

Protecting the public's rights

Strict procedures laid down for Tribunal

THE meetings, mediations and hearings of the Rental Housing Tribunal must comply with the provisions of the Rental Housing Act 50 of 1999, regulations, legal principles and other relevant law.

This protects the rights of the public who have an interest, either as complainants or respondents, through the procedure laid down in the Act and the regulations. Section 10 of the Act is therefore relevant to all concerned parties, including members of the Tribunal.

MEETINGS OF TRIBUNAL

Sec10. (1) The Tribunal will sit on such days and during such hours and at such places as the chairperson of the Tribunal may determine.

(2) Meetings of the Tribunal must be held or resumed at such times and places throughout the area of a province as the chairperson may at any time determine.

(3) A local authority may, at the request and at no cost to the Tribunal, make a venue available for meetings of the Tribunal.

(4) Tribunal meetings must be convened for the consideration of:-

(a) any complaint referred to the Tribunal in terms of Section 13;

(b) any other matter which the Tribunal may or must consider in terms of this Act.

(5) The quorum of any meeting of the Tribunal is three members, of which at least two must be appointed in terms of subsection 9(1)(b)(i) and (ii) respectively.

(6) All decisions of the Tribunal, subject to subsection.

(7), must be taken by consensus.

(7) Where consensus cannot be reached by the Tribunal, the decision of a majority of the members of the Tribunal must be the decision of the Tribunal.

(8) In the event of equality of votes on any matter, the person presiding at the meeting of the Tribunal will have a casting vote, in addition to that person's deliberative vote.

(9) A member, or any alternate member of the Tribunal, must *not attend or take part* in the discussions of or decision-making on any matter before the Tribunal in which he or she or his or her spouse, or his or her relative within the second degree of affinity, or his or her partner or his or her employer, other than the State, or the partner or the employer of his or her spouse, has any direct or indirect pecuniary interest.

(10) Minutes of the proceedings of the Tribunal must be kept and retained at the offices of the Tribunal.

(11) No decision taken by the Tribunal will be invalid merely by reason of a vacancy in the Tribunal, or of the fact that any person not entitled to sit as a member of the Tribunal, sat as such a member at the time when the decision was taken by the majority of the members of the Tribunal present at the time and who were entitled to sit as members of the Tribunal.

(12) Any person may, in the prescribed manner, obtain copies of minutes contemplated in subsection (10) against payment of a prescribed fee.

Dr Sayed Iqbal Mohamed is the chairperson of the Organisation of Civic Right, and a member of the KwaZulu-Natal Rental Housing Tribunal and the Council of Canadian Administration