OF
SECTION 1318, PORTION 105 OF ERF 4,
RIVERGLEN TOWNSHIP, GAUTENG**

SECOND RESPONDENT

THE CITY OF JOHANNESBURG MUNICIPALITY

THIRD RESPONDENT

ORDER

The following order is made:

- [1] The first respondent and all persons occupying the immovable property known as Section 1318, Portion 105 of Erf 4, Riverglen Township, also described as

Unit A318, City Centre, 2 Central Lane, Steyn City (*“the property”*) through or under the first respondent, directly, indirectly or otherwise, are hereby evicted from the property.

- [2] The first respondent and all persons referred to in paragraph 1 are ordered to vacate the property by no later than Monday, 4 May 2026.
- [3] In the event that the persons described in paragraph 1 have not vacated the property by Monday, 4 May 2026, the Sheriff of this Court is authorised and directed to carry out the eviction on or after Monday, 11 May 2026, and may, if necessary, employ the assistance of the South African Police Service.
- [4] The first respondent is ordered to pay the costs of this application on the party and party scale B.

JUDGMENT

GARVEY AJ

- [1] This is an application for the eviction of the first respondent and all persons occupying through or under him from immovable property known as Section 1318, Portion 105 of Erf 4, Riverglens Township, also described as Unit A318, City Centre, 2 Central Lane, Steyn City (*“the property”*). The application is brought in terms of section 4(1) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (*“the PIE Act”*). The facts are straightforward and the matter admits of a short judgment.
- [2] In short:
 - (a) The applicant, Steyn City Properties (Pty) Ltd, is the registered owner of the property. This is not in dispute.

- (b) The applicant and the first respondent concluded a written lease agreement on 31 May 2023 for a period of two years commencing 1 June 2023 and expiring 31 May 2025, at a monthly rental of R23 840.00 escalating annually at 7.5%.
- (c) The first respondent fell into arrears. A letter of demand was sent on 13 February 2024, followed by cancellation notices on 19 and 20 March 2024. The first respondent failed to vacate.
- (d) The lease, in any event, expired by effluxion of time on 31 May 2025. It was not renewed. There is no extant lease agreement between the parties. This was conceded during argument by Mr Zwane, who appeared for the first respondent.
- (e) As at June 2025, arrear rental stood at R463 574.65. This amount continues to escalate. No proof of any payment was placed before this Court.

[3] The procedural history of the matter was protracted. The first respondent filed a notice of intention to oppose but failed to deliver an answering affidavit timeously. The matter was removed from the roll on 19 March 2025. The first respondent was ordered to deliver his answering affidavit by 28 March 2025 but failed to comply. When the matter was set down again on 19 June 2025, the first respondent belatedly filed his answering affidavit on the very day of the hearing, which necessitated a postponement. The applicant delivered its reply on 3 July 2025. The matter came before me on 16 March 2026.

[4] In his answering affidavit, the first respondent alleged that he had been making rental payments and denied being in breach. However, Mr Zwane conceded during argument that no evidence whatsoever, no receipts, no bank statements, no proof of electronic transfers was produced to substantiate this allegation. The bare denial does not constitute a defence. No sustainable defence of any kind was raised.

- [5] I am satisfied that the requirements of section 4 of the PIE Act have been met. The first respondent has been aware of these proceedings since at least October 2024 and has been represented by attorneys throughout. Any suggestion of prejudice arising from inadequate notice is untenable.
- [6] I am accordingly satisfied that the first respondent is an unlawful occupier as defined in the PIE Act, and that a proper case for eviction has been made out.
- [7] Turning to the question of what is just and equitable. The first respondent indicated in his answering affidavit that he resides at the property with his life partner, minor children and an unemployed adult child. There is some inconsistency in the papers as to the number of minor children, but I accept for present purposes that minor children reside at the property. No evidence was adduced that any elderly or disabled persons occupy the property.
- [8] The presence of minor children is a relevant factor but does not constitute an absolute bar to eviction. The first respondent described himself as a “*businessman*” and agreed at the inception of the lease to pay a monthly rental of R23 840.00 for a unit in an affluent residential estate. There are, on his own version, at least three adults at the property. No substantiated evidence of financial hardship or inability to secure alternative accommodation was placed before the Court. I am entitled to draw the inference that the bald assertions of inability to relocate are not credible.
- [9] The applicant’s prejudice, on the other hand, is substantial and continues to mount. The first respondent has been in occupation without paying rental for more than two years since the initial cancellation in March 2024 and for approximately ten months since the lease expired. This prejudice far outweighs the inconvenience of having to find alternative accommodation.
- [10] Having considered all the relevant circumstances, I am satisfied that it is just and equitable to order the eviction.

[11] As to the date for vacation, the first respondent has been aware of these proceedings for approximately 17 months. The cancellation notices were served over two years ago. He has had ample opportunity to make arrangements. Considering the presence of minor children, I consider that a period until the end of April 2026 is reasonable. Since 30 April 2026 falls on a Thursday and 1 May 2026 is a public holiday, the first respondent and all persons occupying through or under him must vacate by no later than Monday, 4 May 2026.

[12] As to costs, the applicant sought a punitive costs order on the attorney and client scale. The lease agreement is silent on costs, and I am not persuaded that the first respondent's conduct, while dilatory, warrants such an order. During argument, costs on the party and party scale B were agreed to by the parties' respective representatives. That is appropriate.

ORDER

The following order is made:

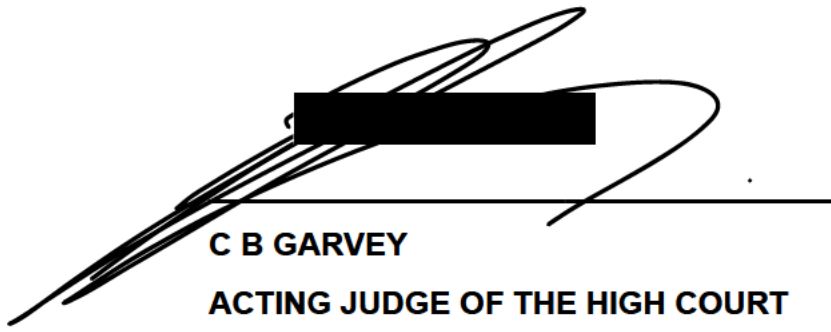
[1] The first respondent and all persons occupying the immovable property known as Section 1318, Portion 105 of Erf 4, Riverglens Township, Gauteng (*"the property"*) through or under the first respondent, directly, indirectly or otherwise, are hereby evicted from the property.

[2] The first respondent and all persons referred to in paragraph 1 are ordered to vacate the property by no later than Monday, 4 May 2026.

[3] In the event that the persons described in paragraph 1 have not vacated the property by Monday, 4 May 2026, the Sheriff of this Court is authorised and directed to carry out the eviction on or after Monday, 11 May 2026, and may, if necessary, employ the assistance of the South African Police Service.

[4] The first respondent is ordered to pay the costs of this application on the party and party scale B.

This judgment was prepared and authored by the Judge whose name is reflected herein and is handed down electronically by circulation to the parties/their legal representatives by email and by uploading it to the electronic file of this matter. The date for hand down is deemed to be 27 March 2026.



C B GARVEY
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION
JOHANNESBURG

Date of Hearing: 19 March 2026

Date of judgment: 27 March 2026

Appearances

For the Applicant:

Adv Robin Smith
instructed by Heerschop
Pienaar Attorneys

For the Respondent:

Mr Peter M Zwane
Peter Zwane Attorneys