

10.9 EVICTION IN TERMS OF THE PREVENTION OF ILLEGAL EVICTIONS AND UNLAWFUL OCCUPATION OF LAND ACT, 19 OF 1998

1. The application for eviction must be a separate application. The procedure to be adopted (except in urgent applications) is as follows:
 - 1.1 The notice of motion must follow Form 2(a).
 - 1.2 The notice of motion must allow not less than five days from date of service of the application for delivery of a notice of intention to oppose.
 - 1.3 The notice of motion must give a date when the application will be heard, in the absence of a notice of intention to oppose.
2. After the eviction application has been served and no notice of intention to oppose has been delivered or if a notice of intention to oppose has been delivered at a stage when a date for the hearing of the application has been determined, the applicant may bring an ex parte interlocutory application authorising a section 4(2) notice and for directions on service.
3. When determining a date for the hearing of an eviction application, sufficient time must be allowed for bringing the ex parte application, for serving the section 4(2) notice and for the 14 day notice period to expire.
4. If the eviction application is postponed in open court on a day of which notice in terms of section 4(2) was duly given, and if the postponement is to a specific date, it will not be necessary to serve another section 4(2) notice in respect of the latter date.
5. A number of pro forma orders are attached hereto for the guidance of practitioners. The orders must be adapted to meet the exigencies of each case.