



LEGAL RESOURCES CENTRE

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Your Ref :
Our Ref: MRC/MRP/ / 2008

Date :16 September 2008

Dr. M O Sutcliffe
City Manager
eThekweni Municipality
1st Floor, City Hall
West Street, Durban

Fax: 031 311 2100

Dear Sir

R: THREATENED UNLAWFUL DEMOLITIONS AND EVICTIONS IN FOREMAN ROAD INFORMAL SETTLEMENT, CLARE ESTATE

I act on behalf of residents of the informal settlement in Foreman Road, Clare Estate Annett Drive, Durban as well as the Abahlali baseMjondolo and their Foreman Road committee.

I am instructed that over the weekend 13-14 September 2008 a number of shacks in the Foreman Road Informal Settlement were destroyed by fire. The cause of the fire is at this stage unknown, and it is one of a number of similar fires that have taken place in informal settlements in and around Durban. As a result of the fire, occupants of the shacks were left homeless. It is common cause that prior to the fires, no Court order had been obtained in respect of the eviction or relocation of the occupants of the informal settlement.

We are instructed that the Red Cross has provided five tents on site, to assist with emergency housing. We are informed that regrettably, access to the emergency housing and food is being made available on a party-political basis.

Our clients, who have no access to the limited shelter or food, wish to re-erect their shacks in order that they may have a degree of privacy in respect of the dwellings they consider as their homes as well as provide shelter to their families. We are instructed that the Municipality has prevented our clients from reconstructing their homes on the site, and that bulldozers have been brought on site to tear down whatever remaining shacks are left in the informal settlement as well as those structures which our clients have put up since the fires destroyed the original structures.

The conduct of the Municipality in this matter is far from that of a local arm of government, which must be responsive to the needs of its citizens. Occupants left destitute by the fires should be provided with care and assistance. The conduct of the municipality suggests that it wishes to seize on an unfortunate event and effect, what in essence, is its 'slum clearance project'. We consider such conduct to be unlawful and actionable.

We are advised that Metro Police Officers as well as Municipal housing officers are on site to supervise the demolition of remaining shacks, as well as those that have been recently built. We advise that unless your office, in writing, unequivocally withdraws this threat of pending demolition by 16h00 today, we will be left with no option but to bring an urgent application before the High Court for an interdict. We wish to draw to your attention that similar conduct by your officials has been interpreted by the High Courts to constitute a reasonable apprehension of harm.

We look forward to hearing from you as a matter of urgency.

I attach herewith copies of photographs taken of the site.

We await your urgent response.

Yours faithfully,
LEGAL RESOURCES CENTRE

MAHENDRA CHETTY

Copy:

Mr. S E NGUBO

Head: Legal Services
eThekweni Municipality
Fax: 031 311 3261