



human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA

HOUSES | SECURITY | COMFORT
CHANGING PEOPLE'S LIVES



What is the Rental Housing Tribunal?

- It is the independent body appointed by the MEC in terms of the Rental Housing Act to resolve disputes between landlords and tenants in the rental residential dwellings.
- It is therefore a dedicated body that can resolve disputes between tenants and landlords as an alternative to costly court actions.

What are the powers of the Tribunal?

- It can summon a landlord or tenant to hearing or mediation.
- It can order a tenant or landlord to comply with any part of the Rental Housing Act.
- Its ruling has the same power as judgement of the Magistrate court.
- It can impose a fine and /or judgement.
- Determination of fair rentals.

Who may lodge a complaint and how?

- Any tenant or landlord or group of tenants or landlords or interest group may lodge a complaint to the Tribunal.
- The complainant fills in a prescribed form. This can be done in one of the following ways:
 1. At the Rental Housing Tribunal Office (RHT).
 2. Faxed to the RHT office.
 3. At the Rental Housing Information Office which a local authority may establish.
 4. By other means allowed by the RHT.

What process is followed when a complaint is lodged?

STEPS	PROCESS
Step 1	A complaint is registered
Step 2	Letters are issued to both parties
Step 3	The RHT conduct preliminary investigation to determine if the matter constitute unfair practice. Mediation is scheduled to try to resolve the matter. If there is no agreement between parties, the matter is refereed to Tribunal hearing, which is called Arbitration
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Step 5	During the Tribunal hearing, a ruling is issued which is binding to both parties
Step 6	A ruling of the Tribunal is deemed to be the order of magistrate's court in terms of Magistrates' Court Act 1944 (Act No. 32 of 1944)
Step 7	If either party is dissatisfied with the proceedings of the tribunal, he/she can take the matter for review before the high High court

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What are some of the matters the Tribunal can deal with?

The Tribunal has the authority to deal with disputes, complaints or problems between tenants and landlords in the rental housing dwellings:

- Non-payment of rentals.
- Failure to refund deposit.
- Invasion of tenant's privacy (including family members and visitors).
- Unlawful seizure of tenant's goods.
- Discrimination by landlord against prospective tenants.
- The changing of locks.
- Lack of maintenance and repairs.
- Illegal evictions.
- Illegal lockout or illegal disconnection of services.
- Damage to Property.
- Demolition and Conversion.
- Forced entry.
- House rules.
- Intimidation.
- Issuing of receipts.
- Municipal services.
- Nuisance.
- Overcrowding and health matters.

Do parties have to pay any fee?

- No, there is no cost involved for either the landlord/tenant from a time a complaint is filed to the end of a mediation or hearing.

Does the Rental Housing Act apply to business or commercial property?

- No

Does the Rental Housing Act apply to all residential dwellings?

- It applies to all dwellings used for residential housing purposes, irrespective of who the owner/landlord is.

What is the dwelling?

- A dwelling includes any house, hostel room, hut, shack, flat, apartment, room, outbuilding, garage or similar structure a landlord leases to a tenant to live in. A storeroom, outbuilding or demarcated parking space may form part of the leased dwelling if this was agreed between the landlord and tenant.

A tenant has a right to:

- Not have his/her person searched.
- Not have his/her property searched.
- Not have his/her possession seized without an order of the court.
- Privacy.

A Landlord has the right to:

- To prompt regular payment of all rental and other charges in terms of the lease.
- Recover unpaid rental and other amount that are due after obtaining a ruling from the Tribunal or a court order.
- Terminate the lease on grounds that do not constitute an unfair practice and is specified in the lease
- Upon termination of lease, receive the property back in good state and repossess the property after an order has been obtained.
- Claim compensation for damages caused to the property.