

# The Red Brick Building Company (Pty) Ltd (In Business Rescue)

Registration Number: 2006/022374/07

Business rescue status report in terms of Sections 132 and 141 of the Companies Act, 71 of 2008 read with Regulation 125 of the Companies Act filed by the business rescue practitioner Christopher Rey

4 March 2026

## 1. Important Information and Actions

• Board of directors passes resolution for Business Rescue on	11/04/2022
• Notice of resolution filed with CIPC on	12/04/2022
• Notice to affected parties on filing for Business Rescue on	20/04/2022
• Company nominated a BRP on	13/04/2022
• CIPC confirmed certification of BRP on	13/04/2022
• File notice to CIPC re BRP appointment on	13/04/2022
• Publish notice to affected parties of BRP appointment on	20/04/2022
• First meeting of creditors held on	29/04/2022
• First meeting of employees held on	n/a
• Publish Business Plan on/ due by	12/08/2022
• Publish notice of meeting to consider proposed Business Rescue Plan on	12/08/2022
• Meeting to determine the future of the business held on	25/08/2022

## 2. Current Status of Business Rescue Proceedings

*Kindly note:* This status report must be read together with all previous status reports and that the information contained in this status report is a record of events and/or information that have transpired subsequent to the publication of the previous month's status report:

## **2.1 Publication of Proposed Business Rescue Plan**

- 2.1.1 The Proposed Business Rescue Plan was published by the BRP on 12 August 2022, and the Section 151 Meeting was convened on 25 August 2022.
- 2.1.2 The Proposed Business Rescue Plan was adopted by 100% of creditors present and voting at the section 151 meeting of affected persons.
- 2.1.3 The secured creditor has received payment in full.

## **2.2 Claim against Red Triangle Construction (Pty) Ltd**

- 2.2.1 It was previously indicated that the BRP had submitted a claim in the liquidation of Red Triangle Construction (Pty) Ltd, being the Company's largest debtor, pursuant to an arbitration award made in favour of the Company, in the sum of R26 825 168.68.
- 2.2.2 The BRP attended the insolvency enquiry of Red Triangle Construction on 11 October 2024 in the Paarl Magistrates Court and gave evidence on the Company's claim. The BRP's attorneys also filed heads of argument for the benefit of the presiding officer.
- 2.2.3 It was up to the presiding officer to either admit or reject the Company's claim against Red Triangle Construction.
- 2.2.4 On 21 May 2025 the presiding officer issued his ruling, in terms of which the Company's claim against Red Triangle Construction was accepted.
- 2.2.5 The attorneys representing the shareholders of Red Triangle Construction subsequently wrote to the presiding officer indicating that the shareholders (as aggrieved parties) intend applying for the review of the presiding officer's ruling, and they accordingly requested for written reasons to be provided by the presiding officer for his ruling.
- 2.2.6 The BRP subsequently made follow ups with the liquidator of Red Triangle Construction regarding progress being made in the liquidation process of Red Triangle Construction, and the BRP was advised that the First Meeting of Creditors of Red Triangle Construction is scheduled to take place on 8 August 2025.
- 2.2.7 On 8 August 2025 the liquidator of Red Triangle Construction advised the BRP that the First Meeting of Creditors of Red Triangle Construction has been postponed to 24 October 2025, and that the reason for the postponement is for the presiding office to provide written reasons for his ruling.
- 2.2.8 A due date for the issuing of the presiding officer's written reasons was subsequently provided. The presiding officer indicated that he would provide his written reason by 24 February 2026.

### **2.3 Filing of Substantial Implementation by the BRP and Reasons Therefore**

- 2.3.1 The BRP filed for substantial implementation of the Business Rescue Plan on 29 January 2026. A copy of the CoR125.3 form from the CIPC confirming this is enclosed hereto for your records. The reasons for substantially implementing is set out hereunder.
- 2.3.2 First and foremost, the Business Rescue Plan has been implemented based on the conditions set out in the plan for substantial implementation.
- 2.3.3 However, notwithstanding that the Business Rescue Plan had already been successfully implemented, the BRP elected to keep the Company in rescue in order to try make a recovery for concurrent creditors from the liquidation of Red Triangle Construction.
- 2.3.4 To this end, the BRP had ongoing discussions with the liquidator of Red Triangle in order to assess the prospects of recovery for Red Brick, and the timeline involved.
- 2.3.5 As time progressed, it became very clear that it is not feasible or viable for the Company to remain in business rescue any longer, and that the BRP could no longer wait to see what transpires with the liquidation of Red Triangle Construction. The Company and the BRP simply did not have the funds to pursue the claim against Red Triangle any further.
- 2.3.6 The BRP accordingly exercised his statutory duty in the circumstances, and filed for substantial implementation on 29 January 2026.
- 2.3.7 Please note that the adopted Business Rescue Plan remains binding on the Company and the board of directors. Therefore, to the extent that the Company can make a recovery from Red Triangle, the Company through its directors would then be duty bound to make a distribution to concurrent creditors in terms of the Business Rescue Plan.



**Christopher Rey**  
Business Rescue Practitioner