

# Clearing up the confusion over tribunals

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There appears to be confusion about the relationship between the rental housing tribunals and the provincial and local authorities. The tribunal adjudicates on tenant-landlord matters as an independent body. The provincial and local authorities are landlords who may approach the tribunal by lodging a complaint against their tenants. They may be required to appear before the tribunal as a respondent when their tenants have a dispute and a complaint is registered with the tribunal.

In the case of the Ministry of Housing, even though national parliament made the provincial minister of housing the person in charge of appointing members to the tribunal, the tribunal is independent of the provincial department of housing. In this way, the tribunal's neutrality is protected and the rights of all parties guaranteed. The provincial Ministry of Housing and a local authority are therefore on the same level as a private landlord if summonsed to appear before the Tribunal.

The Rental Housing Act, 50 of 1999 contemplates Information Offices to assist landlords and tenants about how to lodge a complaint and matters relating to the Act and the functions of the tribunal. Even though a municipality can assist with establishing such an office, the independence between the tribunal and a municipality remains. It is in this context that section 14 of the Rental Housing Act must be understood:-

- A local authority may establish a Rental Housing Information Office to advise tenants and landlords in regard to their rights and obligations in relation to dwellings within the area of such local authority's area of jurisdiction.
- A local authority may, subject to the laws governing the appointment of local government officials, appoint officials to carry out any duties pertaining to such Rental Housing Information Office.
- Its functions are to:
  - educate, provide information and advise tenants and landlords with regard to their rights and obligations in relation to dwellings within its area of jurisdiction;
  - provide advice to disputing parties on reaching solutions to problems relating to dwellings;
  - refer parties to the Tribunal;
  - comply with any request of the Tribunal in terms of section 13; and
  - keep records of enquiries received by the office and to submit reports in relation thereto to the Tribunal on a quarterly basis.