

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

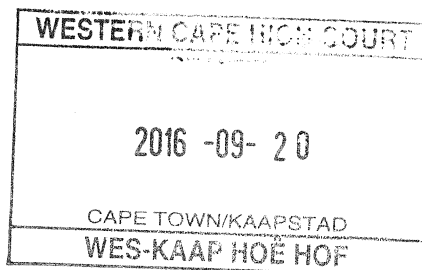
Case Numbers:

13946/2015

13947/2015

13951/2015

13952/2015



In the matter between:

CHARNELL COMMANDO

First Applicant

NORMAN ANDREW CUPIDO

Second Applicant

GERALDINE STHEPHANIE CUPIDO

Third Applicant

GICILLE VANNESSA COMMANDO

Fourth Applicant

WILLEM NEL

Fifth Applicant

MEESHADE JACOBA NEL

Sixth Applicant

DAPHNE NEL

Seventh Applicant

PRISCILLA NEL

Eighth Applicant

DYLAN NEL

Ninth Applicant

MA AIDA ABELS

Tenth Applicant

SULAIMAN GOLIATH

Eleventh Applicant

FAIZA FISHER

Twelfth Applicant

GEORGE FARIA RODRIGUES

Thirteenth Applicant

NASHIET ABELS

Fourteenth Applicant

CHRASHANNA SMITH

Fifteenth Applicant

DELIA SMITH

Sixteenth Applicant

BRENDA SARAH SMITH	Seventeenth Applica nt
MICHELLE SMITH	Eighteenth Applica nt
MEGAN SMITH	Nineteenth Applica nt
ROSELINE SMITH	Twentieth Applica nt
CHESLYN SMITH	Twenty-First Applica nt
RASHIEDA SMITH	Twenty-Second Applica nt
MARK NEIL SMITH	Twenty-Third Applica nt
MOGAMAT TAURIQ SMITH	Twenty-Fourth Applicant
GRAHAM BEUKES	Twenty-Fifth Applicant
SOFIE MASILO	Twenty-Sixth Applicant
and	
WOODSTOCK HUB (PTY) LTD	First Respondent
CITY OF CAPE TOWN	Second Respondent

NOTICE OF MOTION

PART A

KINDLY TAKE NOTICE THAT application will be made on behalf of the above-named Applicants on Friday 23 September 2016 at 10h00 or as soon thereafter as counsel may be heard, for an order in the following terms:

1. That the Applicants' non-compliance with the forms and service provided for in the rules of this Honourable Court is condoned and that this application is heard as one of urgency;
2. Suspending the execution of the following orders pending the final

determination of the relief sought in part B of the notice of motion:

- 2.1 the order granted by the Honourable Judge President Hlophe on Thursday 17 March 2016 and attached to the notice of motion as annexure "A" and;
- 2.2 the agreement made an order of court by the Honourable Mr Acting Justice Weinkove on Friday 19 August 2016 and attached to the notice of motion as annexure "B";
3. Granting the Applicants leave to file a supplementary affidavit, within 10 (ten) days of the date of this order, in relation to the relief sought in part B of the notice of motion;
4. Directing any party opposing this application to pay the costs of this application; and
5. Further and/or alternative relief.

TAKE NOTICE THAT the affidavit of **CHARNELL COMMANDO** together with the annexures thereto, confirmatory affidavits of the Applicants and Ms Disha Govender, will be used in support of this application.

TAKE NOTICE FURTHER that if any of the Respondents intend opposing the relief sought in part A of the notice of motion, they are required to (a) notify Applicants' attorney in writing and (b) file their answering affidavits, if any, by 12h00 on Thursday 22 September 2016.

PART B

KINDLY TAKE NOTICE THAT application will be made on behalf of the above-named Applicants on Monday 7 November 2016 at 10h00 or as soon thereafter as counsel

may be heard, for an order in the following terms:

1. That the Applicants' non-compliance with the forms and service provided for in the rules of this Honourable Court is condoned and that this application is heard as one of urgency;
2. It is declared that the Second Respondent is under a constitutional duty to provide the Applicants and their dependents residing with them with temporary emergency accommodation in a location as near as possible to the property where the Applicants currently reside at erf 10626, Bromwell Street, Cape Town ("the property");
3. The Second Respondent is directed to make available the temporary emergency accommodation referred to in paragraph 2 above to the Applicants within 3 (three) months of the date of this order;
4. It is declared that the Applicants may remain in occupation of their existing homes on the property pending compliance by the Second Respondent with paragraph 3 of this order;
4. The Second Respondent is directed to deliver a report to this Court within 2 (two) months of the date of this order, confirmed on affidavit, detailing the accommodation that it will make available to the Applicants, when such accommodation will be available, the nature and proximity of such accommodation and explaining why the particular location and form of accommodation has been selected. The report must also set out the steps taken by the Second Respondent during the two months before the report is filed to meaningfully engage with the Applicants and/or the Applicants' attorneys regarding the provision of temporary emergency accommodation to

the Applicants;

5. The Applicants may within 2 (two) weeks of the filing of the Second Respondent's report, deliver any affidavits dealing with the contents of the Second Respondent's report;
6. Thereafter the matter may be re-enrolled on a date to be determined by the Registrar in consultation with the presiding Judge for such further relief as may be appropriate;
7. The Second Respondent and any respondent opposing this application is directed to pay the costs of this application; and
8. Further and/or alternative relief.

TAKE NOTICE THAT the affidavit of **CHARNELL COMMANDO** together with the annexures thereto, will be used in support of this application.

TAKE NOTICE FURTHER that if any of the Respondents intend opposing the relief sought in part B of the notice of motion, they are required to (a) notify Applicants' attorney in writing within 5 (five) days of service of this application and (b) file their answering affidavits, if any, by Friday 21 October 2016.

TAKE NOTICE FURTHER that any Respondents opposing this part A and/or Part B application are required to appoint in such notification an address referred to in rule 6(5)(b) at which they will accept notice and service of all documents in these proceedings.

TAKE NOTICE FURTHER that the Applicants have appointed the offices of Ndifuna Ukwazi Law Centre, Office 302, 47 on Strand, Strand Street Cape Town (Ref: Ms D Govender & Ms M Shandu) as the address at which they will accept notice and service

of all process in these proceedings.

DATED AT CAPE TOWN ON THIS 20th DAY OF SEPTEMBER 2016



NDIFUNA UKWAZI LAW CENTRE

Applicants' Attorneys

Office 302

47 on Strand

Strand Street

Cape Town

Tel: 021 423 3089

(Ref: Ms D Govender & Ms M Shandu)

TO: THE REGISTRAR
Western Cape Division, Cape Town
Keerom Street
CAPE TOWN

AND TO: WOODSTOCK HUB (PTY) LTD
First Respondent
C/O: Marlon Shevelew & Associates Inc.
First Respondent's Attorneys
9th Floor Zeeland House
7 – 9 Heerengracht Street
Cape Town
Tel: 021 425 7069
(Ref: Mr Shevelew & Mr Kimar)

Received copy hereof:
Date: 20/9.....
Time: 14:23.....
Marlon Shevelew & Associates
Per *gawli*

AND TO: CITY OF CAPE TOWN
Second Respondent
Civic Centre
12 Hertzog Boulevard
CAPE TOWN

ADMINISTRATIVE MANAGER OFFICE OF THE DIRECTOR TIME ..14h45..... 20 SEP 2016 PRINT NAME <i>Thami</i> SIGN <i>[Signature]</i> LEGAL SERVICES DEPARTMENT City of Cape Town
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