

GAUTENG RENTAL HOUSING TRIBUNAL

WHO CAN LODGE A COMPLAINT?

Any tenant or landlord or group of tenants or landlords or interest group who resides in the Gauteng Province, may in the prescribed manner lodge a complaint with the Tribunal concerning an unfair practice.

UNFAIR PRACTICES

A practice prescribed as a practice unreasonably prejudicing the rights or interests of a tenant or a landlord.

Unfair practices may relate to:

The changing of locks	tenants committee
deposits	municipal services
damage to property	nuisances
demolitions and conversions	overcrowding and health matters
Eviction (The Tribunal does not have jurisdiction to hear applications for eviction orders)	tenant activities
forced entry and obstruction of entry	maintenance
House Rules, subject to the provisions of the Sectional Titles Act, where applicable	reconstruction or refurbishment work
intimidation	issuing spoliation and attachment orders
issuing of receipts	grant interdicts

HOW TO LODGE A COMPLAINT AND PROCESSES

- Personally at the office of the Tribunal or at the established Rental Housing Information office in the Local Authority
- By mail to the office of the Tribunal
- By facsimile to the office of the Tribunal
- By email using a centralised email address

As from the date of any complaint having been lodged-with the Tribunal, until the Tribunal has made a ruling on the matter or a period of three months has elapsed:

- The landlord **MAY NOT** evict any tenant,
- The tenant **MUST CONTINUE** to pay the rental payable in respect of that dwelling as applicable prior to the complaint or, if there has been a rent increase prior to such complaint.
- The landlord must effect necessary maintenance

Process

Complaints must be lodged on the complaint form prescribed by the Procedural Regulations, obtainable from the offices of the Rental Housing Tribunal or established Information Offices

Below are 6 steps involved in lodging a complaint

STEPS	PROCESS
Step 1	A complaint is registered
Step 2	Letters are issued to both parties
Step 3	The RHT will conduct a preliminary investigation to

	determine whether the complaint relates to a dispute in respect of a matter which may constitute an unfair practice
Step 4	Mediation is scheduled to try and resolve the matter, if there is no agreement between the parties during the mediation proceeding then the matter is referred to the Tribunal hearing which is called the Arbitration stage
Step 5	During the arbitration (Tribunal hearing), a ruling is given which is binding to both parties
Step 6	A ruling by the Tribunal is deemed to be an order of a magistrate's court in terms of the Magistrates' Court Act. 1944 (Act No. 32 of 1944) and is enforced in terms of that Act
Step 7 Review of the Tribunal Proceedings	If a person feels dissatisfied with the proceedings of the tribunal, he/she can take the matter for review before the High Court within its area of jurisdiction. See section 17 of the Rental Housing Act

NB. As from the date of any complaint having been lodged with the Tribunal, until the Tribunal has made its ruling on the matter, the case should not take more than three months to be resolved.

GENERAL PROVISION

A landlord may not discriminate against a tenant during the lease period or when negotiating for a lease on grounds of:

Race	Culture
Gender	Pregnancy
Sexual Orientation	Ethnic or social origin

Promoting stability in the rental housing sector

Marital Status	Colour
Religion	Conscience
Age	Belief
Disability	Language and birth

RESPONSIBILITIES

Tenants must	Landlords must
<ol style="list-style-type: none"> 1. Pay rent on time. 2. Use reasonable care and not damage property. 3. Properly dispose of garbage. 4. Refrain from taking on additional occupants or subleasing without the landlord's written permission. 	<ol style="list-style-type: none"> 1. Make property habitable before tenants move in. 2. Effect repairs for which a landlord is responsible for, under the lease 3. Provide all services agreed to in the lease 4. Provide written notice to tenants when ownership of the property is transferred to a new landlord. 5. Not unlawfully discriminate
A tenant shall not be evicted from the dwelling without a court order	A landlord must give a tenant at least 2(two) months written notice of intention to increase rental.

OFFENCES AND PENALTIES

Any person who **FAILS** to comply without sufficient cause to:

1. To attend at the time and place specified in the summons, or
2. To remain in attendance until excused by the Tribunal from further attendance, or
3. Who refuses to be sworn or to make an affirmation as a witness, or
4. To answer fully and satisfactorily any question lawfully put to any such person, or
5. Who produces before the Tribunal, any false, untrue, fabricated or falsified book or document, or
6. Wilfully furnishes the Tribunal with information, or makes a statement before the Tribunal, which is false or misleading, or
7. Fails to comply with any ruling of the Tribunal, or
8. Fails to comply with a request of the Tribunal, or
9. Contravenes any regulation, will be guilty of an offence and liable on conviction to a **FINE** or **IMPRISONMENT** not exceeding two years or to both such fine and such imprisonment.

PAYMENT OF DEPOSIT

When a tenant has paid his/her deposit, he/she should be issued with a receipt, such receipt must:

- Specify the period in which payment is made
- Name and Surname of the tenant
- Name and Surname of the landlord
- The name and signature of the person receiving payment
- The address of the dwelling
- The deposit amount paid by the tenant

- The date on which payment was made

Important:

1. The deposit must be invested by the landlord in an interest-bearing account with a financial institution. The landlord must pay the tenant such interest at the rate applicable to such account, at the end or termination of lease agreement.
2. Any costs in relation to contract of lease shall only be payable by the tenant upon proof of factual expenditure by the landlord.

INSPECTION

An inspection of the dwelling should be done by both the tenant and the landlord before renting the property and before vacating.

It is important that any person renting a dwelling should first make an inspection of the dwelling together with the landlord before moving in. The landlord should effect repairs for which a landlord is responsible for, under the lease and as identified during inspections by the landlord or on receipt of a written notice from the tenant to do such repairs, within fourteen (14) days or such further periods as may be agreed to between the landlord and tenant.

Checklist:

Turn on each light switch to see if it works
Check outlets (use hairdryer) and sockets (use light bulb) - defects could cause fires
Turn on sink and faucets - check for leaks, proper drainage and water temperature
Flush toilets - check for leaks
Check ceilings and walls for cracks and water stains

Push on the windows - are they secure? Are latches in good working order?
Look at the geyser to see if it is leaking
Key missing from the door
Cracks on walls

REQUIRED DOCUMENTATION WHEN LODGING A COMPLAINT

- ID / Permit / Passport
- Lease Agreement
- Proof of payment
- Physical address of both parties (landlord and tenant)
- Contact telephone numbers of the complainant and the respondent

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 Marlbourgough 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 Beard 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