

How a rental hearing works

Daily News Tuesday June 23 2009

WHAT HAPPENS at the Rental Housing Tribunal (RHT) on the day of a Hearing:

- i) Any member of the public can attend a hearing (“open court”), unless a party is granted permission for a hearing to be held in camera, that is, to exclude the public
- ii) The hearing panel constituted by the members (three, four or five) must be present throughout the hearing at all times, be present at any inspection of the dwelling and during deliberations of the evidence to arrive at a decision (ruling).
- iii) If a hearing is not concluded in one sitting, it is considered part-heard and parties will have to attend another day. The same members have to be present. If a member is unable to continue with the part-heard hearing (where for example the member has resigned), the case will have to start anew; as if it was not heard before (de novo).
- iv) Parties together with the Tribunal members sign an attendance register.
- v) The Chairperson explains to the parties about the procedure that includes: -
 - The recording of the proceedings.
 - Taking the oath or an affirmation.
 - The parties will be given the opportunity to state their side of the case (give evidence), call witnesses and produce any relevant book, document, or object.
 - One party has the right to ask questions after evidence is

given by the other (“cross examination” that is used in a formal accusatorial procedure).

- Witnesses are allowed to give evidence.
- Tribunal members may ask questions of the parties and enquire about facts (inquisitorial approach).
- Any inspection report regarding the state of the dwelling will be discussed. The inspector or the person who investigated the dwelling need to give evidence and may be cross-examined by the respondent. The report would otherwise be considered hearsay.
- The Tribunal together with the parties may inspect the dwelling.
- The Tribunal will then adjourn to examine the evidence and thereafter give its ruling.
- The ruling may be given on the day of the hearing.

Ruling of the Tribunal

To make a decision (ruling), members of the Tribunal must take into account the following in terms of section 13(6) (a), (b), (c), (d) and (e):

- Unfair practice regulations
- Provisions of the lease
- The common law (if a particular matter is not addressed in the regulations or a lease)
- National housing policy and national housing programmes
- The need to find a solution in a practicable and equitable manner.

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