
SPATIAL PRACTICES IN LOWLIEBENHOF: THE CASE OF *MAPHANGO V AENGUS LIFESTYLE PROPERTIES (PTY) LTD*

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SUMMARY

In *Maphango v Aengus Lifestyle Properties (Pty) Ltd* 2012 5 BCLR 449 (CC) the question before the Constitutional Court was when a landlord may legally cancel contracts of lease and evict tenants. In answering this question the court had to consider the constitutional protection against arbitrary evictions in section 26(3) and the provisions of the *Rental Housing Act* 50 of 1999. The applicants sought a declaratory order that the landlord had terminated their leases unlawfully, because the termination had been intended to double (and in some instances more than double) the rent. The applicants argued that this escalation violated contractual and legislative provisions governing the procedure and conditions under which a landlord can increase the amount of a rental. The Constitutional Court found in favour of the tenants and postponed the appeal to allow any of the parties to lodge a complaint at the Gauteng Rental Housing Tribunal. The narrow focus of this note is the manner in which the Constitutional Court in the *Maphango* case interpreted the concept of "practice" in the *Rental Housing Act* and how this in turn corresponds to perceptions of urban spaces. The inquiry is informed by the spatial justice turn and relies on the works of Michel de Certeau, Henri Lefebvre and Doreen Massey.

KEYWORDS: Unfair practice; *Rental Housing Act*; spatial justice; making do; strategies; tactics; habitat; inhabitation; a place called home.

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