



Western Cape
Government

Human Settlements

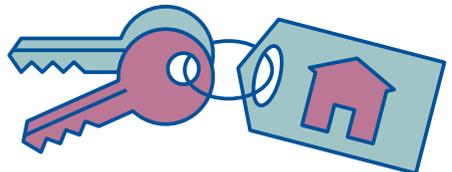
BETTER TOGETHER.



Making living conditions in the Western Cape
BETTER TOGETHER.

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WHAT IS THE RENTAL HOUSING TRIBUNAL?

The Rental Housing Tribunal's main function is dispute settlements between tenants and landlords.

Established in 2001, the RHT provides a free service on residential rental matters between landowners or their agents and tenants.

The RHT is comprised of five members (including a chair and vice chairperson) appointed by the Western Cape Provincial Minister of Human Settlements, who each have expertise in property management, housing development and consumer matters pertaining to rental housing. The RHT implements the Rental Housing Act 50 of 1999.

The Tribunal is assisted by the support component within the Department of Human Settlements.

The Tribunal seeks to:

- Harmonise relationships between landlords and tenants in the rental housing sector;
- Resolve disputes that arise due to unfair practices;
- Inform landlords and tenants about their rights and obligations in terms of the Rental Housing Act;
- Make recommendations to relevant stakeholders.



WHAT ARE THE GOALS OF TRIBUNAL?

- To promote stability in the rental housing sector in the Western Cape;
- To create mechanisms to deal with disputes in the rental housing sector;
- To facilitate, investigate, mediate and conduct hearings to resolve disputes;
- To inform landlords and tenants of their rights and obligations should unfair and unlawful practices arise.

WHAT ISSUES DO THE TRIBUNAL DEAL WITH?

- 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;
- Failure to provide municipal services

WHO MAY LODGE A COMPLAINT WITH THE TRIBUNAL?

A tenant or landlord (or group of tenants or landlords) or any person or group with a vested interest in the property concerned may lodge a complaint with the RHT.



WHAT DOES IT COST?

The RHT provides a free service to landlords and tenants and you can represent yourself.

HOW TO LODGE A COMPLAINT?

	<ul style="list-style-type: none">• Download the complaint forms on the human settlement website.
	<ul style="list-style-type: none">• Complete the form and submit together with all annexures and a copy of your lease agreement to RHT. Disputes@westerncape.gov.za
	<ul style="list-style-type: none">• Documents can also be faxed to 021 483 3313
	<ul style="list-style-type: none">• Complainants may also drop off forms at the ISM Building, 27 Wale Street in Cape Town

WHAT HAPPENS TO MY COMPLAINT AFTER THIS?

- After submission your complaint is screened to see if there is any Unfair practice in terms of the Regulation 9(1)(e) and Regulation 9(2)(f) of the Rental Housing Act.
- Your complaint goes via the administrative process and a reference number is allocated to your complaint thereafter it is referred to a case manager
- A Case Officer will be assigned to your case and will contact you regarding your complaint.

HOW IS MY COMPLAINT HANDLED?

- Once a complaint is lodged a preliminary investigation will be conducted to determine whether the complaint relates to a dispute in respect of a matter which may constitute an unfair practice.
- The complaint/investigation may take up to 90 days to be finalized as prescribed in the Rental Housing Act 50/1999.
- It is the responsibility of the complainant to provide the Rental Housing Tribunal with any information or copies of any documents that may help the investigation of a complaint.
- If the complaint does relate to a dispute, the Tribunal will try to resolve the matter by means of informal or formal mediation.
- If the parties are unable to reach an agreement, the case will be referred for a ruling at a formal hearing.

WHAT IS MEDIATION?

Mediation is a safe, informal and confidential meeting in which people are encouraged to resolve disputes via meetings with a mediator. The trained and impartial mediator will assist parties to come to an agreement. The parties will decide what will be in the mediation agreement and not the mediators. An agreement may be made an order of the court by the Tribunal.



WHAT IS A HEARING?

A hearing is a process whereby parties state their case, with supporting evidence in order for the Tribunal to make a ruling which is final and binding for all parties. Proceedings of the Tribunal can only be brought under review before the High Court.

WHAT HAPPENS WHEN PARTIES DO NOT ADHERE TO THE RHT RULING?

A decision by the Tribunal is regarded as an order of the Magistrate's court. Any person who fails to comply with the Tribunal's ruling will be guilty of an offense and will be fined or imprisoned for a period not exceeding two years, or both such fine and imprisonment.

Examples are:

- Conviction to pay a fine without sufficient cause;
- Refuses to go under oath;
- Refuses to make available any document in his/her ownership;
- Intends to betray the Tribunal; or makes false statements that violate any rule of law.

WHAT RIGHTS DO TENANTS HAVE?

- Not have his/her person or residence searched
- Not have his/her property searched
- Not have his/her possessions seized without an order of the court
- Privacy of communication



WHAT ARE THE RIGHTS OF THE LANDLORD?

- Prompt and regular payment
- Recover debt after a court order has been obtained
- Terminate a lease on grounds not deemed unfair and as specified in the lease agreement
- Upon termination of a lease, receive the property back in good state and repossess the property after a court order has been obtained
- Claim compensation for damages/improvements

EVICITION PROCESS

There are many factors that may lead to a Landlord's decision to evict a tenant, such as causing major damage to the property, staying on the property after the lease has expired and continuously breaking rules of the contract and late or no payment of rent money.

To find out if your tenant is in breach of contract, check your agreement. There should be a clause saying what constitutes a breach of contract (for example, not paying the rent on time) and what your rights would be in such a case.

There are a number of laws within South Africa that govern rental agreements, including the Rental Housing Act (Act 50 of 1999), Law of Contract, Common Law, Consumer Protection Act (CPA) and the Constitution.

Evicting tenants is not a simple process. There are certain do's and don'ts dictated by law that all landlords should be aware of to follow the correct procedure and having their tenants removed from the property.



CAN THE TRIBUNAL ASSIST ME WITH EVICTING A TENANT OR WITH AN EVICTION ORDER.

No, The Rental Housing Tribunal does not have powers to grant evictions orders. Should the Tenant fail or refuse to vacate, the Landlord, through a lawyer, may apply for an Eviction Order in terms of The Prevention Of Illegal Eviction From And Unlawful Occupation Of Land Act 19 Of 1998 at the Magistrate Court.

DO LANDLORDS HAVE THE RIGHT TO REFUSE RESIDENCE BECAUSE OF PERSON'S NATIONALITY?

A landlord may not unfairly discriminate against prospective tenants on race, gender, sex, pregnancy, marital status, sexual orientation, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth.

COMPLAINTS RELATING TO THE GENERAL MANAGEMENT OF THE COMPLEX AND NON-ADHERENCE OF BODY COOPERATE RULES?

Community Schemes Ombud Service Act, 2011 was established to deal with community schemes or arrangement where there is shared use of, and responsibility for parts of, land and buildings including:

- Sectional title development schemes
- Share block companies
- Home or property owners associations
- Housing schemes for retired persons
- Housing co-operatives



COMMUNITY SCHEME OMBUD SERVICE CONTACT DETAILS

Provincial Ombud: Eastern; Northern & Western Cape Regional Office
8th Floor Constitution House, Adderley Street, Cape Town
T: +27 (0)10 593 0533 F: (0)10 590 6154 | C: 079 874 2421
E: maletsatsi.wotini@csos.org.za
www.csos.org.za Fraud Hotline 0800 701 701

For all general enquiries

E-mail: rht.enquiries@westerncape.gov.za

For dispute related enquiries

Submit all complaint forms, annexures and a copy of your lease agreement to: E-mail: rht.disputes@westerncape.gov.za
Telephone: 021 483 5020 / 0645 / 2396
Fax: 021 483 3313

Department of Human Settlements

Private Bag X9083
27 Wale Street
Cape Town 8000

Contact Centre: 0860 106 166
Please Call Me: 079 769 1207
SMS: Help to 31022



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