

Mutual Heights

14 Darling Street, Cape Town
<http://www.mutualheights.net>

News from your Trustees

Edition 29

November 2014

Dear Fellow Owner,

Damp works and Legal process

This is a short newsletter, as promised at the Annual General Meeting this year, following the passing of the deadline for submission of "expert reports" concerning our claim with Old Mutual and others.

First, let me summarise the situation again:

- Urgent "emergency" **damp works** are proceeding, subject to review by a sub-committee of trustees that ensures that they are really necessary because of a threat to the structure of the building, or because a unit is at risk of becoming uninhabitable. Previous newsletters (available on the web site) have explained the protocol for motivating such works in some detail. There are a few cases in hand at the time of writing.
- It became clear some time ago that there is **corrosion of certain steel components** within our windows (at the apexes and at the sides) that needed investigation. We surveyed owners and trustees agreed that a complete window should be removed and inspected in order to assess the risk to the structure (if any) and the probable cost of works to deal with this elsewhere in the building. In that particular case (a fairly severe example of the problem) it has been found that there was *no risk to the structure* and the cost of such work is now adequately understood. This allows us to reinforce our arguments in court and extend the amount that we are claiming from the developers (the "quantum"), as explained at the AGM.
- At the same time, the **deadline has passed** for the defendants to submit their expert reports. This date was agreed at a pre-trial conference of attorneys, and approved in the High Court by Judge Steyn. We had an obligation to submit our expert report at the *end of September* and we did so; the defendants agreed to submit by the *end of October*. There are three defendants: Old Mutual, Murray & Roberts, and KFD Wilkinson. **KFDW** have indicated that they will be calling no expert witnesses (there may be others) and therefore there is no expert report from them; **M&R** have submitted a report that we are presently studying; **Old Mutual have failed to deliver, despite their undertaking, made in writing and endorsed by the Judge.**

Your trustees will be meeting next week to discuss this extraordinary situation with our instructing attorney and with our damp proofing expert.

We have already agreed that our attorney will now *urgently* request a High Court date in the second term of next year. This has gone on long enough. In the meantime, let's enjoy the dry, warm summer!

With warm regards,
on behalf of the Trustees,



Andy Bytheway,
Chairman of the Trustees, Mutual Heights, Cape Town.

info@mutualheights.net
<http://www.mutualheights.net>

Check out "Mutual Building" on Wikipedia:
http://en.wikipedia.org/wiki/Mutual_Building