

# When a tenant can expect redress

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WHAT compensation, if any, can a tenant expect if she does not have full beneficial use and enjoyment of the dwelling?

The following are some of the factors that reduce the beneficial use: -

- Disconnection of water and electricity. The disconnection could be illegally carried out by the landlord because of a dispute with the tenant or by the municipality because of the landlord's failure to make payment.
- In a high rise building, the tenant is forced to use the stairs because the lifts break down frequently or stopped functioning.
- Water leaking through the ceiling or seeping through the floor.
- Failure to maintain and carry out necessary repairs such as replacing a door, attending to faulty electrical wiring or dampness.

- Storing goods in the tenant's dwelling that belong to the landlord or previous tenant.
- Tenant prevented access due to an illegal lock-out.

The tenant can approach a court for appropriate relief which may be a reduction (remission) in rental.

Section 5(3) of the Unfair Practice regulations of the Western Cape Rental Housing Tribunal states: "Where the repairs, conversion or refurbishment are necessary only to a part of the dwelling and the tenant continues to occupy the remaining part, the tenant shall be entitled to a remission in rental, the amount of which shall be proportionate to the extent of the tenant's deprivation."

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