

Resolving responsibilities

RHTs adjudicate independently of provincial or local authority

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THERE appears to be confusion about the relationship between the Rental Housing Tribunal (RHT) and the provincial and local authorities.

The RHT adjudicates on tenant-landlord matters as an independent body.

Provincial and local authorities are landlords who may approach the RHT by lodging a complaint against their tenants.

They may be required to appear before the RHT as a respondent when their tenants have a dispute and a complaint is registered with the RHT.

In the case of the Ministry of Housing, even though parliament made the provincial minister of housing the person in charge of appointing members to the Tribunal, the RHT is independent of the provincial Department of Housing.

In this way, the RHT's neutrality is protected and the rights of all parties guaranteed.

The provincial Ministry of Housing and a local authority are therefore on the same level as a private landlord if summonsed to appear before the RHT.

Information Offices

The Rental Housing Act 50 of 1999 as amended (RHA) contemplates Information Offices to advise landlords and tenants on matters relating to the RHA and the functions of the RHT.

Even though a municipality can assist with establishing such an office, the independence between the RHT and a municipality remains.

In fact, complaints cannot be lodged at the Information Offices according to parliamentary minutes that deliberated this provision¹: -

Mr Khoza (IFP): Section 14 allows the local authorities to establish Rental Housing Information Offices.

To what extent can they resolve disputes? Is there any problem in creating local tribunals?

¹ Rental Housing Bill (B29-99): Discussion, Housing Portfolio Committee, 7 September 1999.

D-G: The local government role is to establish information offices.

The information offices assist landlords and tenant with information and they provide advise (sic).

Information offices cannot be converted to tribunals.

The role of the local government information office is to assess the situation and provide information and advise (sic) to the parties.

If the matter is serious, it refers the matter to the tribunal.

Mr Lee (DP): Where the local government is the lessor who will solve the problem and who will decide that the matter is urgent because they have an interest in the matter.

D-G: The lodging of complaints is done at the tribunal and not the information office.

It is in this context that section 14 of the RHT must be understood:-

14. (1) A local authority may establish a Rental Housing Information Office to advise tenants and landlords in regard to their rights and obligations in relation to

dwelling within the area of such local authority's area of jurisdiction.

(2) A local authority may, subject to the laws governing the appointment of local government officials, appoint officials to carry out any duties pertaining to such Rental Housing Information Office.

(3) The functions of a Rental Housing Information Office are to –

- (a) Educate, provide information and advise tenants and landlords with regard to their rights and obligations in relation to dwellings within its area of jurisdiction;
- (b) Provide advice to disputing parties on reaching solutions to problems relating to dwellings;
- (c) Refer parties to the Tribunal;
- (d) Comply with any request of the Tribunal in terms of section 13; and
- (e) Keep records of enquiries received by the office and to submit reports in relation thereto to the Tribunal on a quarterly basis.

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