

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

65B Central Circle, Fish Hoek 7975

Web: <https://www.fhvrra.org.za/> Facebook: www.facebook.com/FHVRRRA/

Heritage Western Cape: Conservation Body

TO: lums@capetown.gov.za

SUBJECT: OBJECTION TO CATEGORIES OF MPBL CONTRAVENTIONS NOT
REQUIRING ADMIN PENALTIES

DUE DATE: 15 MAY 2023

The problem with no consequences for A:2. Is that a building inspector may have been requested to assist with complaints against the building works, but failed to show or stop the building works. The usual problem with building on a common boundary line, even on ground floor, is that the contravenor can:

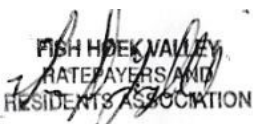
- often see into the neighbour's property from windows on the end or near that edge, which is an invasion of privacy;
- has the potential for blocking of sunlight onto neighbour's property; and
- can often provide easy access to neighbour's property from the roof of the building on the boundary (security breach) vs the usual 3m of space.

Boundary walls in A:3.a. that have not complied with the original intention or subsequently diluted, 25% visibly permeable are problematic for security reasons and should not be exempted.

We accept the reasons given for exempting A:1 and A:4, but believe that the building inspections should be done prior or as part of a property sale before the title deeds are transferred to ensure the "previous" owner did submit proper building plans.

We support penalties being imposed on contravenors as stated in Section B.

We especially encourage the enforcement of the MPBL's Section 131 as mentioned in Section C.

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DATE	22 April 2023