



## Homeowner's nightmare: We paid previous owner's R206,000 municipal debt

August 29, 2017 Naledi Shange

A Johannesburg couple forked out over R206,000 for a debt that was not theirs.

The Constitutional Court on Tuesday ordered that new home owners cannot be liable for historical municipal debt. But that ruling came too late for Noleen Pauls and her husband Gavin Andrews.

“When we sold our house several months ago, we went through the whole transfer process as we needed to get a rate clearance certificate. We then discovered that the previous owner of the house had an outstanding water account for R206,000,” said Pauls.

“One could obviously see that this was mistake as the reading was just for one day,” she said.

Pauls and her husband had bought the house in 2010 but the erroneous account was dated May 2012 and was not in their name but the previous owner's name.

“[The previous owner's] May 2012 account was sent to her and no notice of debt was ever passed on to me until the rate clearance figures revealed it,” Andrews said.

The couple was sent from pillar to post as they queried the account, hoping to get it quashed.

“But no one could correct it. We went to see some consultants and even lawyers,” said Pauls.

The couple had already secured a buyer for their house and were planning on using those funds to pay for another property they had bought.

“So eventually we paid the R206,000 and since then, we have been going through numerous processes with the City of Johannesburg to try and get the money back,” Pauls said.

On Tuesday however, the Constitutional Court made an order which essentially means the couple were never meant to have been liable for the debt to begin with.

The order read: “It is declared that upon transfer of a property, a new owner is not liable for debts arising before transfer from the charge upon the property under section 118(3) of the Local Government: Municipal Systems Act 32 of 2000.”

Several private homeowners had instituted proceedings against Ekurhuleni and Tshwane municipalities, arguing they should not inherit debts of previous homeowners.

Despite this groundbreaking ruling, Pauls was sceptical about ever getting their money back.

“We don't think we will ever get it back. I don't think that there are systems in place to ensure that happens... I think the CoJ (City of Joburg) is incapable of doing that,” Pauls said.

And seemingly, a never-ending cycle is in the works.

“The property sale was registered in the new owner's name on [June 29] and they have now opened their own account. I have not closed mine as I am waiting for this issue to be resolved,” said Andrews.

– TimesLIVE

<http://www.heraldlive.co.za/news/2017/08/29/homeowners-nightmare-paid-previous-owners-r206000-municipal-debt/>