

Handling beefs over the body corporate

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Sayed-Iqbal Mohamed

What happens when a tenant or landlord / landlady lodges a complaint with the provincial Rental Housing Tribunal (Tribunal) against the body corporate?

The complaint's clerk ought to be in a position to inform the complainant that the Tribunal:-

- has exclusive jurisdiction concerning unfair practice between tenant and landlord,
- is empowered to deal with dispute resolution in respect of residential dwellings only,
- cannot mediate or adjudicate matters relating to bodies corporate and commercial property.

Jurisdiction

If the complaint is accepted and thereafter processed, then, at the time of mediation or a hearing, the mediator or members constituting a hearing panel will inform the parties that the Tribunal does not have jurisdiction in the matter. This would also prevent the wrong party being prejudiced or burdened financially by having to take the matter to High court on the question of jurisdiction.

For a body corporate, the Tribunal's ruling can have significant repercussions if, notwithstanding not having jurisdiction, it rules in the tenant's favour. Where a body corporate wants to deal with a tenant who has flouted its rules, or, in the case of a tenant who has a complaint against a body corporate, the sectional title owner / landlord is the relevant party.