

# Some property owners are motivated by greed



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EVICTIONS take place for various reasons and during the apartheid era, families and so called mixed couples were evicted for racist reasons.

Racist laws made it legal for such evictions. In our constitutional democracy, uprooting and displacement of families continue, often for monetary reasons.

However, laws have changed and continue to change as a result of our constitution. Most tenants are not aware that they can challenge certain notices requiring them to move out of their dwellings. Where tenants are organised, they have strength in their unity and provide support to each other.

It is not unusual for tenants to receive "incentives" following the eviction notices but in most instances, scare tactics and fear mongering works much better for unscrupulous landlords and their representatives. The recent spate of eviction notices served on tenants to move out of their flats in central Durban and Overport show a strong determination to challenge their landlords.

The eviction cases handled by the Organisation of Civic Rights (OCR) affect about 75 families from six buildings, comprising 269 total number of occupants (91 children, 105 females and 73 males).

Six families are in occupation for more than 30 years, one at West Park Heights is a tenant for more than 50 years. The majority of tenants are in occupation for up to 20 years (41 families), 17 between 11 and 19 years and 10 between 20 and 29 years.

West Park Heights, in West Road, Overport, represents the largest number of families affected in one block. At least 15 families would have moved



THE Organisation of Civic Rights officers, and tenant representatives from Overport, Albert Park and Warwick Avenue discussing the issue of evictions.

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out by this week. The rest are prepared to fight their notices, ultimately to the Constitutional Court.

Their notices are not valid like most notices previously given to other tenants who moved out of their buildings without challenging the invalid notices. Those buildings in Sydenham and Overport are now occupied by students.

Families are not at loggerheads with students who are in dire need of accommodation as well. They are being displaced because universities are contracting with private entrepreneurs to secure accommodation for their students at any cost.

Displacement of families for student accommodation is not confined to central Durban and Overport.

Scottsville in Pietermaritzburg, Johannesburg and Cape Town have seen families having to vacate their dwellings to make way for student accommodation.

The Organisation of Civic Rights understand the students' anxiety in securing accommodation. Their families are also worried when tertiary institutions cannot offer residences and students are placed in privately owned accommodation, often sharing overcrowded spaces at exorbitant rentals with minimal standards of maintenance.

The tertiary institutions pay rentals from money accessed through the National Student Financial Aid Scheme (NSFAS). Herein lies lucrative opportunities for entrepreneurs.

Some property owners and their representatives are motivated by sheer greed. They have absolutely no concern about their long-term tenants who have not defaulted, did not breach their lease agreements and provided their landlords and agents a profitable rental investment for decades.

Student accommodation recently has created a potential niche for such property owners. They do not have

to invest much in maintenance since they cared little about the well-being of their previous tenants.

There are entities and individuals that have positioned themselves strategically as the bridge between private property owners and landlords and tertiary institutions.

Rental is assured upfront since money can be accessed through the NSFAS. Is there a transparent process universities follow in identifying potential accommodation in the private sector?

Who monitors this process? Are students given copies of the leases entered into between the universities and the private landlords? Who are parties to the lease agreements if these actually exist?

Students have the right to know and be in possession of leases to protect their rights and to know what their obligations are. In their desperate drive to secure accommodation for their students, universities cannot ignore the reality of families with children, the old and frail, displaced from their homes.

On the face of it, it would seem that the landlords are within their legal rights to cancel the lease agreements and replace existing tenants with new tenants, for example, students.

In the past 20 years, the law has changed considerably.

Previously it was sufficient for landlords' attorneys to say the lease is cancelled and their clients want to take back their property, relying on the common law.

So much has developed around tenancy laws, through Parliament and our courts.

The common law and sections of the law of contract have changed.

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