

Property

Tshwane's appeal against Lombardy Estate rates dispute judgment dismissed

SCA criticises city for failing to 'proactively take measures to correct their unlawful conduct'.

By Roy Cokayne 20 May 2024 ⌚ 04:04



The SCA says the city has a duty to 'treat persons liable for rates equitably'. Image: Supplied

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The conduct of the City of Tshwane has been criticised by the Supreme Court of Appeal (SCA) in

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properties in the estate because of invalid property valuation rolls as a result of the city failing to comply with the public consultation process provided for in the Rates Act when preparing the valuation rolls.

This is the second setback the Tshwane Metro has suffered this month in appeals to the SCA. Earlier this month, the court also dismissed with costs an application to review and set aside a 2020 high court judgment that declared its recategorisation of certain properties at Copperleaf Golf and Country Estate in Centurion unlawful and set aside some aspects of the city's valuation roll.

Read: [SCA dismisses Tshwane's appeal against Copperleaf judgment](#)

Tshwane Metro spokesperson Selby Bokaba said on Friday the city sought advice from its legal team on the matter and will make a decision on the way forward in due course.

Genesis of the dispute

The latest SCA appeal was to a high court order in favour of Malvigenix, a non-profit company trading as Wecanwin, and 17 other respondents who were, and some still are, property owners and ratepayers in Lombardy Estate.

The genesis of the dispute between the Tshwane Metro and Wecanwin was an application instituted in 2016 by Lombardy Development (Pty) Ltd and 13 property owners in the High Court in Pretoria.

In the Lombardy Development (Pty) Ltd case, the high court declared invalid and set aside the city's 2012 supplementary valuation roll and 2013 general valuation roll because these valuation

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