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# Limits to Housing Tribunal's authority

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PARTIES before the provincial Rental Housing Tribunal may find that the complaint lodged by the complainant, landlord or tenant, may be dismissed.

Let us take the case of a tenant who received a notice to vacate and registers the complaint as an unfair practice with the Tribunal.

The complaint's clerk opens a file wherein all the details are recorded and thereafter a notice or summons is processed and delivered to the respondent.

The staff, which includes the complaint's clerk, case managers who schedule cases, and the inspector who provides a list of defects in relevant circumstances, do not get involved in the merits of the case.

The Tribunal, either through mediation or through a hearing has the authority to decide whether it has jurisdiction and if the complaint is a valid one.

A daughter who wants to evict her mother or a dispute between a father and his sons over payment of the electricity bill has to be evaluated carefully.

If the mother pays rental or an agreement over rental exists then a tenant-landlord relationship is in place.

The Tribunal therefore has jurisdiction to adjudicate in terms of section 13 of the Rental Housing Act 50 of 1999.

The Tribunal will dismiss the complaint if there is no rental agreement and the payment of the electricity bill is not in lieu of rental.

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