

Obligations on lease signatories

Daily News Tuesday March 06 2007

REGULAR maintenance, lifts in good working order and payment of rentals are important factors that ensure parties to a lease contract are performing.

There are landlords who do not use the rental income for routine servicing and maintenance.

In sectional titles scheme, defaulting levy payers and absentee landlords is the major cause for the scheme failing.

Tenants have the right to compensation, damage claim and reduction in rental for not getting full beneficial use and enjoyment of their tenancy.

The frequent malfunctioning of lifts has become the norm in the inner cities. A day's breakdown occasionally is understandable but it is extremely unfair when lifts do not function for several weeks, months or even years.

A dispute about internal maintenance and non-functioning lifts affects the full beneficial use and enjoyment.

Withholding rentals however, has serious consequences for tenants who do not have good legal reasons.

Our courts have, in very few cases, allowed the withholding of rentals because the tenants could not use the dwellings for the purpose they were leased.

The court decides on the evidence of a tenant who wants to continue the lease and the evidence of the landlord who has failed to perform his or her part of the lease contract.

Tenants must be vigilant of city sharks who promote the boycotting of rentals and paying these into a "trust account".

Many families have been thrown into the streets because they were advised to withhold rentals due to poor maintenance. Tenants also lost their hard earned income to bogus accounts created to exploit them.

Sayed Iqbal Mohamed, Chairperson, Organisation of Civic Rights; Member of the KwaZulu Natal Rental Housing Tribunal www.ocr.org.za