



# ConCourt rules homeowners shouldn't pay off debts of previous occupants

*Common sense prevails in ConCourt*

By Tom Head -

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Justice for the logical thinker was declared in ConCourt today, as it was ruled new property owners will no longer be held responsible for the municipal debts of previous tenants.

The judgement boiled down to the fact that the High Court have found taking on the last occupants' debt is simply 'unlawful'. The Constitutional Court agreed, and moved to quash the retrospective collection measures.

# What are Municipal Debts?

The debts in question are ones owed to local authority – so taxes on electricity and water that hadn't been paid were being unfairly heaped on new owners of properties.

This also includes refuse and sewerage debts, and when they went unpaid, the service to those properties were also cut off and created unbearable living conditions.

## How did ConCourt make their decision?

- In a media briefing released by the Court, they listed the issues that had forced residents to live in 'inhumane' conditions:

*"The applicants complained that they faced darkness, having no electricity, and many other inhumane conditions because they bought property whose previous owners failed to meet their obligations to the municipality."*

- The Tshwane, eThekweni and Ekurhuleni municipalities all argued they had the right to impose the debt onto other residents, and claim they acted within the boundaries of the law to chase the money they were owed:

*"[They argued] For municipalities to properly fulfill their constitutional duties of service delivery, they need extra-ordinary debt-collecting measures: This meant burdening new owners with the responsibility of historical debt"*

ConCourt ignored the defence's claims that the enforced debt was for the greater good, and unanimously ruled that any outstanding payments should not survive the transfers of homeowners.

Common sense wins this round.

<https://www.thesouthafrican.com/concourt-rule-new-homeowners-should-not-pay-the-debts-of-previous-owners/>