



DEPARTMENT of  
HUMAN SETTLEMENTS

Provincial Government of the Western Cape

**WESTERN CAPE RENTAL HOUSING  
TRIBUNAL**

**ANNUAL REPORT**

**2010/2011**

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## FOREWORD BY CHAIRPERSON

It is with pleasure that we submit this annual report, covering the period 1 April 2010 to 31 March 2011, to the Provincial Minister for Human Settlements and to the Western Cape Provincial Legislature.

This is also my first report as Chairperson of the Tribunal.

Being very aware of the imperatives in the Rental Housing Act, Act 50 of 1999 to finalize cases within 90 days, we early in the year under reporting requested information on the backlog. As there were doubts as to the accuracy of the reports generated by the E-Mats System, all the case officers were requested to do a physical count of the number and status of complaints under their control.

This process started in September 2011 and a final report on the backlog was submitted to us during January 2011 and the report indicated a backlog of 1 819 complaints.

We then followed this up with group meetings with staff and individual meetings with each and every staff member and a collaborative effort was made to reduce the backlog.

This exercise was extremely useful in more ways than one. It brought out shortcomings in the procedures which we addressed. As an example it appeared from these discussions that many complainants fail to confirm with the Rental Housing Tribunal that their files may be closed once a complaint was solved. The files were kept open until the complainant confirmed that it may be closed with the result that these files were kept open for months and months.

Now, once a complaint has been solved, the complainant will receive a letter from the RHT that the file will be closed within 10 days unless an objection is received. This has brought down the number of open cases dramatically.

A further plus following the individual meetings with staff members were that we could assist with difficult matters and this interaction has, we believe, led to a better interaction between the staff and the members. This again has led to the knowledge and confidence of staff members

increasing and a better morale which has led to an increase in performance. At the end of March the backlog was 344 cases.

As members, we have with different backgrounds and experience reached a position where we work with openness and transparency and in synergy. We believe that this is visible to the staff and the public that we serve and in so enhancing the image of the RHT. I am positive that we will with the support of the staff and the department becomes a leader amongst the tribunals in this country.

As members we have taken decisions as a collective on how to work more efficiently. Members no longer come in to specifically do administrative work but we now do that work before, in between and after hearings. We have also taken steps to cut down on catering expenses.

The RHT has a staff compliment that is enthusiastic, dedicated and with a wealth of experience that should be harnessed. Thank you for taking ownership of the issues at stake.

The support from Drikus Basson and Francois de Wet are appreciated. Nathan Adriaanse has shown a particular interest, insight and support of our activities. Thank you to all of them.

As members we are faced daily with people with housing problems. The dire financial position of many of the parties does not leave us untouched. It remains a challenging but rewarding task to make rulings that are just and fair and balance the rights of landlords and tenants.

In conclusion, our challenges are to maintain a well-trained and motivated staff, to educate landlords and tenants about their rights and obligations and lastly to market the function of the RHT outside the Cape Metropolitan.

And lastly a big thank you to my members for their unwavering support and enthusiasm.

ARNO BOTHA

Chairperson: Western Cape Rental Housing Tribunal



## **PART ONE: GENERAL INFORMATION**

### **1.1 Introduction**

Formed in 2001, the Tribunal consists of five members (including a chair and vice chairperson), and one alternate member appointed by the Provincial Minister of Human Settlements who have expertise in property management, housing development and consumer matters pertaining to rental housing. The Tribunal is assisted by the Support Component of the Directorate Communications and Stakeholder Relations. The Tribunal provides a free service to tenants and landlords in the Western Cape, and its main function is dispute settlement between tenants and landlords.

The Tribunal is established in terms of section 7 of the Act. The activities of the Tribunal are funded from moneys appropriated by the Provincial Legislature and the Head of the Department of Human Settlements is the Accounting Officer in respect of moneys appropriated.

### **1.2 Legislative framework**

The following legislation provides fundamental principles and guidelines upon which the Tribunal operates:

- The Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- The Rental Housing Act, 1999 (Act No 50 of 1999);
- 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).

The functions of the Tribunal are to harmonise relationships between landlords and tenants in the rental housing sector; resolve disputes and unfair practices; inform landlords and tenants about their rights and obligations in terms of the Act; and to make recommendations to relevant stakeholders pertaining to issues related to the rental housing sector.

### **1.3 Vision**

The Western Cape Rental Housing Tribunal seeks to harmonise relationships between landlords and tenants in the rental housing sector.

### **1.4 Mission statement**

The Western Cape Rental Housing Tribunal seeks to promote stability in the rental housing sector by facilitating the process of resolving disputes and advising landlords and tenants.

### **1.5 Key functions**

- To promote stability in the rental housing sector;
- To provide mechanisms to deal with disputes in this sector;
- To promote the provision of rental housing property;
- To facilitate, investigate, mediate and conduct hearings to resolve disputes between landlords and tenants;
- To inform landlords and tenants of their rights and obligations should unfair practices arise; and
- To make recommendations to relevant stakeholders regarding issues to be addressed in the rental housing field.

## PART TWO: HUMAN RESOURCE MANAGEMENT

### 2.1 Personnel arrangements

The Rental Housing Tribunal does not have personnel within its employ. The administrative and technical support functions are performed by staff within the employ of the Department of Human Settlements that provides a Support Component in terms of section 11 of the Act. The personnel are appointed subject to the laws governing the Public Service and perform the functions delegated to them by the Tribunal, through formal delegations.

### 2.2 Personnel and related information

During the reporting period, the Minister for Human Settlements in the Western Cape, Bonginkosi Madikizela appointed new members for the Provincial Rental Housing Tribunal. In terms of the Rental Housing Act, the Provincial Minister for Human Settlements is vested with the powers to appoint members of the Tribunal who have expertise in property management, housing development and consumer matters pertaining to rental housing. The current Tribunal consists of the following members;

<u>Name</u>	<u>Capacity</u>
Mr JJA Botha	Chairperson – 01/07/10 1 <sup>st</sup> Term
Ms M Wotini	Deputy Chairperson – 01/01/10 4 <sup>th</sup> Term
Mr RJ Vincent	Member – 01/08/09 1 <sup>st</sup> Term
Mr I Higgins	Member – 01/08/09 1 <sup>st</sup> Term
Ms V Marks	Member – 01/07/10 3 <sup>rd</sup> Term
Ms P van Renen	Alternate Member – 01/07/10 1 <sup>st</sup> Term

The term of office of members is 3 years.



## 2.3 Expenditure

Expenditure in respect of the Tribunal for the financial year is as follows:

1. Compensation and benefits of staff:	R 3 902 907.47
2. Compensation of Tribunal members:	R 1 441 864.41
3. Other expenses:	R 1 029 881.51
Total:	R 6 374 653.39
4. Budget:	R 6 573 000.00
5. Underspent:	R 198 346.61

## PART THREE: PERFORMANCE OF THE TRIBUNAL

### 3.1 Key functions

The key functions of the Tribunal for the period under review were as follows:

- To promote stability in the rental housing sector;
  - To provide mechanisms to deal with disputes in this sector;
  - To promote the provision of rental housing property;
  - To facilitate, investigate, mediate and conduct hearings to resolve disputes between landlords and tenants;
  - To inform landlords and tenants of their rights and obligations should unfair practices arise; and
  - To make recommendations to relevant stakeholders regarding issues to be addressed in the rental housing field.

## 3.2 Review of activities

### 3.2.1 Staffing

During the previous reporting period a motivation was submitted for the approval of two one year contract posts for a technical case officer and case officer due to the high case volumes and lack of capacity. This was approved and the successful candidates commenced duty on 14 June 2010 and 24 June 2010 respectively. An administrative clerk position became vacant and this position was also filled during the reporting period.

At the end of November 2010, Mr Achmat Tassiem retired from the Public Service. Mr Tassiem was employed as a case officer at the Rental Housing Tribunal. This position was advertised and shortlisting has been completed. The successful candidate will commence duty during the new financial year.

There has thus has been an increase of capacity to investigate cases, to facilitate mediations, to prepare documentation for hearings and to provide the necessary support to the members.

### 3.2.2 Call Centre

Statistics for the number of calls received at the Call Centre during the reporting period are set out in Figure 1.

Figure 1:

MONTH	CALLS
April	1047
May	1102
June	1026
July	1118
August	973
September	1062
October	1131
November	1064
December	816
January	999
February	1031
March	1157

### 3.2.3 Hearings of the Tribunal

A total of 279 hearings were conducted by the Rental Housing Tribunal Members. The following list gives a summary of hearings during the year under review.

MONTH	NUMBER OF HEARINGS
April 2010	20
May 2010	19
June 2010	18
July 2010	17
August 2010	18

September 2010	23
October 2010	43
November 2010	29
December 2010	18
January 2011	24
February 2011	25
March 2011	25
<b>TOTAL</b>	<b>279</b>

Hearings outside of Cape Town are held as close as possible to the point of complaint and the Tribunal is therefore dependent on the infrastructure provided by the local authorities. Hearings were held in George, Franschhoek, Bredasdorp, Belhar, Vredenburg, Vredendal, Grabouw, Worcester and Hermanus – a total of 21 hearings outside of the Metropole.

### 3.2.4 Help Desk

Statistics provided for the reporting period are set out in Figure 2.

Figure 2:

<b>MONTH 2010 – 2011</b>	<b>WALK-INS</b>
April	135
May	178
June	139
July	106
August	120
September	195
October	199
November	222

December	120
January	180
February	152
March	176

### 3.3 Performance of the Tribunal

A total of 2710 cases were opened during the reporting period, compared to 2454 in the previous year. During January 2011 a report was presented to the Rental Housing Tribunal Members with regards to the backlog statistics of the Tribunal. In terms of the case management report received at the end of December 2010, the backlog amounted to 1819 complaints. During the last three months of the financial year the staff at the Rental Housing Tribunal embarked on an extensive process to reduce this number. This number has been drastically reduced to 344 cases, and this includes 144 complaints lodged by Communicare tenants. During the reporting period the Rental Housing Tribunal has also seen an influx of group complaints. The table below indicates the amount of group complaints received:

Figure 3:

<b>Tenants/Areas where complaints was received from</b>	<b>Number of complaints lodged</b>
Leentjiesklip Tenants	113
Jubilee Retirement Centre Tenants	68
Communicare Tenants	144
Department of Public Works Tenants	8

A comparison of the number of cases per year is set out in Figure 4.

Figure 4:

NUMBER OF CASES PER YEAR							
2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
102	120	233	299	352	487	767	904
	+17%	+94%	+28%	+17%	+38%	+57%	+17%

2008/09	2009/10	2010/11
1237	2454	2710
+27%	+49%	+9%