

Lodging linked complaints

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Can a landlord or a tenant lodge a second complaint with the Rental Housing Tribunal, the complaint linked to the first or as a consequence to it?

A tenant is locked-out illegally for failure to pay the rental on time and approaches the Tribunal where a complaint is filed.

The tenant indicates that after the rental was paid, she was given access to the dwelling but also presented with a bill.

The landlord demanded a “lock-out” fee for the alleged illegal lockout and this was the basis of the main complaint.

It would appear that when the landlord received a notice / summons to appear before the Tribunal, he served the tenant with a notice to vacate.

The tenant can lodge a second complaint if she believes that the notice was an act of vindictiveness or in retaliation.

The Tribunal should be informed of the first complaint so that the two cases can be linked and referred to during mediation or hearing.

The mediator or the adjudicators need to be convinced that the notice to vacate was an “unfair practice”. The landlord has the opportunity to disprove the allegation.

The landlord, off course, can take legal action for non-payment of rental through the Tribunal or the magistrate’s courts.

He/she is also entitled to interests on late payment depending on the lease agreement and circumstances under which late payments were accepted in the past.