

NDIFUNA
UKWAZI

c/o: mandisa@nu.org.za
2 March 2016

To: **Phyllis Jowell Jewish Day School Governing Committee**
c/o Rebbetzin Natalie Altman,
Principal of the Phyllis Jowell Jewish Day School
By email: natalie@pj.org.za

Dear Rabbi Matthew Liebenberg and Mr Lance Katz,

RE: DISPOSAL OF THE LAND ON WHICH THE FORMER TAFELBERG REMEDIAL SCHOOL AND OTHER PROPERTIES WERE SITUATED

1. Ndifuna Ukwazi ("NU") is a non-profit organisation and legal clinic that works to promote the realisation of Constitutional rights and social justice. NU's core mission is to advance urban land justice in the City of Cape Town through providing legal, advocacy and related support to communities and social movements. Our primary campaign focusses on creating a more integrated Cape Town, through the expansion and protection of affordable mixed-income housing in well-located areas across the City.
2. We write to the Phyllis Jowell Jewish Day School ("PJJDS") School Governing Committee regarding the disposal by the Western Cape Provincial Government ("Province") of the land, on which the former Tafelberg Remedial School and other properties, including Wynyard Mansions were situated ("Tafelberg Property").
3. At the end of January 2016, we learnt that the Province had concluded an agreement of sale, in respect of the Tafelberg Property, for the benefit of the PJJDS. The sale is of

Ndifuna Ukwazi is a not-for-profit trust (IT 540 - 2001)(NPO 094 - 737).

Board of Trustees: Shuaib Manjra (Chairperson), Doron Isaacs,
Phumeza Mlungwana, Michelle Adler, and Zackie Achmat

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concern to us and our clients, as it appears that the Province, in concluding the sale agreement, has failed to accord due priority to its legal and moral obligations to use public land in the interests of all people, particularly of those most in need.

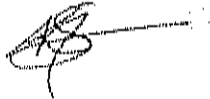
4. NU has repeatedly raised objections to the sale of the Tafelberg property directly with the Province. It appears that the Province's decision to declare the Tafelberg Property 'surplus', and to agree to sell the property to, or for the benefit of, the PJJDS on that basis, is inconsistent with the relevant housing, spacial planning, asset and land use management laws.
5. The legal bases for considering that the Province's conduct was unlawful are set out in NU's correspondence to the Province of 4 February 2016, a copy of which is enclosed for your information. It further appears that the manner in which the Province issued its notice of disposal of the Tafelberg property was irregular and susceptible to being set aside on review.
6. In the light of our ongoing engagement on these issues, the Province has proposed that a mediation be convened with NU. NU has accepted the Province's invitation to mediate the disputed issues. NU's correspondence to the Province (c/o Mr Andrew Boraine, CEO of the Western Cape Economic Development Partnership) of 1 March 2016 in this regard is attached for your information.
7. This letter serves to notify the PJJDS of the agreement between NU, its clients and the Province to mediate the disputed issues. It further serves to inform PJJDS that the agreement to mediate prevents the Province and purchaser from taking any steps to transfer ownership of the Tafelberg property, as doing so will be considered an attempt to frustrate that process in bad faith.
8. While NU is endeavouring to resolve the matter with the Province amicably, should any attempt to enforce the sale agreement be made by either the Province or the purchaser, we are instructed to approach a court for an urgent interdict pending the final resolution of the mediation. Please be advised further that, in the event of the mediation being unsuccessful, we hold instructions to approach a court to review and set aside the Province's decisions that gave rise to the sale agreement in respect of the Tafelberg property.
9. In order to keep the PJJDS and any interested parties apprised of developments in the mediation, we kindly request that you furnish us with all relevant contact details, including those of the purchaser (namely, the entity's full name, its authorised representatives and address, as set out in the sale agreement).

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T.O.

10. Please urgently acknowledge receipt hereof.

Yours faithfully,

Ndifuna Ukwazi Law Centre



Per: MANDISA SHANDU
Deputy Director / Attorney

Enclosed:

1. Ndifuna Ukwazi letter to Premier Helen Zille and Minister Donald Grant, 4 February 2016;
and
2. Ndifuna Ukwazi letter to Mr Andrew Boraine, 1 March 2016.