

**1134/ 1184 Umqandane Road Extension 1**

**PO Palmridge**

**1458**

**Email: [ndlovugordon@gmail.com](mailto:ndlovugordon@gmail.com)**

**Mobile: 072 444 6857**

**To: The Chairperson**

**The National Council Of Provinces**

**Parliament of the Republic of South Africa**

**Cape Town**

**17 July 2019**

**Presentation to the Select Committee on Petitions and Executive Undertakings**

**17 July 2019**

**(Hearing):-**

**"I would like to take this opportunity to thank The Chairperson, Honourable Ncitha and all Honourable members of the Select Committee to consider our petition, I believe that your intervention will produce long awaited solution to the problems that has been haunting the black business community in our Region and probably the whole of South Africa, however it is important that we must first be able to deal with one matter to be enabled to understand in general how the black business community was also affected by the apartheid laws and political violence that engulf our region during the political upheavals of the 90's, and all the challenges that persisted there after.**

**As we may all know that during the apartheid era the permit system influx control, as well as in common law, pre 1984, prohibited black people ownership rights of properties in black urban arrears, townships and elsewhere.**

**Various business entities would receive similar permits (1036 Regulations) and would then operate within one building, on one land, and so it was with my case of which I would like to relate to as it is a perfect example to use to enable everyone to understand**

exactly what I am referring to, a worst case scenario of the sinister laws of the past regime.

My mother Maria Thenjisiwe Ndlovu also leased a piece of land from the Municipality where she was suppose to build a Supermarket on Erf 8017 Thokoza, it was a tacit type of lease in that clause (3) of this standard agreement in cases of Hostel leases stated that:-

The lessee is desirous to erect a shopping unit (herein referred to as 'the building) on the site at her own cost and expense and the lessee undertook to donate the building on completion thereof (the site and the building are hereinafter collectively referred to as 'the property,

However let's look at the terms of the duration of the lease as stated in the agreement which states that: -

The lease period shall be for a minimum of 10 (ten) years calculated from the date of signature of this agreement of lease where after this agreement shall continue for an indefinite period provided that it might be terminated by either party giving 3 (three) months' written notice of such termination to the other party,

- now based on this term of duration it should therefore be understood as to why these leases were referred to as DEED OF LEASE because they were or/ and are equivalent to a Title Deed except of course that the leases were drafted under the influence of apartheid laws.

Let's move on and look at the terms of rental, clause (4) b states that:-

As rental for the property the lessee shall pay to the lessor for the period calculated from the first day of the month following either the month in which the building was completed or the month in which the lessee started to do business on the property, whichever event may first occur, the applicable rental, which rental shall consist of the following elements:-

- i. The site rental in respect of the property as promulgated by regulation from time to time, plus
  - ii. Such additional amount as determined by the lessor Director of Technical Services in terms of the following formula with reference to the maintenance fund, insurance and loss of rental, namely:-
    - (a) Maintenance Fund:- of which in my case it was/ is R 86, 46c
    - (b) Insurance: was R 9, 68c
    - (c) Reserve for loss of Rental R 80, 00

Total Monthly premium or rental R 188,82c monthly
- I want to know what this R9.58 cent for insurance was paid for. Where was this money allocated if not in the coffers of the municipality or council?

The terms do not specify if it was also a donation of the apartheid administration



- Does it make any logic if a person will erect a building with own funding and pay rentals for the building?
- Did the council claim on behalf of the lessees 'during the period of displacement as the principal owners of so called council owned shops?
- Are these shops still in the National Asset Register as they should be considering the fact that they were pre dominantly owned by government prior to the adoption of land acts after 1994?
- We also paid Sasria, why the government is mum about the financial institutions which were involved in insuring these properties?

In 1990 a survey was done by Mutual and Federal and Buildings were valued at R800 000-00, Plant and Machinery was sitting at R 50 000 and stock was R60 000 totalling to the amount of R910 000

It is important to note that this kind of lease applied exceptionally to the hostels although the 1036 regularisation applied across all other various leases or shop rentals, including shops that were build by the municipality which were let out by the council

In 1992 we were forced to vacate the premises as a result of political violence, the building was completely vandalized and we were displaced , at some point my mother tried to engage the municipality but was sent from pillar to post until she succumbed to stress and depression, she passed on in 2004 whilst we were displaced.

In 2006 we petitioned the municipality requesting reparations and title deeds, please refer to page 8 of 30 in the main petition, and the municipality or our local petitions committee did nothing to assist us despite the commitments made by the Finance Department that all claimants will be considered if they are approved as displaces, the process of verification in this regard was never implemented at all.

The rest is history because we escalated our request to the provincial legislature but administrative processes, resolutions and policies were grossly compromised by these two spheres of government

Whilst the petition's processes unfolded, amongst the concerns raised was that

1. Some of the shops don't appear in the council's finance department accounts database including mine 'Thothos General Dealer'.

Some of the findings by the Xayiya investigation Task Team Report (a tip of an iceberg):-

Please refer to the Xayiya Investigation Task Team Findings page 28 of 34 Billing pointer (i) to pointer (vi) states that it is on the basis of many facts that the Task team found that Alberton Town Council's Billing System, at least as far as it relates to the displaces , to be ineffective and insufficient.)



Page 29 of 34 pointer (ii) states that the council does not have a special credit control policy for the displaces and recommendations made by the Task Team in this regard is in page 31 of 34 pointer

- 5.1 which states that: - the council must work closely with the community of Thokoza and establish a transparent database of all people who were displaced including hostel dwellers as a result of political violence, such a database must accurately show a number of people who were displaced and as to whether they have returned or not, this can be done, *inter alia* by reconciling the statistic of the council with that of community structures, to date none of these resolution 'we're implemented, that is why we strongly believe that the town council finance database was manipulated during the period of violence somewhere in between 1992 and 1996 or so
- 2. That even the lease registry of the leases of council owned shops, is no where to be found as it is law that it should be under the custody of the municipality.
- 3. That some of the shops are still illegally occupied
- 4. That most of the shops are still operating under apartheid lease agreements in this day and age and the by preventing owners to be rightful owners
- 5. That most shops that were vacated during the displacement were billed since and now owe huge amounts and the municipality is inconsiderate of
  - i. The 'Mandela De Klerk Agreement which resulted in the writing off municipal depths from 1984 to 31<sup>st</sup> January 1994
  - ii. The period of displacement as a result of political violence instead the municipality is handing over such depths to the attorneys
- 6. That some have already been sold by the municipality without proper procedure or/ and the knowledge of original lessees or first tenants.
- 7. That the council seek the blessing of the provincial government to retain some of the so called council owned shop for the city and not for initial tenants' or lessees

As for 1134 and 1184 Palmridge I would like to put the record straight to the committee that after the municipality had indicated that the Hostel will be refurbished and be converted to family units and that in their IDP they would not cater for independent shops

I was already residing in palmridge in 2013 when I was served with an eviction notice I responded not only to the municipality but I also got the provincial government to intervene and I wrote a letter to the presidency and the Premiers office of which I have provided to the Select Committee administrator, in the said letter I revoked monetary claim of R 1.2 billion and I requested a land swap based on my vested rights for Erven 8017 Khumalo street, or that I be given the first option to purchase the property, I went further and proposed that in case the money I claimed will be paid to me the price of erf 1134 and 1184 as indicated in remittance advises can be deducted so that I can be paid the difference.



I am certain that the said letter was circulated to the provincial finance department as well as in the local government finance department hence the monthly statements were issued by the municipality with the provincial government as an account holder especially because the site belonged to the province when I resubmitted my claim in 2013, in 2014 I petitioned the gpl requesting reparations and title deeds.

2 evictions was not pursued further and all municipal services were provided for me on site

in 2016 the site was transferred to the municipality without consideration of my engagement with both the municipality and the province in 2013 and 2014 , , after the real estate department was established in 2017, in 2018 I was advised by Pieter Grobler to make an application via this new department so that the processes of issuing the title deed would be facilitated of which I made my submission but instead I was served with an eviction notice in 2018 again AND STILL the difference of the amount I claimed is SHUT DOWN to date.

I will also like to point out that one of the downside of the municipality functioning is that the is no centralized communication within its departments in that when one department acknowledges progress the other departments would not know or be in direct contradictions with developments in other departments.

e.g In 2015 I was assisted by the MEC for housing to be amended in the database of the municipality pertaining 1134 and 1184 Palmridge Ext 1, both sites were serviced with water and 1184 was supplied with electricity with a view of accommodating me whilst the processes of accessing title deed were to unfold (see attached annexure A)

In 2017 I was assisted by the Community Development Enterprise or Economic Development which is a subdivision of EMM Finance Department in that they committed that once the title deed is accessed the department will assist me with invitation of investors to develop the site (see attached annexure B)


In 2017 Ekurhuleni EMM Department of City planning came on site and conducted a survey, further confirming my ownership of the property (see attached Annexure C)

In 2018 the EMM real Estate served me with a notice of eviction (see attached annexure D)

Such issues need to be addressed because without harmony within the departments' frustrations to communities becomes the order of the day and service delivery is retarded in general.

I would like to re iterate our constitution as embraced in the new democratic dispensation



- ✓ Chapter (2) read with (5) and (6) of the *Constitution of the Republic of South Arica* states that: - no one may be deprive of property except in terms of law of general application, and no law may permit arbitrary deprivation of property
- (5) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizen to gain access to land on an equitable basis
-  (6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled to the extent provided by an Act of Parliament either to tenure which is legally secured or to comparable redress.

I will therefore request the select committee to assist in all these challenges I have mentioned and that the Memorandum Issued by the Gauteng Human Settlement in response to the petition WE SUBMITTED IN 2014 to the committee is implemented accordingly

Going forward I request the committee to appoint the task team that will be assigned to work with the foundation in addressing these challenges once and for all so that we attain a lasting solution to the strife faced by the business community in our region, I request that the proposed Task Team must develop a clear communication strategy with the foundation so that we cover all the aspects of the challenges I have put forward to the committee, and that if we need to produce better results, the foundation can appoint a business community liaison officer who will liaise with the task team so that we avoid the appointment of consultants who always work in isolation without involving the affected community of which they seek to assist.

Thank you for giving me this opportunity to give you a short brief of a very long back and forth engagement with government concerning the issues rose,

I thank you."

Yours Sincerely,



Gordon Ndlovu

National Ideal Fulfillment Foundation: - PRESIDENT



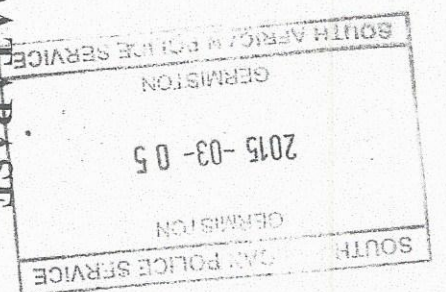
ANNEXURE A

RECEIPT NO: 520542



# DEMAND DATABASE

## APPLICATION / AMEND RECEIPT



For Enquiries Contact: 0800 046 873  
Date Printed: 05/03/2015

NAME IN PRINT: W. M. M. M.  
NAME IN DRUKSKRIJF: W. M. M. M.  
RANK: 7153494  
RANG: 7153494  
SIGNATURE: [Signature]  
ANDTEKENING/SIGNEATUUR: [Signature]

ORIGINAL DOCUMENT (COPY OF THE ORIGINAL DOCUMENT) IS ATTACHED TO THIS APPLICATION. IF THE ORIGINAL DOCUMENT IS NOT ATTACHED TO THIS APPLICATION, THE APPLICATION WILL BE REJECTED.

ORIGINAL DOCUMENT (KOPIE VAN DIE OORSEENKOPPE) IS AAN DIE TOEGEVOEGDE TOEGEVOEGDE. AS DIE OORSEENKOPPE NIE AAN DIE TOEGEVOEGDE TOEGEVOEGDE, WIL DIE TOEGEVOEGDE TOEGEVOEGDE.

ID NUMBER:	6812245419082	MARITAL STATUS:	single
FIRSTNAME:	GORDEN	SURNAME:	NDLOYU
SPOUSE NAME:		SPOUSE NAME:	
SPOUSE ID:		CONTACT NO:	0794395234
DEPENDENTS:		CONTACT PERSON:	GORDEN
METRO NAME:	EKURHULENI	APPLICANT TEL:	0794395234
ADDRESS:	1184 INQUBEKELA PHAMBILI STREET, PALM RIDGE	REGISTRATION DATE:	2002-09-17
REGION:	EKURHULENI	CAPTURER:	Lindi Nhabathi

Signing this document confirms understanding of the following:

1. Any receipt that is not in our Demand Database system is not valid.
2. Registration on the Demand Database does not guarantee housing subsidy.
3. Subsidy Approval will only be done when there is a project in your area and you are selected, based on the project qualification criteria.
4. I/We authorize the department to make financial, identity and fraud prevention checks. I/We agree to the department sharing information relating to this application through relevant agencies when assessing this application or updating my/our information in the future.

SIGNED: [Signature] DATE: 05/03/2015

APPLICANT: [Signature] SPOUSE: [Signature] DATE: [Signature]





ANNEXURE (B)

Gordon Ndlovu <ndlovugordon@gmail.com>

## Palmridge intervention

5 messages

**Felicia Phasha** <Felicia.Phasha@ekurhuleni.gov.za>

Wed, Jan 25, 2017 at 9:03 AM

To: Jorro Segabutla <Jorro.Segabutla@ekurhuleni.gov.za>, Gordon Ndlovu <ndlovugordon@gmail.com>

Good day Gordon

I hope this email finds you well.

Please note that I have tried getting feedback from City Planning but they still haven't responded. Mr. Jorro Segabutla and myself will be cumin through to that location tomorrow to see how best we can assist you.

Could you kindly send the location to the cell phone number below.

### KIND REGARDS

Felicia Phasha  
Community Enterprise Development  
011 999 7772/7648/8270  
073 428 2819



To read City of Ekurhuleni's Disclaimer for this email click on the following address or copy into your Internet browser: <http://www.ekurhuleni.gov.za/email-disclaimer>

**invite.ics**  
3K

**Gordon Ndlovu** <ndlovugordon@gmail.com>

Wed, Jan 25, 2017 at 11:11 PM

To: Felicia Phasha <Felicia.Phasha@ekurhuleni.gov.za>

Cc: Jorro Segabutla <Jorro.Segabutla@ekurhuleni.gov.za>

On 1/25/17, Felicia Phasha <Felicia.Phasha@ekurhuleni.gov.za> wrote:

> Good day Gordon

>

> I hope this email finds you well.

> Please note that I have tried getting feedback from City Planning but they  
> still haven't responded. Mr. Jorro Segabutla and myself will be cumin  
> through to that location tomorrow to see how best we can assist you.

>

> Could you kindly send the location to the cell phone number below.

>

>

> Kind regards

> Felicia Phasha

> Community Enterprise Development

> 011 999 7772/7648/8270

> 073 428 2819

>

Page 8



>  
>  
>

Annexure BB

> To read City of Ekurhuleni's Disclaimer for this email click on the  
> following address or copy into your Internet browser:  
> <http://www.ekurhuleni.gov.za/email-disclaimer>  
>

Good day Felicia,

Please find the direction to the site, ERF 1134 UMQANDANE Rd  
We will further communicate telephonically in the morning to confirm the time.  
Thank you.

Regards

Gordon

 **Locating ERF 1134 Umqandane RD.pdf**  
404K

**Gordon Ndlovu** <ndlovugordon@gmail.com>  
To: Felicia Phasha <Felicia.Phasha@ekurhuleni.gov.za>  
Cc: Jorro Segabutla <Jorro.Segabutla@ekurhuleni.gov.za>

Wed, Mar 15, 2017 at 11:58 AM

Good day Mr. Segabotla,

My apologies the delay, my internet modem needed technical attention.  
As your request please find attached adopted minutes for the petition  
of reparations and deeds

Regards

Gordon

[Quoted text hidden]

 **EMM and NIFF Minutes 2016 06.pdf**  
673K

**Gordon Ndlovu** <ndlovugordon@gmail.com>  
To: Felicia Phasha <Felicia.Phasha@ekurhuleni.gov.za>  
Cc: Jorro Segabutla <Jorro.Segabutla@ekurhuleni.gov.za>

Mon, Mar 27, 2017 at 8:45 AM

Good day Mr. Segabotla,

There was one page missing on the minutes I have sent you last week,  
Please find 5 pages of the approved or/ and adopted minutes, I hope you  
will be enabled to assist me with boundary dispute/ encroachment.

Regards

Gordon Ndlovu

[Quoted text hidden]

 **Hearing\_minutes\_with\_Tokoza\_petitioners\_on\_council\_shops\_displacees\_(00000003).pdf**  
73K

**Gordon Ndlovu** <ndlovugordon@gmail.com>  
To: Felicia Phasha <Felicia.Phasha@ekurhuleni.gov.za>  
Cc: Jorro Segabutla <Jorro.Segabutla@ekurhuleni.gov.za>

Wed, Mar 29, 2017 at 11:02 AM

Good day Mr. Segabotla,

As discussed telephonically please find the GHS recommendations on  
transfers of business properties in Ekurhuleni, further note on page 8  
the mandate and emphasis on prioritization of displaced victims, this  
particular mandate should be noted by EMM Human Settlement in

Page 9



7/15/2019

ANNEXURE  
Gmail - Palmridge intervention

resolving the boundary dispute in 1134 Palmridge.

My suggestion would be to approach both EMM Real Estate and Human Settlement to have the encroachment query resolved.

I trust that you will be enabled to assist me

Regards

Gordon Ndlovu

[Quoted text hidden]



**GAUTENG HUMAN SETTLEMENT.pdf**

3301K



## SURVEY REPORT ERF 1134 Palm Ridge Ext 1

Thulani Ndlovu <Thulani.Ndlovu2@ekurhuleni.gov.za>  
To: "ndlovugordon@gmail.com" <ndlovugordon@gmail.com>

Tue, Jun 6, 2017 at 10:30 PM

Good morning

Attached please find the report as requested.

Kind Regards,

To read City of Ekurhuleni's Disclaimer for this email click on the following address or copy into your Internet browser: <http://www.ekurhuleni.gov.za/email-disclaimer>

**EKURHULENI**  
Investment  
Conference

5 and 6 June 2017  
08h00 to 16h30 daily  
Emperors Palace  
Jones Street  
Kempston Park  
Ekurhuleni





For more information visit [www.investekurhuleni.co.za](http://www.investekurhuleni.co.za)

partnerships that work

City of Ekurhuleni

3 attachments

SHEET 2.TIF  
101K

 SURVEY REPORT ERF 1134 Palm Ridge Ext 1.docx  
50K

 ERF 1134 -1184 PALM RIDGE X1.pdf  
3193K



SURVEY REPORT FOR Erf 1134 Palm Ridge Ext 1

Upon arrival on site, we were met by the owner of Erf 1134 and the owner of Erf 1134. We determined the boundary between Erf 1133 and Erf 1184 and no structural encroachment was found. In determining the boundary between Erf 1132 and Erf 1134, it was found that the neighbouring owner has encroached on Erf 1134 by 11m as a result of building structures erected. The encroaching structures consisted of concrete buildings used for spaza shops and shacks found on the eastern boundary of Erf 1134. The encroachment was shown to both owners.

I have attached an aerial photograph of the area and a general plan.

Bridgette Maoto

011-999-4030



Ekurhuleni  
METROPOLITAN MUNICIPALITY





1:727

# **LOCALITY PLAN** **ERF 1134/1184 PALM RIDGE X1**

ANNEXURE (C) cc

City Planning: Corporate Office  
 Enquiries: Tel: 011 959 4239  
 10/11/2005  
 All rights reserved.  
 The data/information contained in this map is for information purposes only.  
 The City of Ekurhuleni does not warrant the accuracy of the information contained in this map.  
 The City of Ekurhuleni does not accept any liability for any loss or damage arising from the use of this map.





# ANNEXURE CXC

S. G. No. 10493/1999  
SHEET 2  
DRAWING  
for SUBMITTAL  
2000-08-27

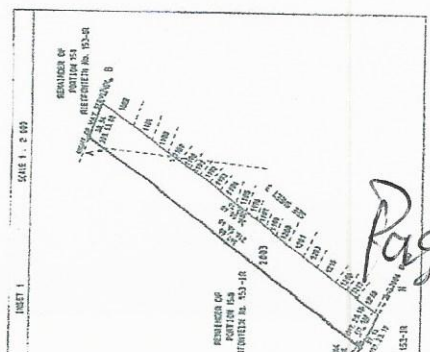
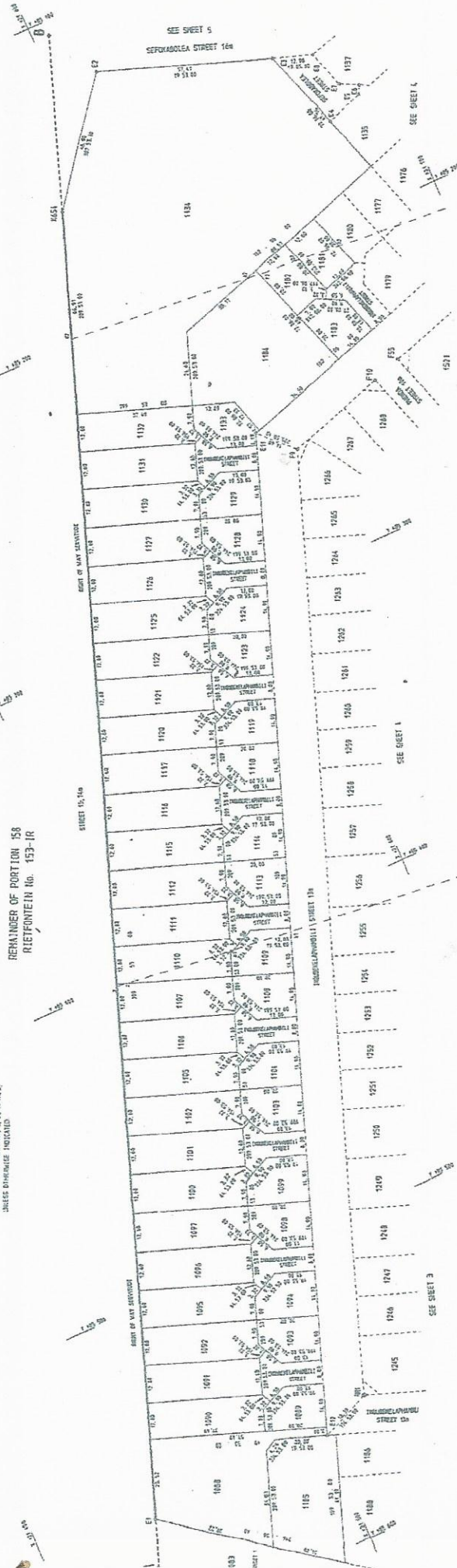
FILE : TOWNSHIP  
SURVEY RECORD No. 1301/1999  
CONSULTATION : 800-1-111  
DESIGN : PRELIMINARY  
TN 1220031

## GENERAL PLAN CONSISTING OF SHEETS 1 TO 71 OF THE TOWNSHIP OF PALM RIDGE EXTENSION 1 PROVINCE OF GAUTENG SCALE 1 : 500

DRAWN IN NOVEMBER 1998 - MAY 1999 BY ME

A.S. MONTGOMERY  
PROFESSIONAL LAND SURVEYOR

2014 NOTE  
ALL CO-ORDINATES ARE IN METERES  
UNLESS OTHERWISE INDICATED



# ANNEXURE : D

<b>Department of Real Estate</b>		 <b>City of Ekurhuleni</b>
<b>To:</b>	<b>The Occupant</b>	<b>Department of Real Estate</b>  <b>Property &amp; Portfolio Advisory Services Division</b>  <b>PO Box 145</b> <b>GERMISTON</b> <b>1400</b>  <b>United House Building</b> <b>175 Meyer Street</b> <b>GERMISTON</b>  <b>Tel: (011) 999 1600</b> <b>Fax: (011) 999-2042</b> <b><a href="http://www.ekurhuleni.com">www.ekurhuleni.com</a></b>
<b>Address</b>	<b>Erf 1134</b> <b>Palm Ridge Ext 1 Township</b> <b>1431</b>	
<b>E-mail:</b>		
<b>Ref:</b>	<b>7/2/3/2/6/463/1134</b>	
<b>Enquiries</b>	<b>Mandisa Ndzungu</b>	
<b>Tel:</b>	<b>011 999 1600</b>	
<b>E-mail:</b>	<b><a href="mailto:Mandisa.Ndzungu@ekurhuleni.gov.za">Mandisa.Ndzungu@ekurhuleni.gov.za</a></b>	
<b>Date:</b>	<b>18 June 2018</b>	

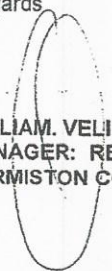
## FINAL NOTICE

**SUBJECT: ILLEGAL USE OF COUNCIL OWNED PROPERTY: ERF 1134  
PALM RIDGE EXTENSION 1 TOWNSHIP.**

With reference to the above, it has come to our attention that you are illegally occupying the above mentioned property owned by the Council. According to our records, there is no agreement of sale or Lease between you and Council.

This serves to give you 30(thirty) days to vacate the said property upon receipt of this notice. Should you fail to comply with this notice, the Council reserves the rights to take necessary action to evict you from the subject property without any further notice and all costs for the removal be recovered from you personally.

Regards

  
**WILLIAM VELJI MASIZA**  
**MANAGER: REAL ESTATE**  
**GERMISTON CCC**

AT MN847 FINAL NOTICE: ERF 1134 PALM RIDGE TOWNSHIP