

RENTAL WATCH

WITH DR SAYED IQBAL MOHAMED



Rights and obligations of tenants marked worldwide

UN creates awareness for the need of affordable rentals

INTERNATIONAL Tenants' Day is observed around the world on the first Monday of October.

Tenants and organisations promote awareness of housing and tenancy-related matters, such as tenants' rights and obligations, affordable rental, evictions, housing shortages and the right to dignity.

In France, the oldest tenants' movement, which is 102 years old, La Confédération Nationale du Logement (CNL), the National Housing Confederation, protects the interest of tenants and first-time home buyers. In 1986, the CNL proposed a special world day for tenants that was accepted by the Council of the International Union of Tenants. It was decided that Tenants' Day would coincide with World Habitat Day.

This year, it coincided with the UN's "International Day of Older Persons". The Swedish-based International Union of Tenants (IUT) chose the theme "sound, safe and suitable housing for elderly people". According to the IUT, 13% of the global population, an estimated 962 million people, are aged 60 or over. Europe has the greatest percentage of the population aged 60 (over 25%).

In South Africa, about 8.5% (4.89 million) are 60 years or older, with the highest percentage 24% (1.18 million) of the elderly living in Gauteng. Life expectancy at birth in 2018 is estimated at 61.1 years for males and 67.3 years for females. Stats SA in 2017 showed that over 60% of fathers were absent in the lives of their children. More women, especially as single parents, head households in South Africa. The latest studies may provide more clarity or different statistics.

While there are similarities with tenants in general, older persons least prefer rental as opposed to secured tenure in the form of ownership. Single older women and those heading households as single parents and grandparents are at greater risk of becoming homeless.

The older persons as pensioners have to survive on a meagre income, most of which goes towards rentals. They are most vulnerable to being displaced and rendered homeless with their children and grandchildren. A case in point is Abigail Naidoo*, a widow whose entire grant is equivalent to her monthly rental of R1 700, excluding utility charges. To supplement her income, she works as a caregiver and is sometimes forced to turn to friends and relatives.



A WOMAN outside the locked gate of the house she was evicted from in this file photo. International Tenants Day was observed yesterday. | BOXER NGWENYA African News Agency (ANA)

She has occupied a basement in Clare Estate, Durban, for the past four years and paid her rental every month on time.

She was away for about two weeks in June when her landlord intended to repair or replace the borer-infested doors. Unable to get hold of her, the landlord went ahead with replacing the doors, without her knowledge and consent. His action appeared to be laudable.

When Naidoo returned, she found herself "locked out", because the front door was also replaced. She contacted the police who responded to her distressed call.

Naidoo said her landlord, who lives above the basement, ignored the police and was not willing to discuss the matter with her. One of the landlord's family members gave her the keys and on gaining entry to the basement, she alleged that some of her personal items were missing.

The warrant officer, who did not want to be named, confirmed that the

landlord appeared disinterested when he got to the property. He further confirmed that Naidoo was upset but did not want to open a case regarding the possible forced entry into her property, and the alleged missing items.

Consequently, her landlord told her that she needed to move out or pay an additional R200. In August she found a notice to vacate under her door, asking her to vacate by the end of the this month. She had had no problems with her landlord for over more than four years, until she called the police when her personal space was violated.

The attorney acting for the landlord responded to questions put to him regarding Naidoo's allegations for this article:

"Our client advises that the door was replaced on May 6, 2018. Your client went to Johannesburg and left the keys of the premises with our client and requested our client to replace the door as it was riddled with borer. She also requested our client to water her

plants in her absence."

Naidoo's response: the door was replaced in mid-June when she was in Johannesburg. She denies having left the keys with her landlord during this time. She says the only time she left the key with her landlord was four years ago when she was admitted to hospital, and it was on that occasion that she requested her landlord to water the plants.

"In the circumstances, our client rejects your client's submission that he gained forceful entry into the premises and replaced the doors without her consent. It is our view that your client is clearly being mischievous and dishonest."

Naidoo says that when she returned from Johannesburg, a new door was installed with a new lock. The burglar gate had also been removed. She then phoned the police who had come to the property, but she did not formally charge the landlord.

"May I also point out that this is the first time, since May 6, 2018

that your client has raised the issue of missing jewellery. Once again, our client rejects your client's submission that jewellery was missing."

Naidoo says she did not mention jewellery. It was her wrist watch and R300 cash that were missing, but she did not mention this to her landlord.

She does not believe her landlord was responsible for the missing items. In any event, this happened in mid-June and not May.

Perhaps Naidoo could have managed the situation differently and maintained the cordial relationship with her landlord. She could not say why she did not speak to her landlord before approaching the police.

* Not her real name

Dr Sayed Iqbal Mohamed is the chairperson of the Organisation of Civic Rights and deputy chairperson of the KZN Rental Housing Tribunal. For advice call Pretty Gumede or Loshmi Naidoo on 031 304 6451 or email civicroights@ocr.org.za.