

## **About the Rental Housing Tribunals**

The Rental Housing Tribunals administer the Rental Housing Act 50 of 1999, and are statutory bodies that provide mechanisms to resolve disputes and build positive relationships between landlords and tenants as an alternative to costly court action.

Members of the Rental Housing Tribunals have experience with housing management, development and rental housing, and are appointed by the provincial MECs for housing.

The tribunals are vested with certain obligations in terms of the Rental Housing Act, Unfair Practices Regulations and Procedural Regulations. The tribunals perform the following functions:

- Receive complaints lodged by landlords, tenants, property agents or interest groups
- Administer and resolve disputes between landlords and tenants in residential properties through the Procedural Regulations
- Give advice to interested parties or individuals, including informing landlords and tenants of their rights and obligations should an unfair or unlawful practice arise
- Conduct consumer education for communities and stake- holders.

The Rental Housing Tribunal has mediation facilities, and if an issue cannot be resolved over the table, then a hearing will be called. The tribunal has the powers to summon a landlord or tenant to a mediation or hearing. A ruling of the Rental Housing Tribunal is deemed to be an order of a magistrate's court in terms of the Magistrates' Court Act 32 of 1944.

The most common issues raised with the Rental Housing Tribunals include: failure to refund deposits, unlawful notice to vacate, exorbitant increases in the rental, failure to pay rent, unlawful seizure of possessions and failure to reduce the lease to writing. Other matters that the tribunal can deal with include: leases that are not in full compliance with the law, lack of maintenance to the property, service cut-offs without a court order, harassment and intimidation, and threats, lock-outs and illegal evictions without a court order.

A Rental Housing Tribunal unfortunately does not have the jurisdiction to evict a tenant. Eviction can be recommended by a tribunal, resulting in the party requesting an eviction having to approach a magistrate's court. A Rental Housing Tribunal can issue spoliation and attachment orders and interdicts, and at present there is no cost to these.

All services of a tribunal are rendered free of charge. Tenants, landlords and property agents may approach it for assistance or to lodge a complaint. The tribunal will inform landlords and tenants of their rights and obligations with regard to the Rental Housing Act and will investigate and mediate the situation at hand to reach a resolution by making recommendations to the relevant parties. Mediation involves an informal, confidential meeting in which the landlord and tenant discuss their issues in the presence of a trained, experienced mediator. The mediator remains impartial and assists the parties to come to a mutually acceptable solution to their problem.

The landlord and tenant are the ones to make a final decision with regard to the mediation agreement, not the mediator. Once the parties have reached an agreement, it is possible for the agreement to be made an order of court.

To lodge a complaint, the petitioner must make contact with the relevant Rental Housing Tribunal office that has authority in the area in which the property is situated. Legislation dictates that the complaint must be in writing. The provincial offices each have their own forms to lodge complaints. When a complaint is lodged, a case is opened and a case number allocated to the matter before a preliminary investigation is conducted. The investigation determines whether the complaint relates to a dispute in respect of a matter that may constitute an unfair practice, which must be determined within 30 days of receiving the complaint. To define this, the tribunal may require additional information from either the complainant or the respondent. In certain instances, an inspector may be appointed to inspect the property in question and compile a report on the complaint.

Once the investigation has been concluded, all parties are informed in writing that the case has been opened and a date and time set for mediation. If no agreement is reached at the informal mediation, the matter will be referred to a formal hearing for the ruling.