

# Learning to assert our rights

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SOUTH Africans are generally passive when it comes to asserting their rights.

This is particularly evident when parties are summoned before courts; the idea of attending a court and the actual appearance are often intimidating.

Let us take the provincial Rental Housing Tribunals where parties as complaint and respondent (landlord and tenant) are expected to have their case heard.

Should the Tribunal inform the parties of a hearing by giving them inadequate notice period, they have the right to challenge the short notice period. It may be necessary for parties to prepare for the case, examine the Tribunal's file, and if need be, to engage the services of attorney.

The notice period is crucial. The role of the Tribunal is separate and independent of the provincial department of Housing even though the Minister of Housing is required

by law to establish it and be responsible for its operation.

Any correspondence from the Tribunal cannot be on the department's letterhead since the department itself may appear before the Tribunal either as a complainant or a respondent in a matter.

Besides, the department has no jurisdiction in the affairs of the Tribunal.

Support staff of the Tribunal may be seconded by the department but they then become the personnel of the Tribunal.

The public should not hesitate to register their complaint with the Minister, if need be, regarding any semblance of tardiness, blurring of roles, or any matter that prejudices their rights in terms of the Rental Housing Act, regulations and rules of natural justice.

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