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Comprehensive legal solutions in a rapidly changing business environment

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Closing Down The Guesthouse Next Door: Notes For Owners And Neighbours



Are you planning to open a guesthouse? Or perhaps you live next door to an existing guesthouse and for some reason want to have it shut down?

Either way, you need to know what your rights are, and what you will have to prove if you end up in a court battle. By way of illustration we discuss an attempt by residents of a quiet suburb to shut down a guesthouse amidst allegations of noise, wild parties and nuisance guests.

The Court's decision is as important for all would-be guesthouse owners as it is for their neighbours.

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Creditors and Debtors: Important New Prescription Judgment

“Running into debt isn’t so bad. It’s running into creditors that hurts” (Unknown)

The fact that debts prescribe (become uncollectable after a period of time) presents as much of a threat to a creditor as it does an opportunity to a debtor so it’s important for both to understand the process.

We’ll list the periods that apply to common types of debt and talk about prescription being “delayed” or “interrupted”. We’ll focus in particular on a recent and very important Supreme Court of Appeal decision answering the question: “Can a debtor’s admission of liability interrupt prescription *even if it is made without prejudice during settlement negotiations?*”

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Employer v Employee: Can You Use Evidence Obtained under Threat of Prosecution?

The recent case of a manager in a mine dump processing business, who was accused of stealing R6m worth of diamonds, addresses an issue of interest not only to all employers and employees, but to litigants generally.

The manager argued that his admissions of guilt, made when first confronted, couldn’t be used against him in court because they were obtained under duress. Central to his case was that he only “spilled the beans” after being threatened with a “dirty dozen” option.

Which raised the question: What is “legally recognised duress”? The Supreme Court of Appeal’s answer may surprise you ...

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Child Maintenance in Arrears? The Contempt of Court Enforcement Option

Here’s a scenario which is regrettably all too common in South Africa. Your child’s father (it could of course be either parent, but let’s keep it simple) is ordered to pay you maintenance. He refuses, pleading poverty but taking no steps to have the order reduced. The arrears keep piling up while you struggle to make ends meet on your own. What can you do?

You have many options in enforcing payment, and in appropriate cases the route of asking the court to jail the defaulter for “contempt of court” can be a powerful one - nothing concentrates the mind on paying one’s dues quite like the threat of a stint behind bars. Let’s look at a case in point of a husband who ran up R400k arrears ...

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Your Website Of The Month: 5 Ways To Stay Mentally Strong When You Think You’re About To Crack

Stress – it’s good for us up to a point, but an overload won’t just reduce our work performance and make our lives a misery, it’ll eventually kill us. Where’s the balance? Have a look at Uplift’s ‘Stress:Performance Curve’ in “The Difference between Good Stress and Bad Stress” [here](#).

Then take 39 seconds to watch Time Magazine’s video “5 Ways to Stay Mentally Strong When You Think You’re About to Crack” [here](#).

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