

Rental housing tribunal

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The Rental Housing Tribunal (RHT) is an independent body appointed by the Provincial Minister of Housing to promote stability in the rental housing sector and to resolve disputes between landlords and tenants of residential dwellings with the least amount of inconvenience and cost to the disputants. It aims to offer a speedy process of justice to resolving disputes that would otherwise remain clogged in the legal system for months, if not years.

Each tribunal office consists of three to five members that are appointed to serve a term of three years and, if appropriate, can be extended for a further three years. The members include attorneys, advocates, property professionals and experts in consumer matters related to rental housing elected by the Minister of Housing. The tribunal also has a staff component that includes inspectors, technical advisors and administrative support staff.

The RHT has the authority to arrange mediations or sub-poena parties to a hearing. The ruling of the Tribunal is deemed to be a judgment of a Magistrates Court. The RHT can, in addition, impose a fine and/or imprisonment and has the authority to deal with disputes, complaints or problems that include: non-payment of rentals, refund of security deposits, invasion of tenants' privacy, overcrowding, determination of whether rentals are exploitative, unlawful seizure of tenants' goods, discrimination by a landlord against a prospective tenant, receipts not issued, tenants conducting a nuisance, maintenance and repairs, illegal lockout and disconnection of services.

When a dispute arises

When a dispute arises between a landlord and tenant, the landlord or tenant may file a complaint by either posting, faxing or emailing a complaint form to the RHT office or by filling in a complaint form at their closest RHT office. A case manager will then open a case file and enter the names of the complainant and respondent, a summary of the nature of the complaint and a case number into the register. A letter is then sent to the parties regarding the complaint filed. Parties are also informed of the date, time and place that the case will be mediated or heard. At this stage the respondent can also file a counter-claim against the complainant.

In the case of mediation between the parties, the mediator does not have the power to make a ruling. The mediator's role is to advise the parties about the law relating to the dispute and help them find a solution. At the conclusion of a successful mediation, parties can ask for the agreement to be made a ruling of the tribunal. If the mediation is not successful, the case will be referred to the tribunal for a hearing.

In a hearing, the parties (or their authorized representatives) will be given the opportunity to present their case and to put forward any relevant evidence. Parties have the right to cross examine each other and tribunal members may ask questions of the parties. An inspection report regarding the state of the dwelling may also be discussed depending on the type of dispute. The Tribunal will adjourn to examine the evidence and will usually give its ruling on the same day.

Landlords and tenants should know about the legal requirements of residential letting

Landlords, tenants and letting agents are encouraged to educate themselves on the legal requirements of residential letting to avoid negative consequences down the line and perhaps even a hearing at the RHT.

The University of Cape Town now offers a one-day residential property letting workshop in Cape Town and Johannesburg, which is presented by Mr. Salim Patel and Prof. Graham Paddock.

This workshop is ideal for letting agents, estate agents, attorneys, landlords, home owners and property investors and will equip students with a thorough understanding of the legal aspects pertaining to the letting of residential property. The workshop will empower students in their understanding of the Rental Housing Act and the Prevention of Illegal Eviction Act and will include all recent amendments.

Please contact Candice at candice@getsmarter.co.za or on 021 683 3633 for more information. Alternatively, visit www.getsmarter.co.za.

The Rental Housing Tribunal can be contacted at 086 010 6166.

Salim Patel is the Chairman of the Western Cape Rental Housing Tribunal