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For more information please contact Karen Montocchio (karen@nlk.co.za)

Nexia Levitt Kirson | Suites 1-3 Dalbergia, Forest Square,
11 Derby Place, Derby Downs Office Park, Westville, 3629
T: +27 (0)31 266 2250 | F: +27 (0)31 266 2299
E: contact@nlk.co.za
www.nlk.co.za



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Facebook Defamation – The Truth is not Enough!

No one wants to be sued for defamation. Apart from the public embarrassment (the media loves this sort of story, particularly where there's a Social Media angle), emotions tend to run high so you will be embroiled in litigation that is as unpleasant as it is costly and time-hungry.

A recent High Court case sounds yet another warning to be careful what you post online, *even if you believe that what you are saying is nothing more than the simple truth*. Here's what the Court said...

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NOTE FOR ATTORNEYS: The judgment in *Garbade v Jan Van Niekerk (4987/2016) [2018] ZAKZDHC 7* is on SAFLII.

Landlord v Tenant: Consider the Tribunal Dispute Resolution Option

Whether you are a landlord or a tenant, you will both suffer if you come to blows, particularly if you end up fighting in court.

So if communication and negotiation don't resolve your differences, and provided that your lease is for a residential property like a house or apartment, you should know that you have easy, cheap and quick access to the mediation services of the Rental Housing Tribunal.

Let's have a look at when and how you should consider that route.



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NOTE FOR ATTORNEYS: The Rental Housing Act, Act 50 of 1999, can be downloaded from the University of Pretoria's "Laws of South Africa" [website](#) – find it under "Landlord and Tenant".

The locally-applicable Unfair Practices Regulations may be downloaded from the various Provinces' Rental Housing Tribunals' websites.



Bitcoin and the Law – Is It Legal, What About Tax, and Can You Leave it to Your Heirs?

We can't tell you whether or not you should invest in Bitcoin or in any of the many other cryptocurrencies out there. That's strictly a decision for you and your financial advisers.

But if you are already an investor or plan to become one, you should know how our law regards these alternative currencies. We discuss whether they are legal, whether you have any protection under law, how SARS plans to tax them, whether you need to register for VAT, and whether you can leave them to your heirs when you die (and if so, how you should do so).

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NOTE FOR ATTORNEYS: Download the SA Reserve Bank's 2014 "Position Paper on Virtual Currencies" from its [website](#), and read "SARS's Stance on the Tax Treatment of Cryptocurrencies" on the [SARS website](#).

Also see "More clarity on tax treatment of bitcoin, but..." on [Moneyweb](#).

When Is Dismissal Fair for a Fake CV?

We read about it all too often – employees being hired on the basis of fake qualifications, degrees they were never awarded, experience and training they never received.

When (it's usually "when" not "if") their dishonesty comes to light, what can you as the hoodwinked employer do about it?

Let's have a look at a perfect example - the case of an 82 year old financial manager who claimed (entirely falsely) to be a Chartered Accountant.



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NOTE FOR ATTORNEYS: The judgment in *LTE Consulting (Pty) Ltd v Commission for Conciliation, Mediation and Arbitration and Others* (JR1289/14) [2017] ZALCJHB 291; [2017] 12 BLLR 1259 (LC) ; (2017) 38 ILJ 2787 (LC) is on [SAFLII](#). See [22] to [24] for extracts from three pertinent LAC judgments.

See also the subsequent Labour Court judgment in *Khumalo v University of Johannesburg* (JS533/16) [2018] ZALCJHB 31, also on [SAFLII](#).



Your Websites of the Month: SMEs Prepare for the 2018 Flu Season

If you are an entrepreneur you should start thinking right now about the cost to your business if you or your staff fall prey to one of the virulent strains of flu headed our way this winter.

We share with you some online ideas on how to boost your immunity and, if you do still suffer a bout of flu, what you can do to reduce both its severity and the time it takes you to recover.

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NOTE FOR ATTORNEYS: No notes for this article.

Suites 1 - 3, Dalbergia
Forest Square, 11 Derby Place
Derby Downs Office Park
WESTVILLE, 3629



Tel: 031 266 2250
Fax: 031 266 2299
Email: contact@nlk.co.za
Website: www.nlk.co.za

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