

Defining terms of rental agreement

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Daily News Tuesday November 30 2004

1. The payment of rental on time is an important part of the rental agreement. It must be paid at the time and place agreed to, and in the manner requested (cash, cheque, money order, etc).
2. Failure to pay, continuous late payment of rent or the tenant withholding payment, is a violation of the rental agreement. Such actions give the landlord the right to cancel the lease.
3. If the dwelling is let without an agreement to rental, then no contract of lease exists.
4. The landlord can lodge a complaint with the Rental Housing Tribunal of unfair practice when rental is not paid. The tenant is under a duty to pay rental regularly, on time and in full [s4 (5) (a)].

When is Rental Paid?

1. In a written lease, the rental is payable on the date stated in the lease.
2. In a verbal lease, it is payable on the date agreed by the landlord and tenant.

Arrears: If it is paid at the end of the period of occupation, it is paid in arrears, e.g. in the case of a weekly tenancy, rental is paid on or before the end of the week; in the case of a monthly tenancy, rental is paid on or before the end of the month.

Advance: If it is paid at the beginning of the period of occupation then it is paid in advance. Most tenancies are based on advance payment of rental.

Rent is either paid in Arrears or in Advance.

Some tenants confuse the rental paid in advance when the lease contract comes to an end. It is believed that rental is not payable for the last month (or week) of the lease period because of the "advance rental". This misunderstanding or confusion can lead to legal action against the tenant for arrear rental."

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The above article is from Mohamed's book, "Tenant and Landlord in South Africa: A guide to the rights, duties and responsibilities of tenant and landlord of residential dwellings". Published by the Organisation of Civic Rights, Durban, 2004.