

Don't be tempted to give a third party rent- you might have to pay again

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IT is quite unsettling for a tenant who receives two separate letters of demand from two attorneys.

The one letter, from the landlord's attorney, threatens legal action should the tenant continue to withhold rentals.

The other, from the attorney representing the tenants' committee, warns the tenant of legal consequences for failing to pay rentals into a trust account. This scenario is typical of sectional title schemes where multiple owners are absentee landlords as well as levy defaulters.

Several sectional title schemes have collapsed and many more in the inner city would cease to function.

The few committed owners who have not defaulted in paying their levies are the ones who are most disadvantaged.

Their tenants no longer pay rentals to them because services have shut down and the building is in a state of disrepair.

A tenants' committee is advised to divert their rentals into a trust account to have services restored and for maintenance costs.

More tenants will be confronted with two letters of demand as honest diligent owners demand rentals.

Who does a tenant pay rentals to? The tenant must start an action to compel the landlord to maintain the dwelling and to ensure that he or she has full use and enjoyment.

Landlords who provide banking details only for the payment of rentals cannot absolve themselves from maintaining contact with their tenants.

The landlord's attorney is perhaps the first opportunity for a tenant to establish communication.

A third party, no matter how noble the intention may be sued or even criminally charged- for collecting rentals. The tenant who has paid to a third party must demand proof of money received; where and how it is held and what attempts were made to contact the landlord.

The tenant may be evicted for non payment and also legally compelled to pay rentals already paid to a third party.

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