

Settling a water dispute

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Sayed Iqbal Mohamed

CAN an owner / landlord install a separate water meter after a tenant has taken occupation?

This will depend on the terms and conditions of the lease contract. The installation may be possible under the following circumstances: -

- parties agreed that the rental excludes charges for water consumption;
- the tenant upon receiving a bill, is required to pay the full amount due;
- the tenant was aware and agreed that the landlord / landlady would install a separate water meter.

Should the agreement about rental be inclusive of water charges, the tenant could object to the installation if this means a change to their lease contract.

The following may be grounds for objection:-

- the tenant would have to pay charges for water consumption, over and above the rental;
- if the tenant paid a proportionate share, the installation of a separate water meter would seriously alter the proportion.

The tenant's remedy is to place the landlord / landlady on terms to rectify the breach for altering the terms of the lease agreement.

The landlord cannot change the rental agreement that covers the water costs by installing a separate meter. This may burden a landlord who subsequently discovers that the tenant's water consumption is very high due to additional occupants; rental in this instance does not even cover the costs of the water consumed.

The landlord's remedy is to place the tenant on terms to rectify the breach (of exceeding the number of occupants) provided there was an agreement about the number of occupants.

Ideally, to safeguard the interests of both parties, a rental agreement that excludes payment for water consumption, should have a separate water meter where such consumption is metered separately and accurately.

Chairperson, Organisation of Civic Rights

Member of the KwaZulu Natal Rental Housing Tribunal

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