

GAUTENG RENTAL HOUSING TRIBUNAL

What is the Rental Housing Tribunal?

The RHT is an independent body appointed by the MEC in terms of the Rental Housing Act to resolve disputes between landlords and tenants in residential dwellings. It is an alternative to costly court action. The Tribunal has the powers to summon a landlord or tenant to a mediation or Tribunal hearing. It can order a landlord or tenant to comply with any part of the Rental Housing Act and its procedural regulations. The ruling of the Tribunal has the same power as the judgement of a Magistrate's Court.

What laws governs the Tribunal?

The Tribunal is established in terms of the Rental Housing Act No. 50 of 1999 and its procedural regulations.

Who can lodge a complaint with the Tribunal?

Any tenant or landlord or group of tenants or landlord or interest groups may lodge complaints for unfair practice.

What do I need to register a complaint?

The aggrieved party is required to bring the following documentation with when registering a complaint:

1. Identity Document (if SA citizen), Permit or Passport (if non South African)
2. Lease agreement
3. Proof of payment (receipt or bank deposit slips)
4. Physical address of both the landlord and the tenant (no postal address)

5. Contact telephone numbers of both the landlord and the tenant

How much do I have to pay to be assisted by the Tribunal?

There is no cost involved for either the landlord / tenant from the time a complaint is filed to the end of a mediation or Tribunal hearing. Our services are **FREE** of charge.

Is the Tribunal for government properties only?

No, the Tribunal applies to all dwellings used for rental housing purposes, irrespective of who the owner / landlord are.

Is the Tribunal for tenants only?

No, the Tribunal is for both the tenants and landlords. Any tenant or landlord or group of tenants or landlords or interest group may lodge complaints with the Tribunal.

Types of disputes

The Tribunal has the authority to deal with disputes, complaints or problems that include:-

1. Non-payment of rentals.
2. Failure to refund a deposit.
3. Invasion of tenant's privacy (including family members and visitors)
4. Overcrowding.
5. Determination of fair rentals.
6. Unlawful seizure of tenant's goods
7. Discrimination by landlord against a prospective tenant
8. Receipt for payment not issued
9. Tenant behaving in an undesirable manner

10. Lack of maintenance and repairs
11. Illegal eviction
12. Illegal lockout or illegal disconnection of services
13. Unacceptable living conditions

Are verbal agreements legal?

Yes, verbal agreements are legal and binding. The minute a person takes occupation of a dwelling or there is an exchange of keys by the landlord that becomes an agreement between the parties.

Can a landlord make profit from the utility services?

No, the landlord cannot make profit out of utility services. By law the landlord must charge the tenant the exact amount for services consumed in the dwelling as reflected in the municipality account.

Can I be forced to sign a lease agreement which I am not happy about?

If the terms and the conditions of the lease agreement are such that they are in contradiction with the Act then a person can seek assistance from the Tribunal.

Does a landlord have a right to lockout a tenant, cut off his / her electricity and enter the dwelling as he / she pleases?

No, the landlord does not have a right to lockout a tenant, cut off his / her electricity or enter the dwelling as he / she pleases. A landlord may enter the dwelling on reasonable notice to a tenant.

Am I required to pay rent on my last month of occupation?

Yes, a tenant is required to pay rent on his / her last month of occupation of the dwelling.

Can I use my deposit as rent for the months that I am unable to pay rent?

No, a tenant cannot use his / her deposit as payment for rent. A deposit can only be used for the repairs if any to the dwelling and the rest should be refunded to the tenant.

Can I request proof from a landlord that my deposit is in a bank?

Yes, a tenant can ask for such proof from a landlord.

Is a landlord allowed to sell his / her property even if my lease is fixed?

Yes, a landlord can sell his / her property, however, a tenant need to be informed of the sale of the property if the new owner will not absorb the existing occupants. If it is a month to month lease then a one calendar month notice to vacate the property should be given to the tenant.

Is a landlord allowed to give proper notice without a valid reason?

Yes, a landlord can on circumstances known to him / her give a tenant a valid notice to move out of the dwelling without informing the tenant of those reasons.

Does the Tribunal issue attachment orders?

Yes, the Tribunal can after listening to both parties issue an attachment order.

Can I keep my rent because the landlord is not maintaining the property?

No, a tenant cannot withhold rent. A tenant should follow proper procedures by approaching the Tribunal office nearest to him / her and lodge a complaint

Are tenants allowed to keep rent because they have a case with the Tribunal?

No, a tenant should always pay his / her rent despite the fact that a case has been lodged with the Tribunal.

Who is responsible for the payment of levies?

It is the responsibility of the landlord to pay his / her levies of the dwelling.

Can I move out before my fixed lease expires?

A tenant cannot move out of a fixed lease agreement because he / she will be in breach of his / her agreement. In certain circumstances a landlord may release a tenant on the following conditions:

1. When a tenant finds someone who will take over the lease term
2. When a landlord makes provision of a releasing fee or,
3. When the landlord withhold a tenants deposit.

I am no longer working and I cannot pay my rent.

A tenant is always liable to pay rental for the duration of the lease. Always read your lease agreement and see what provisions are there for non-payment of rent. If a tenant is unable to afford his / her rent, he / she should speak to his / her landlord and make arrangements on how to pay the outstanding monies.

I am not moving out until I get my deposit back

A deposit is only paid back to the tenant after the tenant has moved out of the dwelling.

I have signed a lease agreement which says I am liable for levies and later I discover that I should not pay levies can I open a case?

Yes, a person is entitled to open a case with the Tribunal if there is an unfair practice even if you have already signed your lease agreement.

Can the Tribunal issue eviction orders?

No, the Tribunal does not have any powers to issue eviction orders. When a person requires this kind of service one should approach the courts.

How does the court grant an eviction order?

A court will grant an eviction order only if tenants no longer have any rights to be occupying the premises, because:

- The lease has expired, or
- The lease has been cancelled by either the tenant or the property owner due to a breach of the conditions of the lease by the other party.

The procedure for obtaining a court ‘order for ejection’ (eviction order) is through the magistrate’s court. However, if the right of occupation is in dispute or if the property is valued at more than R100 000.00, the proceedings will have to be brought in the High Court. Property owners start the procedure by issuing a summons, stipulating that they are seeking eviction orders and calling on the tenants to give notice of their intention to defend the action if they wish. If tenants decide not to defend the action, judgment will be given against them in their absence (a default judgment). If tenants decide to defend the action, property owners may nevertheless attempt to secure a summary judgment against them. This means that, unless the tenants can satisfy the court that they have a bona fide defence, judgment will be given against them.

All the tenants have to do at this stage is to convince the court that they do have a defence. The entire defence does not have to be put before the court. If the court accepts that the tenants have a defence, the case will proceed as usual, with the tenants having to file a plea and thereafter the matter will be set down for trial. Once the order is made, ‘warrants of eviction’ are issued to the sheriff, in the case of a magistrate’s court action, authorising the removal of the tenants and their possessions from the leased premises. The sheriff will move the tenants’ possessions off the premises, in most cases onto the pavement. Evicted tenants have to pay their property owners’ costs in obtaining the eviction order

Where can I get help / contact the Tribunal?

Help can be obtained from one of the following offices:

Provincial Office

Ikusasa House, 4th Floor, 129 Fox Street, Johannesburg Central

Tel: 011 630 5035 / 5036 / 5037 / 5038 / 5049 / 5051 / 5051 / 5052 / 5053 / 5054

Email us: rentaltribunal@gauteng.gov.za

Information Offices in Gauteng

City of Joburg:

Eureka House, No. 92 Marlborough road, Springfield, 2190, (next to Santarama in Rosettenville)

Tel: 011 681 8114 / 5

100 Clement Street, Claremont

Tel: 011 673 1000

No. 1 Colorado Drive, Rent Office, Riverlea

Tel: 011 473 2034

City of Tshwane:

REGION 1

Room 109, 1st floor, Akasia building, 16 Dale avenue, Karen Park, **Akasia**

Tel: 012 358 9069

REGION 2

Kudu House, Room 64, 240 Maritja Street, corner Phafuri, **Sinoville**

Tel: 012 358 4023 / 5545

REGION 3

Bothongo Plaza East Building, Room 229, 2nd floor, 285 Francis Baard Street, **Central West Office**

Tel: 012 358 8852 / 8700 / 1359 / 4081

REGION 4

186, 16th Avenue, Cnr Tangerine and Jewel street, **Laudium**

Tel: 012 374 2070

249, Basden Avenue, Block L, Ground floor, Crystal Park, **Centurion**

Tel: 012 358 4293

REGION 5

Rayton Municipal Offices, Room L39069, corner Oakley and Montrose Street, **Cullinan**

Tel: 012 358 7062

City of Ekurhuleni:

Alberton

Civic Centre Building, Human Settlements Office

Tel: 011 999 2218 / 2487

Benoni

Admin Building, Human Settlements Office, cnr Tom Jones and Elston Street

Tel: 011 999 7611 / 6721

Boksburg

Civic Centre Building, G 29 / G 30 / G31, Cnr, Commissioner and Trichardt Road

Tel: 011 999 2483 / 5330

Kempton Park

Human Settlements Office, City House Building, Ground Floor, cnr Long street and Margaret Avenue

Tel: 011 999 0812

Springs

Human Settlements Office, Room 2B ground floor, cnr Plantation and South Main Reef Road

Tel: 011 999 7403

Brakpan

Human Settlements Office, Room E150 / E148, Cnr Escombe and Elliot Avenue

Tel:

Emfuleni Local Municipality

Vaalgate Centrum, 1st Floor, Human Settlements Department, Cnr DF Malan and Attie Fourie Street, **Vanderbiljpark**

Tel: 016 950 6535