

Dear Nelson,

The Restaurant Association has forwarded your e-mail dated 1 December 2009 to me.

We have not received a similar request from any other RASA members in the Tshwane area.

As a tenant, your obligation to make payment of the security deposit would depend on two issues:

- \* Whether in terms of your lease, the landlord is entitled to demand payment of this amount from you. In order to advise you on this, we would have to see your lease;
- \* If the landlord is entitled to require payment from you in terms of the lease, the next question to be answered is whether the landlord itself is obliged to make payment of the deposit. This would depend upon the relevant by-laws.

My suggestion is that you first peruse your lease to see whether the landlord is, indeed entitled to recover the deposit from you. If so, the next question to be answered is whether the landlord itself is obliged to pay it. The landlord may have sought legal advice in its own right and this should be discussed with the landlord. If the landlord is not prepared to argue the case with the Council, the tenants should consider getting together to obtain an opinion as to whether the Council is justified in levying the increased deposit. If the advice received is that the Council is not entitled to levy the deposit, but the landlord is not prepared to take action, the tenants should then simply refuse to make payment in order to force the landlord to act.

Please advise us if you require any further help and if you would like us to look at your lease for you.

Regards

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