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WHO IS RESPONSIBLE IF LANDLORD CAN'T BE PINPOINTED?

SAYED IQBAL MOHAMED

An illegal act by an entity other than the landlord is still unlawful.

The tenant, who is despoiled by an illegal lockout or disconnection of services, can approach the courts for urgent relief.

A respondent denied that she was the landlady and was therefore incorrectly cited by the tenant, who brought the matter to the provincial Rental Housing Tribunal.

The tenant / complainant contended that the respondent had disconnected the supply of electricity and was the party that acted unlawfully.

The respondent confirmed having done this, but indicated that she was in the process of taking transfer of the property.

Besides, she argued, the owner had given permission to have the services registered in her name.

She proceeded to disconnect the electricity supply because the tenant refused to vacate the dwelling.

She produced a document between the municipality and a third person regarding the electricity and water account.

Her signature appeared on the document that provided for the account holder's or a representative's signature.

This, she argued, was further proof that the services were registered in her name.

The Tribunal rejected that the account was in her name because her signature was that of the owner's representative.

It also dismissed her contention that she was the owner or in the process of taking transfer of the dwelling.

There was no evidence of a purchase and sales agreement in existence and no proof of a transfer.

She was compelled to account for her unlawful action because she was responsible for the disconnection.

Accordingly, the Tribunal ordered her to reconnect the supply of electricity and warned that failure to do so would be contemptuous; she would also be liable for criminal penalty.

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