



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 13 April 2016
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

*BSB International Link CC v Readam South Africa (Pty) Ltd (279/2015) [2016]
ZASCA 58 (13 April 2016)*

Media Statement

The SCA dismissed an appeal against an order directing that an unlawfully erected building be demolished to the extent that it failed to comply with a Town Planning Scheme. It held that the owner of an adjacent property, whose rights in terms of the Town Planning Scheme had been encroached upon, was entitled at common law to the order. A court was possessed of a broad discretion whether to order the partial or total demolition of the offending structure. This discretion was in sharp contrast to the absence of any discretion on the part of a court, in the same circumstances, not to order the total demolition of the building at the behest of the local authority or the Minister of Economic Affairs, in terms of s 21 of the National Building Regulations and Building Standards Act 103 of 1977.

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