

RENTAL HOUSING TRIBUNAL

TENANTS • LANDLORDS • LIVING IN HARMONY



REGISTER

A complaint is registered with the relevant RHT.



INVESTIGATE

Preliminary investigation is conducted.



NOTIFY

Letters issued to both parties.



MEDIATION

Mediation is scheduled to try resolve.



HEARING

If no agreement, the matter goes to arbitration.



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human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA







WHAT IS THE RENTAL HOUSING TRIBUNAL?

- It is an independent body, appointed by the MEC in terms of the Rental Housing Act to resolve disputes between land owners and tenants in rental residential dwellings.
- It is therefore a dedicated body that is established in all Provinces to provide free, effective and efficient services to resolve disputes between tenants and landlords.

What are the powers of the Tribunal?



- Make a determination on jurisdiction.
- It can summon and or subpoena a landowner or tenant to a hearing or mediation.
- It may conduct physical/in-person or virtual hearings.
- It can issue mandatory or prohibitory interdicts that require a tenant or landowner to comply with any part of the Rental Housing Act.
- Its ruling has the same power as a judgement of the Magistrates Court.
- It can impose a fine and/ or any just equitable judgement.
- It can make determinations of fair rentals.
- It can issue spoliation orders, etc.

Who may lodge a complaint and how?

Any tenant or landowner or group of tenants or landowners or interest group(s) may lodge a complaint to the Tribunal.

The complainant fills in a prescribed form. This can be done in one of the followings ways:

1

Personally at and provincial Rental Housing Tribunal (RHT) Office.

2

Send a complaint electronically to the RHT or established Rental Housing Information Office (RHIO).

3

At the Rental Housing Information Office under a local authority/ municipality.

4

By other means allowed by the RHT.

What process is followed when a complaint is lodged?



A complaint is registered with the relevant RHT



Preliminary investigation is conducted to determine jurisdiction and if the matter constitutes an unfair practice.



Letters issued to both parties



Mediation is scheduled to try to resolve the matter.
A mediation agreement can be made an order of the Tribunal.



If there is no agreement between parties, the matter is referred to the Tribunal for a hearing, which is called Arbitration.
An order is made by the Tribunal and shall be binding on all parties to the proceedings.



Non-compliance - An aggrieved party may approach the Tribunal for assistance to enforce of a mediation agreement or ruling through the Magistrates Court.



A ruling of the tribunal is deemed to be an order of the Magistrates' Court in terms of Magistrates' Court Act 1944 (act No. 32 of 1944)



If either party is dissatisfied with the proceedings of the tribunal, he/she can take the matter for review before the High Court.
NB- The promulgation of the Rental Housing Amendment Act 35 of 2014 and its Regulations will pave the way for an appeal mechanism.

What are some of the matters the Tribunal can deal with?

Any practice unreasonably prejudicing the rights or interests of a tenant or a landowner - It may, amongst other things relate to:

UNFAIR PRACTICES

Illegal lockouts or illegal disconnection of services (water, electricity etc.)

Failure to refund a deposit

Damage to property

Demolitions and conversions

Illegal evictions (The Tribunal does not have jurisdiction to hear applications for eviction orders)

Forced entry

Non-compliance with house rules

Harassment and intimidation

Failure to issue receipts

Unlawful seizure of tenants' goods

Prohibiting the establishment of tenants' committee and tenants' activities

Termination of Municipal services

Causing a nuisance

Overcrowding and causing health hazards

Exploitative rentals and determination of fair rentals

Lack of maintenance and repairs

Non-payment of rent

Discrimination by landlord against prospective tenants

Do parties have to pay any fee?

- No, there is no cost involved for either the landowner/ tenant from a time a complaint is filed to the end of a mediation or hearing.
- Parties who approach the Magistrates' court for the enforcement at Tribunal rulings are liable for the applicable costs.

Does the Rental Housing Act apply to business or commercial property?

- No



Does the Rental Housing Act apply to all residential dwellings?

Yes, it applies to all dwellings used for residential housing purposes, irrespective of who the owner/landowner is. **What is a dwelling?**

- A dwelling includes any house, hostel room, hut, shack flat, apartment, room, outbuilding, garage, or similar structure a landlord leases to a tenant to live in. A storeroom, outbuilding or demarcated parking space may form part of the leased dwelling if this was agreed between the landlord and tenant.

A tenant has a right to:

- Not have his/her person searched.
- Not have his/her property searched.
- Not have his/her possession seized without an order of the court.
- Privacy.



Obligations of a tenant:

- pay the rent as and when it is due and payable under the lease agreement; and
- ensure that the premises are occupied principally for residential purposes; and
- keep the premises reasonably clean and reasonably tidy; and
- notify the landowner, as soon as possible after discovery, of any damage to the
- premises, or of the need for any repairs; and on the termination of the tenancy:-
 - i. vacate the premises; and
 - ii. remove all his or her goods from the premises; and
 - iii. leave the premises in a reasonably clean and reasonably tidy condition, and remove or arrange for the removal from the premises of all rubbish; and
 - iv. return to the landowner all keys, and security or pass cards or other such devices, provided by the landowner for the use of the tenant; and
 - v. leave in or at the premises all other items provided by the landowner for the use of the tenant; and
 - vi. leave the premises in the condition in which it was found, fair wear and tear excepted.

A landowner has the right to:

- To prompt regular payment of all rental and other charges in terms of the lease.
- Recover unpaid rental and other amount that are due after obtaining a ruling from the tribunal or a court order.
- Terminate the lease on grounds that do not constitute an unfair practice and is specified in the lease.
- Upon termination of lease, receive the property back in a good state and repossess the property after an order has been obtained.
- Claim compensation for damages caused to the property.

Obligations of a landowner:

- provide the premises in a reasonable state of cleanliness; and
- provide and maintain the premises in a reasonable state of repair having regard to the age and character of the premises and the period during which the premises are likely to remain habitable and available for residential purposes; and
- comply with all requirements in respect of buildings, health, and safety under any legislation so far as they apply to the premises; and
- if the premises do not have reticulated water supply, provide adequate means for the collection and storage of water; and
- compensate the tenant for any reasonable expenses incurred by the tenant in repairing the premises where:-

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- a.) the state of disrepair has not been caused as a result of a breach of the lease agreement by the tenant and is likely to cause injury to persons or property or is otherwise serious and urgent; and
 - b.) the tenant has given the landowner notice of the state of disrepair or made a reasonable attempt to do so; and
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- take all reasonable steps to ensure that none of the landowner's other tenants causes or permits any interference with the reasonable peace, comfort, or privacy of the tenant in the use of the premises.
- not terminate or interfere with the supply of gas, electricity, water, telephone services, or other services to the premises, except where the interference is necessary to avoid danger to any person or to enable maintenance or repairs to be carried out.
- There is no obligation on the landowner to repair any damage, or compensate the tenant for repairing any damage caused by the tenant.

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DEPARTMENT OF HUMAN SETTLEMENTS

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The Department of Human Settlements



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