

# WHO PAYS FOR POOL REPAIRS?

Daily News Tuesday December 12 2006

CAN a tenant withhold rentals because of the swimming pool that has sprung a leak?

The tenant contends that the main reason she signed an agreement to lease the dwelling was the use of the swimming pool. She agreed to maintain the pool but a major fissure in one of the side walls has led to many kilolitres of water loss.

The landlord refuses to effect repairs demanding that the tenant, who was responsible for the repairs and maintenance, should attend to the problem.

The water bill has escalated and the dispute about the responsibility of carrying out the necessary repairs has compelled the tenant to withhold rentals.

The landlord is responsible for repairing the pool

because of a crack in the wall that was not caused by the tenant. He is also under obligation to pay the excess water bill when informed of the problem.

The tenant can opt for cancellation of the lease and sue for breach including the excess water costs.

Alternatively, the tenant could place the landlord on terms that should he fail to remedy the breach, she would carry out the repairs and deduct the repair costs from the rental or if it exceeds one month's rental, to have the repair cost set off against the rentals.

Both tenant and landlord to seek legal advice.

Sayed Iqbal Mohamed  
Chairperson, Organisation of Civic  
Rights; Member of the KwaZulu Natal  
Rental Housing Tribunal  
[www.ocr.org.za](http://www.ocr.org.za)