



MINISTRY of HUMAN SETTLEMENTS

Provincial Government of the Western Cape

Western Cape Rental Tribunal supporting document

The WCRHT was established in terms of section 7 of the Rental Housing Act, 199 (Act No 50 of 1999 as amended) and provides a free service to tenants and landlords in the Western Cape. Its main function is dispute settlement between tenants and landlords and in so doing it strives to promote a stable and growing rental market that meets the demand for affordable housing.

Established in 2001, the Tribunal consists of five members (including a Chair and Vice-Chairperson) and one alternate member) appointed by the Provincial Minister of Housing, who have expertise in property management, housing development and consumer matters pertaining to rental housing. The Tribunal is assisted by a Support Component within the Directorate Communication and Stakeholder Relations.

The Tribunal seeks to harmonise relationships between landlords and tenants in the rental housing sector, to resolve disputes that arise due to unfair practices, to inform landlords and tenants about their rights and obligations in terms of the Rental Housing Act, and to make recommendations to relevant stakeholders.

The majority of complaints stem from a failure to refund deposits. Such complaints could be avoided if landlords and tenants are conversant with the requirements of the RHA in so far they regulate the compulsory ingoing and outgoing property inspections.

Other types of disputes dealt with at the Rental Housing Tribunal include:

- Failure to adequately maintain the rental property;
- Unlawful repossession of property and unlawful evictions;
- Failure to accept notice and to vacate the premises;
- Unlawful notices to vacate;
- Unilateral changes to lease agreements;
- Failure to provide monthly statements or issue receipts

- Unlawful seizure of possessions
- The failure to provide Municipal Services.

Where necessary the Technical Case Officers from the WCRHT attend to these matters on an urgent basis.

Many landlords and tenants are under the mistaken impression that tenants who fail to pay rent may not be evicted from the rented property. Although the WCRHT may not order an eviction, landlords may evict tenants who fail to pay rent. Landlords have to follow the provisions of the Prevention of Illegal Eviction (PIE) Act under such circumstances.

The WCRHT has realised that many tenants who are in arrears with rental payments abuse the provisions of the RHA by claiming unlawful eviction when their landlords cancel their lease agreements. The WCRHT is taking steps to avoid frustrating landlords who are acting in accordance with their rights.

An aggrieved party may lodge a complaint in their capacity as either landlord or tenant at the Rental Housing Tribunal when a dispute arises. The complaint forms are available on the following website: www.capecitygateway.gov.za and at the Helpdesk at 27 Wale Street, Cape Town.

Once a complaint form has been completed it may be posted or hand-delivered to the Western Cape Rental Housing Tribunal on the Ground Floor, 27 Wale Street, Cape Town. The complaint form may also be faxed to 021 483 2060.

Once the WCRHT is in receipt of the complaint form a file will be opened and a case number allocated. The case will then be assigned to a case officer for investigation. Staff members of the Tribunal remain impartial and unbiased during such an investigation.

Once all the information has been obtained by the case officer, a mediation session will be scheduled in order to assist the parties to reach a settlement. If this process is unsuccessful, the matter will be scheduled for a hearing.

In terms of section 13 of the Rental Housing Act, 1999 a ruling by the Tribunal is deemed to be an order of a magistrate's court in terms of the Magistrates Court Act, 1944 (Act No 32 of 1944).

Any person who fails to comply with a ruling of the Tribunal will be guilty of an offence and liable on conviction to a fine or imprisonment.

In co-operation with the Chief Magistrate's Office an arrangement has been concluded in terms of which a ruling by the WCRHT will lead to warrant of execution being issued by the Clerk of the Magistrate's Court, enabling the victorious[alternative word – favoured?] party to attach the goods of the wrongdoer.

The fundamental principles and guidelines upon which the WCRHT operates are drawn from the following legislation.

- The Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)
- The Rental Housing Act, 1999 (Act No 50 of 1999), as amended in terms of Act 43 of 2007
- The Unfair practice Regulations and the Procedural and staff Duties Regulations published in terms of Act 50 of 1999
- The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 1998 (Act No 19 of 1998)

Further information about the WCRHT is available on the Cape Gateway Website at
http://www.capecgateway.gov.za/eng/pubs/public_info/R/224295/1

Contact Details:

Western Cape Rental Housing Tribunal
Ground Floor
27 Wale Street
Cape Town
8000

Call Centre no: 0860 106 166

Fax no: 021 483 2060

For Media Inquiries

Bruce Oom

Spokesman for Minister Bonginkosi Madikizela,
Human Settlements, Provincial Government of the Western Cape

Cell: 072 4655 177

Tel: 021 483 6622

Fax: 021 483 3888