

Act protects landlords and tenants from exploitation

Sayed Iqbal Mohamed

THE Rental Housing Act (RHA) No.50 of 1999. *What is this Act about?*

It is a law passed by Parliament for landlords and tenants of residential dwellings. It was published on December 15 1999 and became law on August 1 2000.

The RHA informs both landlord and tenant about their rights, duties and responsibilities when they enter into a lease agreement (verbal or written). It tells both landlords and tenants how to behave and conduct themselves, what they must do, what they cannot do and what would happen if they “violate” each others rights or fail to carry out their duties.

The common law rights and duties continue to exist but the RHA changed some aspects of it. The RHA protects both tenants and landlords from exploiting each other and against other forms of unfair practice.

Does the RHA apply to business/commercial property?
No.

Does the RHA apply to residential dwelling?
It applies to all residential dwellings.

What does the RHA say about a dwelling?
A dwelling includes any house, hostel room, hut, shack, flat, apartment, room,

outbuilding, garage or similar structure a landlord leases to a tenant to live in. A storeroom, outbuilding, garage or demarcated parking space can form part of the leased dwelling if this was agreed between the landlord and tenant.

Can a municipality or provincial government be considered a landlord?

Yes! Owners of private dwellings, municipalities and provincial governments-any person or entity (e.g. close corporation, company) who leases a dwelling to a tenant is a landlord.

What happens when a tenant or a landlord breaks the law in terms of the RHA or their relationship breaks down?

They can contact the Rental Housing Tribunal for advice; file a complaint so that any dispute or conflict regarding an unfair practice or matters affecting the relationship between parties in respect of their lease contract can be resolved.

Sayed-Iqbal Mohamed is the Chairperson, Organisation of Civic Rights and a Member of the KwaZulu Natal Rental Housing Tribunal

This article is from Tenant and Landlord in South Africa: A guide to the rights, duties and responsibilities of tenant and landlord of residential dwellings by Mohamed, published by the Organisation of Civic Rights, Durban, 2004