

# DUTIES OF MEDIATOR IN HOUSING DISPUTES

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THE provincial Rental Housing Tribunals (RHT) generally uses mediation to resolve complaints in terms of section 13(2) (c) of the Rental Housing Act 50 of 1999.

- ❑ A member of the RHT is appointed by the province's minister of housing to adjudicate on matters and may be tasked to do mediation.
- ❑ As a mediator, the member has no decision-making powers.
- ❑ The mediator explains the procedure to parties and also that she or he is an impartial third party.
- ❑ All or some of the disputes when settled must be reduced to writing and signed by the complainant, respondent and the mediator.
- ❑ A specimen copy of a mediation agreement and other documents of the RHT are usually contained

as annexures in the Regulations.

- ❑ The mediator must maintain impartiality, focusing on the interests, needs and concerns of the parties.
- ❑ Parties cannot be forced to agree on any issue.
- ❑ The mediator must ensure a non-confrontational atmosphere and cannot take sides or display aggression.
- ❑ Parties can object to the mediator who, subsequent to a failed mediation, sits on a panel of at least three members to adjudicate through a hearing. A mediator who is a member on the panel to hear the case has access to privileged information by being a signatory to a confidentiality mediation agreement.

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