

Remedy in case of a noisy occupant

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A PERSON who owns or rents a dwelling has the right to full use and enjoyment when ownership is acquired or tenancy is entered into.

Noise as a nuisance factor can be disastrous, especially when an owner or tenant infringes the rights of others.

Noise is a serious pollutant and noise levels [measured in decibels (dB)] interfere with a person's health and well-being, affecting hearing loss and causing other physiological and psychological problems.

It is essential to place the person on terms for breach of the lease contract or conduct rules in a sectional title scheme.

Should the offending party fail to remedy the breach, then action must be taken.

Herein lays the challenge for those who diligently endeavour to respect the peace and quiet of others. The person who does not care about the rights of others may challenge a fine imposed on him / her unless an objective basis is provided.

A petition or affidavits of the residents in a block, a report from the police or health department or a combination of action can go a long way to deal with an unruly owner / tenant.

An owner can also lodge a complaint with the Rental Housing Tribunal or after having followed the procedure for breach, cancel the contract.

In a sectional title scheme, the body corporate can take action against the owner who is responsible for the nuisance, be it personally or indirectly through the tenant.

Sayed Iqbal Mohamed, Chairperson,
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