



human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA



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MPUMALANGA PROVINCIAL GOVERNMENT



NOTABLE CASE

REFERENCE NUMBER:	N096-2023	DATE:	01 & 08 June 2023
MATTER HEARD BY:	THE MPUMALANGA RENTAL HOUSING TRIBUNAL		

1. NATURE OF DISPUTE

1. Cut off of Electricity,
2. Water and sewer billing,
3. Rates and taxes; and
4. Compensation of food wastage

2. PARTIES TO DISPUTE

GROUP OF TENANTS versus
X PROPERTIES and
Y LOCAL MUNICIPALITY

3. COMPLAINANT'S SUBMISSION

- A group of Tenants filed 62 complaints against the Rental Company Properties, in terms of illegal cut-off of electricity for the period of two weeks by the local municipality. The Landlord being the owner of the property allegedly not paying municipal rates and taxes, which led the local municipality in cutting off electricity for the Tenants at the property. Tenants stated that they have approached the municipality in terms of their act and the municipality stated that the landowner was given several warnings based on the outstanding bill.
- Additionally that the landlord kept the Tenants in the dark and not wanting to meet them in discussing the issue at hand.

4. RESPONDENT'S SUBMISSION

1. The Landowner was disputing (4) accounts by the municipality for property rates as well as (2) other accounts for water, sewer and refuse removal.
2. On the first two accounts the landlord dispute with the municipality was on two additional months the municipality levied notwithstanding an agreement that such will not be levied the amount owed was R600 000.00
3. On the sewer water and refuse removal the landlord dispute was on the tariffs used by the municipality in billing the property. The amount owed to the municipality was R4 500 000, 00.
4. As a result of the above the municipality utilized cutting off electricity notwithstanding that the tenants were utilizing prepaid meters.

5. RULING OF THE RENTAL HOUSING TRIBUNAL

1. Due to the high court order instructing the municipality to restore electricity as stated above, the tribunal still had to assist the tenants to resolve the dispute with the landlord as per their complainants.
2. The Tribunal issue an interim order on the 08th of June 2023 for the landlord to provide proof of payment to the municipality of the above accounts as well as to bring about a proposal to the municipality regarding payment. This was notwithstanding the fact that the landlord was charging the tenants for assessment rates and water but such money was never paid over by the landlord to the municipality.
3. The tribunal ordered the landlord to pay the municipality, after the municipality and the Landlord reconciled the accounts and the Landlord acknowledged indebtedness to the municipality and made a payment arrangement thus resulting in the municipality no longer in a position to can switch off electricity to Eagle heights apartments.
4. The matter between the landlord and the tenants has been postponed to the 27 of June 2023 for adjudication of the tenants' disputes against the landlord.

6. REASON FOR THE DECISION

- On The return date of 27 June 2023, the tenants decided to withdraw their complaint against the landlord as some of them had moved out of the rented property and thus their interim order was set aside.