

Still Fighting for a Home: A round-up of legal battles over Cape Town's land and housing

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Cape Town's courts have become a battleground for housing justice, with landmark cases testing the City's constitutional duty to provide adequate shelter. From Bromwell Street to Tafelberg, residents and activists are challenging eviction orders and land sales, reshaping debates about apartheid's legacy, urban inequality and the right to affordable living spaces the city.



1. Tafelberg Case

In November 2015, the Western Cape government announced that it would sell the Tafelberg school site in Sea Point to Phyllis Jowell Jewish Day School, a private Jewish school operating in Camps Bay. This was despite the province having previously earmarked the site for social housing in 2012. The site is owned by the Western Cape provincial government and previously housed public schools, the last of which relocated in 2010. It also consists of a block of flats called Wynyard Mansions, whose last resident was evicted in 2014, and the site stood unused since then.

On 17 April 2014, activists from Reclaim the City, Equal Education and the Social Justice Coalition rallied against the sale and instituted litigation to have the sale reviewed and set aside. The interdict was initially agreed, halting the sale while the province consulted the public, but the province decided to follow through with the sale in March 2017. At that stage, the National Department of Human Settlements also instituted litigation, claiming that it should have been consulted in the decision to sell the site.

On 31 August 2020, a judgement was passed down by the Cape High Court, that declared the sale of the site unlawful. The court also ruled that in future, the province must consult the public first before agreeing to a sale. The province and the city then appealed the ruling in the Supreme Court of Appeal, which overturned the High Court orders in April 2024. The case went to the Constitutional Court, which heard the matter on 12 February 2025 and reserved judgment.

The site has since then been earmarked for affordable housing, but the Constitutional Court is yet to rule on the matter. The court's ruling will significantly impact how provincial and local governments approach affordable housing and the disposal of state-owned land.

Read [court judgements](#) here.

2. Bromwell Street residents vs City of Cape Town

On the 17th of March 2016, life for the residents of Bromwell Street in Woodstock changed dramatically. Many families had been living there for generations, their roots tracing back to the homes of their grandparents. That morning, however, they were issued with an eviction order. The property had been purchased by Woodstock Hub, a private developer intending to replace the housing site with new residential units, rented out at prices unaffordable to the current Bromwell resident. Although the sale went through, the residents refused to leave, and in July 2015, the developer began eviction proceedings.

From the 3rd and 19th of September 2016, the residents, their legal representatives from Ndifuna Ukwazi Law Centre, City officials and the Executive Mayor held discussions about alternative accommodation. The City argued that because this was a “private eviction”, it was under no obligation to provide temporary emergency housing. Instead, it suggested the residents apply for housing through a waiting list, subject to qualifying requirements.

On 20 September 2016, the residents approached the Western Cape High Court, seeking a temporary suspension of the evacuation and an order compelling the city to provide emergency housing near their homes within three months. The High Court sided with them, ordering the

City to provide transitional housing in Woodstock, Salt River or the inner-city precinct within a year.

The City appealed to the Supreme Court of Appeal, which overturned the High Court's previous ruling. The court held that the city's policy of prioritising long-term social housing over inner-city emergency housing was lawful but ordered that the residents be accommodated "as near as possible", without guaranteeing inner-city placement.

The case then reached the Constitutional Court. In December 2024, it ruled in favour of the Bromwell residents, halting the eviction until the City creates a new housing programme that includes transitional accommodation. This landmark judgement represents a pivotal step in addressing the legacy of apartheid spatial planning and in housing inequality.

Read the [full judgement](#) here.

3. Singabalapha Community vs City of Cape Town

In August 2023, the City of Cape Town filed an application at the Western Cape High Court to evict more than 30 families living along the main road in Observatory and move them to an emergency housing site in Delft South, 28 kms from the city centre. In addition to the eviction order, the City wants to prohibit the families from returning to the property "for the purposes of occupying it".

This area is named "*Singabalapha*", meaning "we belong here", by its residents, who have been living there since 2019. They originally occupied the Arcadia House old age home (owned by the Cape Peninsula Organisation for the Aged in 2019), before its demolition later that year. Many of the residents occupying the home were homeless or backyard dwellers. The group first settled on the lawn outside the property and obtained an interdict preventing the City from evicting them in October 2020, which the City successfully appealed in 2022, removing the residents from the lawn of the old age home. The City then filed a motion to evict the Singabalapha residents from the Main Road in Observatory in August 2023.

On 8 November 2023, the City formally applied for an eviction order and asked the court to further interdict the families from returning to the property. On the 31st of January 2024, housing advocacy group, Ndifuna Ukwazi, filed an application in the High Court, on behalf of the community, to review the City's decision to rely on the Emergency Housing Programme in its eviction. The matter is currently in court before the High court, with Ndifuna Ukwazi seeking a review of the City's decision and challenging the suitability of the offered alternative accommodation.

With judgements still pending on the Singabalapha and Tafelberg case and delays piling up, the future of Cape Town's affordable housing remains uncertain. These cases highlight ongoing tensions between development, displacement and the constitutional right to housing. Whatever the courts decide, these battles are reshaping the city, forcing government, activists and communities to confront what kind of Cape Town they want to build.

REFERENCES

- Bromwell Street Ruling. Ndifuna Ukwazi Law Center.n.d. Available: <https://nu.org.za/work/nu-law-centre/#1697625118004-4de47500-1d91> (accessed 10 August 2025)
- Broughton, T. 2024. Concourt win for Cape Town residents facing eviction. GroundUp. 20 December. Available: <https://groundup.org.za/article/concourt-win-for-cape-town-residents-facing-eviction/#:~:text=In%202021%2C%20Western%20Cape%20High,feasibly%20possible%20to%20Bromwell%20Street> (accessed 12 August 2025)
- Daniel L. 2020. Understanding the groundbreaking Tafelberg judgement. GroundUp. 9 September. Available: <https://groundup.org.za/article/understanding-groundbreaking-tafelberg-judgment/> (Accessed 15 August 2025)
- Daniel S, Matthew, H. 2025. Concourt judgement on Tafelberg could change future of social housing. GroundUp. 27 February. Available; <https://groundup.org.za/article/concourt-judgment-in-tafelberg-case-could-change-future-of-social-housing/> (accessed 11 August 2025)
- Gontsana, M. 2022. Judgement reserved in Cape Town eviction case. GroundUp. 2 March. Available: <https://groundup.org.za/article/obs-occupiers-continue-living-outside-former-old-age-home-now/> (accessed: 10 August 2025)
- Meterlerkamp, T. 2025. Cape Town's Tafelberg case goes to ConCourt – activists call for coordinated affordable housing plan. Daily Maverick. 11 February. Available: <https://www.dailymaverick.co.za/article/2025-02-11-cape-towns-tafelberg-case-goes-to-concourt-activists-call-for-coordinated-affordable-housing-plan/> (accessed 16 August 2025)
- Marecia, D. 2024. Court battle looms over Observatory Pavement occupation. GroundUp. 2 February. Available: <https://groundup.org.za/article/observatory-occupiers-to-challenge-citys-offer-to-relocate-them-to-delft-south/> (accessed 15 August 2025)
- Moir L, Hendricks A. 2019. Township residents occupy city old age home. GroundUp. 1 October. Available: <https://groundup.org.za/article/cape-town-old-age-home-occupied/>
- Singabalapha launches High Court review of their eviction from Observatory. n.d. Ndifuna Ukwazi. available: <https://nu.org.za/singabalapha-launches-high-court-review-of-their-eviction-from-observatory/> (accessed: 12 August 2015)
- The Tafelberg Constitutional Court Case: A Landmark in South Africa's Fight for Land Justice and Human Rights #undospatialjustice. 2019. Ndifuna Ukwazi. 10 February. Available: <https://nu.org.za/11feb2025tafelberghearingatconcourt/> (accessed 11 August 2025)
- Where must people go? Bromwell Street matter at SCA. 2022. Ndifuna Ukwazi. 09 November. Available: <https://nu.org.za/where-must-people-go-bromwell-street-matter-at-sca/> (accessed 15 August 2025)
- Western Cape High Court Ruling on the Tafelberg matter. 2020. Available: https://nu.org.za/wp-content/uploads/2023/12/GambleJ_Tafelberg_Judgment-Tafelberg.pdf (accessed 10 August 2025)

