

**STAKEHOLDER TRAINING & INFORMATION SESSION**  
**03 February 2023**  
**Southern Sun: Tshwane – Arcadia**

**Presentation by**  
**Adv Funeka Thema**  
**Rental Housing Tribunal**

## PRESENTATION OUTLINE

- BACKGROUND
- FUNCTIONS AND POWERS OF THE RHT
- INTERPRETATION OF THE RENTAL HOUSING ACT
- THE CONSUMER PROTECTION ACT
- UNFAIR PRACTICES IN RENTAL HOUSING

## BACKGROUND

- RHT IS AN INDEPENDENT BODY ESTABLISHED BY STATUTE
- RHT ESTABLISHED ITO RENTAL HOUSING ACT 50 OF 1999 AS AMENDED IN 2014
- TRIBUNAL MEMBERS ARE APPOINTED BY THE MEC FOR A PERIOD OF THREE YEARS

## BACKGROUND CONTINUES...

THE PURPOSE OF THE RENTAL HOUSING TRIBUNAL ACT IS:

- ❖ TO DEFINE THE RESPONSIBILITY OF GOVERNMENT IN RESPECT OF RENTAL HOUSING PROPERTY
- ❖ TO CREATE A MECHANISM TO PROMOTE THE PROVISIONS OF RENTAL HOUSING PROPERTY
- ❖ TO PROMOTE ACCESS TO ADEQUATE HOUSING THROUGH CREATING MECHANISM TO ENSURE PROPER FUNCTIONING RENTAL HOUSING MARKET

## BACKGROUND CONTINUES...

- ❖ TO DEFINE THE FUNCTIONS, POWERS AND DUTIES OF SUCH TRIBUNALS
- ❖ TO LAY DOWN GENERAL PRINCIPLES GOVERNING CONFLICT RESOLUTION IN THE RENTAL HOUSING SECTOR
- ❖ TO PROVIDE FOR THE FACILITATION OF SOUND RELATIONS BETWEEN TENANTS AND LANDOWNERS
- ❖ TO PROVIDE FOR MATTERS RELATED THERETO

## FUNCTIONS AND POWERS OF THE RHT

TO DEAL WITH DISPUTES, COMPLAINTS AND/OR ANY PROBLEMS  
BETWEEN THE TENANT AND THE LANDLORD WITHIN THE RENTAL HOUSING  
DWELLING SUCH AS:

NON - PAYMENT OF RENTALS

❖ FAILURE TO REFUND DEPOSIT

❖ INVASION OF TENANT'S PRIVACY

## FUNCTIONS AND POWERS CONTINUED...

- ❖ UNLAWFUL SEIZURE OF TENANT'S GOODS
- ❖ LACK OF MAINTENANCE AND REPAIRS
- ❖ ILLEGAL EVICTIONS
- ❖ DAMAGES TO PROPERTY
- ❖ MUNICIPAL SERVICES

## POWERS OF THE TRIBUNAL

- THEY CAN SUMMONS A LANDLORD OR A TENANT TO A HEARING/MEDIATION
- IT CAN ORDER A LANDLORD OR A TENANT TO COMPLY WITH ANY PART OF THE RENTAL HOUSING ACT
- RHT RULINGS HAVE THE SAME POWER AS JUDGMENT OF THE MAGISTRATES COURT



## THE RHT ACT & REGULATIONS 2022

- SEC 15 OF THE RHT ACT EMPOWERS THE MINISTER TO MAKE REGULATIONS
- NEW REGULATIONS DEVELOPED IN 2022
- SEC 17A INTRODUCTION OF APPEAL ADJUDICATORS
- REVIEW BY THE HIGH COURT

## COMPLIANCE WITH THE CONSUMER PROTECTION ACT

THE LANDOWNER MUST ENSURE THAT THE LEASE AGREEMENT COMPLIES WITH THE CPA OF 2008 AS AMENDED (SEC 14)

- LEASE AGREEMENT MUST BE WRITTEN IN PLAIN LANGUAGE
- 20 BUSINESS DAY CANCELLATION OF LEASE AGREEMENT BY WRITTEN NOTICE BUT BE LIABLE FOR A REASONABLE CANCELLATION PENALTY FEE
- LANDOWNERS MAY CANCEL THE AGREEMENT SHOULD THE TENANT COMMIT A MATERIAL BREACH



## COMPLIANCE WITH CPA CONTINUES...

- INGOING AND OUTGOING INSPECTIONS TO BE DONE IN THE PRESENCE OF BOTH TENANT AND AGENTS/LANDOWNER, MUST BE IN WRITING



## UNFAIR PRACTICES

- LOCK – OUT WITHOUT COURT ORDERS
- UNREASONABLE RENT INCREASES
- REFUSAL TO REFUND DEPOSIT
- ATTACHMENT OF PROPERTY ETC



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## POWERS OF THE TRIBUNAL

**THANK YOU!!!**