

# Ever heard of a tenant and an attorney from hell?

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YOU may have heard of a tenant from hell. This is a tenant who knows the trick of the trade as it were; who knows how to live free of charge and avoid eviction for as long as possible. The *modus operandi* is simple: the tenant enters into a lease agreement, pays the security deposit and at least the first month's rental. Then, the plan that was well crafted begins to unfold. A detailed "wish-list" is presented to the landlord about repairs and maintenance urgently needed.

Rental is withheld on the pretext that the dwelling is not habitable and subsequent correspondence from the landlord's attorney is challenged, setting the stage for a legal defence. When legal proceedings are instituted the tenant knows that by disclosing grounds for dispute, the court will not grant an eviction order unless the matter is set down for oral evidence.

If the application was instituted in the high court, this would mean the trial date could be ten months later if the landlord is lucky. Such a tenant is a nightmare because he or she does not have a conscience. If the lease was signed on behalf of a close corporation as tenant, without a guarantor or any surety, the risk for the landlord is greater.

How does one deal with an attorney who unleashes a barrage of attack against a *bona fide* tenant? Several tenants who thought the change of ownership of the building would have changed things for the better were in for a shock.

The tenants challenged the previous landlord's rent increase because of the conditions of the flats and the building as a whole. The landlord retaliated by having the security gate at the main entrance to the building removed as a "punitive" measure, resulting in two separate incidents of burglaries for the tenants.

The building was sold and transferred to the new owner. The transfer was possible because the new owner bought the close corporation (CC). In other words, members of the CC changed and this did not require certificates of clearance for electrical wiring and other prerequisites before transfer.

The new owner's representative presented himself as a *corporate attorney* on his letterhead, without an address or landline telephone and fax numbers.

After several personal visits to the tenants with letters and eventually a notice to vacate, the contents of which seemed rather bizarre, the "attorney" for the new landlord then threatened to remove the security gate. This was the third gate the tenants had replaced at their own costs under the previous owner.

The tenants, especially women, are terrified of the "attorney from hell" and have exhausted all attempts to get letters served on him. When they presented him with a written response the last time he visited their flats, he informed them that his instructions were not to accept any correspondence from them.

The law society confirmed that a person whose name appeared on the letterhead alongside the words "*corporate attorney*" was employed as a personal assistant by a firm of attorneys. The letterhead included his name as a personal assistant but had nothing to do with a "corporate attorney".

The firm of attorneys also confirmed that they were not instructed to act against the distraught tenants. In the meantime, the tenants have no idea how to stop the "*corporate attorney*" from harassing them and are bracing themselves for the gate to be removed.