

Tenants live in squalor

Refugees vulnerable to rent exploitation

TENANTS of Sky Park flats, who live under appalling conditions, are at their wits' end because of four different notices in three months.

Twenty-two families have turned to the Organisation of Civic Rights (OCR) for help. The majority are refugee/migrant tenants. Thirty-six children are attending primary school; one is at high school and two at university.

The building is infested with rats and certain necessary repairs are needed to the structural parts and the building.

This does not require vacant occupation, but certainly a reduction in rental for tenants who do not have full beneficial use and enjoyment.

Tenants were informed in 2006 that the rental increase for that year would be used for improvements, maintenance and repairs.

This did not happen. Tenants were therefore surprised when they received a "notice to vacate due to renovations" on May 8, 2007, giving them 30 days. The notice itself was legally defective.

Notices on the letterheads are signed by unnamed persons and there are no names on the letterhead of any person.

The supervisor of the building was unable to provide information for the OCR to contact the owner or directors.

A second notice, dated May



24, this year informed tenants that their rentals would increase "three months from now". They were also informed that the building would undergo renovations and children would not be allowed in the building in future.

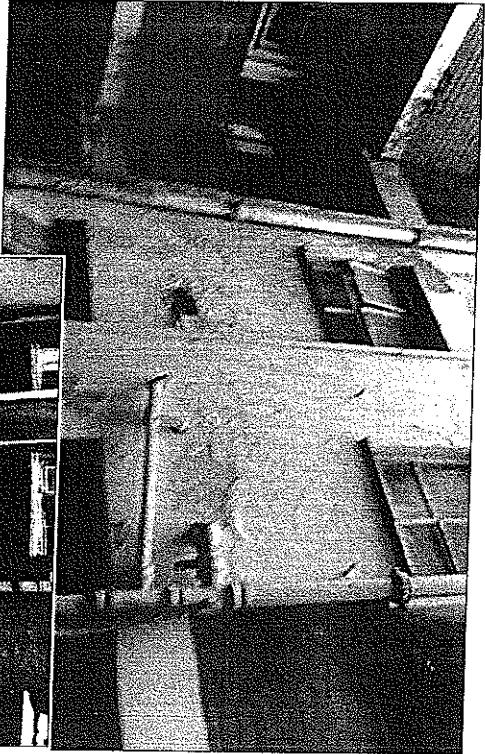
On May 25, the unnamed person(s) issued another notice, this time about a "major upgrade and a three month's notice period."

As if the owners were not satisfied with the confusing notices handed out, another lengthy notice was served on the tenants on July 31.

This notice was about "conversion of flats into a lodge"; it detailed new rates, a deposit of R800.00 and no visitors would be allowed.

Our law has laid down principles regarding notices. One of the fundamental requirements for a notice to be valid is that the notice must be unequivocal.

The content must be obvious, unambiguous, unmistakable and without confusion. In other words, the tenant must be clear about what is intended and communicated to her or



TWO views of the neglected block
Pictures: Supun

him.

The other important requirement is the name of the person(s) or legal entity who instructed that the notice to be issued.

Refugee/migrant tenants are becoming one of the most vulnerable groups of marginalised or disadvantaged tenants in South Africa. There have been several cases over the past two years, involving hundreds of families who were uprooted with their children's education disrupted.

The annual general meeting of the OCR this Saturday, August 25, at the Dennis Humeley Hall, Dikoma Centre, 29 Dikoma Street (St Andrew's



Street, Albert Park, Durban, at 2pm would be decisive.

Dr Lindwe Sisulu, the national minister of housing, who will be the guest of honour, is to be introduced firsthand to the plight of tenants who are being displaced due to exorbitant rent hikes, evictions and conversions.

The OCR also hopes to launch its Mpanzanga provincial advice office, national workshops for refugee/migrant

tenants and provide an update to the seven provincial Rental Housing Tribunals and the imminent second generation Rental Housing Act.

Dr Sayed Iqbal Mohamed is the chairperson, Organisation of Civic Rights, and a member of the KwaZulu-Natal Rental Housing Tribunal and Council of Canadian Administrative Tribunals
Website: www.ocrg.za