

Discriminatory practices disturbing

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There appears to be an increase in racist incidents in sectional title and share blocks affecting owners and tenants. Tenants and their landlords are subjected to rules, written and verbal, that discriminates and humiliates them.

Certain trustees and supervisors are bent on implementing rules that conflict with people's constitutional rights and infringes other laws enacted by parliament. Some of the unpleasant incidents include "overcrowding", invasion of privacy, preventing access to the building and restricting visitors.

The trustees of a body corporate interviewed a couple who were interested in renting a flat. Certain trustees and bodies corporate have assigned to themselves the right to interview and "screen" all prospective tenants; the right to accept or reject a tenant.

The right to ownership of a sectional unit that is constitutionally guaranteed to an individual owner is taken over by rules formulated by certain bodies corporate. Let us take the case of the couple with a two year old. They were found to be "suitable" and a lease contract was concluded with the owner (not the body corporate that interviewed them).

They rented a one and half bedroom flat that restricted the number of occupants to three. A year or so later they had another child that became a bundle of joy and the cause of distress.

The house rules were changed so that two and a half bedrooms were altered to read two bedrooms; one and half bedrooms to one and the number of occupants were thus reduced accordingly.

What followed next was a notice from the body corporate, not the owner / landlord, to the tenant alleging that they had broken the rules by "overcrowding", referring, off course, to the couple's new born baby.

In another incident, the supervisor entered a flat to remove the draped sheets that covered the windows. The tenant had not taken occupation, but was in the process of doing so. The rules did not allow draped sheets and the tenant had broken the rules and this led to a confrontation between the tenant and the supervisor, who was given powers to act on behalf of the body corporate.

The supervisor bluntly informed the tenant to go to her "country" (which in any event was South Africa), but did not act against another tenant or informed him to go to "Europe" or "America" for having loose sheets pegged over his windows. Video footage by the aggrieved tenant supported their contention that the supervisor and certain trustees acted in bad faith.

Over the past few months, similar incidents have been reported from sectional title and share blocks around the city of Durban. Some possible solutions include lodging a complaint with the Rental Housing Tribunal, where a tenant's right is violated, bringing an application before a high court and arbitration.