

Mpumalanga needs Services Appeal Board

The South African Property Owners Association (SAPOA) is lobbying hard to drive the appointment of a much-needed Services Appeal Board in Mpumalanga. Already provided for in existing provincial legislation, the tribunal would allow property developers to appeal decisions made by municipalities, and obtain independent resolution in such matters. To date, however, such a tribunal has not been appointed.



SAPOA CEO, Neil Gopal

"Although the matter was brought to our attention by an individual member, we believe the establishment of a provincial Services Appeal Board is critical where disputes arise between developers and municipalities around service contributions," says SAPOA CEO Neil Gopal. "To make matters worse, property developers with existing appeals are hamstrung because their appeals cannot be heard."

In 2010, SAPOA member Aksion Plan, a town and regional planning firm based in Nelspruit lodged three appeals against service contributions relating to road infrastructure in Mbombela local municipality.

With no resolution in sight three years later and despite numerous attempts to contact the province, Aksion Plan turned to SAPOA for help.

"It is inconceivable that there is no Services Appeal Tribunal established to hear appeals in Mpumalanga," says Gopal. "This is a serious infringement of the rights that are protected by our constitution to ensure that aggrieved parties are afforded the right to appeal."

While existing legislation makes provision for a Services Appeal Tribunal, the challenge has been getting one appointed.

"Section 124 of the provincial Town Planning and Township Ordinance 1986 makes clear provision for the appointment of a Service Appeal Board in Mpumalanga. SAPOA is working hard on behalf of our members to change that situation," he concludes.

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