

Giving the tenancy relationship space

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Jo-Anne moved into Shirley's outbuilding on a monthly oral tenancy and their families became good friends.

Rental was paid in full and on time and although receipts were not issued, this was not a problem for Jo-Anne. Their children played together and Jo-Anne's children were allowed to use the swimming pool.

On occasions when Jo-Anne and her husband Norman quarrelled, Shirley intervened. Twice, Jo-Anne and Norman "brokered" peace when Shirley and Dave could be heard screaming at each other, their domestic grievances reverberating in the neighbourhood.

The relationship between Jo-Anne and Shirley began to deteriorate and communication between the families broke down, giving way to suspicion and intolerance.

Shirley's solution was to have her tenant evicted while Jo-Anne

was determined to stay on and challenge the notice to vacate.

Jo-Anne accused her landlady for not carrying out maintenance, violating her rights by not issuing receipts and "invading" her family's privacy. Shirley accused her tenant for not paying rental regularly and the list of grievances grew longer over time.

Boundaries are important in any relationship and most certainly between tenant and landlord. While parties to a lease agreement should be encouraged to maintain a good relationship, they must not neglect in performing their rights, obligations and duties.

It would be prudent to have an oral lease reduced to writing on the same terms and conditions so that the boundaries are in place.

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