



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

1 December 2009

STATUS: Immediate

PA Pienaar v RJ Brown (48/2009)[2009] ZASCA 165 (1 December 2009)

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The SCA today allowed appeals by a property owner, a building contractor and his sub-contractor who were sued for damages in the Cape High Court, arising out of injuries which Mr Russell Brown and Mr John Sloep of Netherlands sustained when they were injured at the home of Mr Pieter Pienaar in Green Point, Cape Town on 25 April 2004, when the steel balcony on which they were standing collapsed.

They had attended a birthday party at the home of Mr Pienaar. While the guests, including Mr Brown and Mr Sloep were gathered in the lounge on the top floor a car alarm went off. Some of the guests (amongst whom were Brown and Sloep) went to see what was happening. As they stepped or stood on the balcony it collapsed. Brown and Sloep were seriously injured. Their claims for damages had succeeded in the Cape High Court.

On appeal the SCA found that the house owner (Pienaar), the builder (Classen, of Classen's Home Improvements) had no reason to think that the sub-contractor, Mr Lamberts of Ven Projects CC who was an expert in steel works, would not do the work in an efficient and workmanlike manner. It was found that the claimants, Brown and Sloep, had been injured as a result of the negligent conduct of the sub-contractor, Mr Lamberts and his corporate entity, Ven Projects CC.

It was found that the balcony had not been properly fixed to the wall but had been attached to it by couch screws instead of rawl bolts.

The sub-contractor Lamberts and his company had not appealed the decision in which they were found by the high court to be liable for the damages suffered by Mr Brown and Mr Sloep.