



**KWAZULU-NATAL PROVINCE**

HUMAN SETTLEMENTS  
REPUBLIC OF SOUTH AFRICA



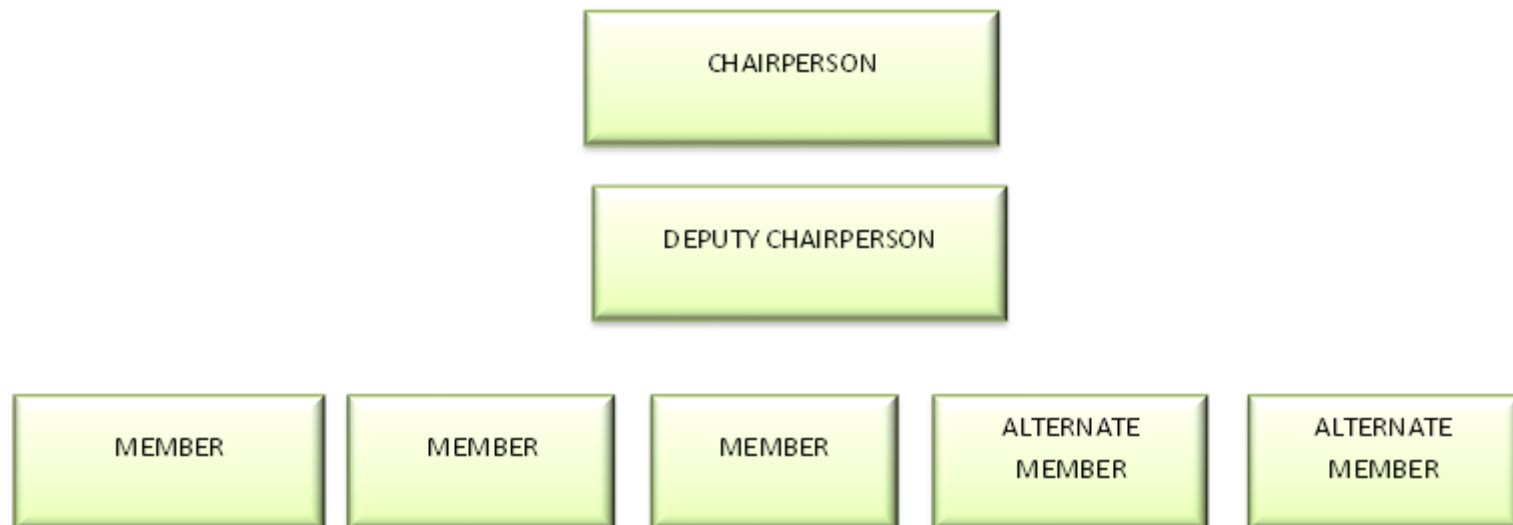
# KWAZULU-NATAL RENTAL HOUSING TRIBUNAL

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# What is the Rental Housing Tribunal?

- ❑ The Rental Housing Act No 50 of 1999 provides for the establishments of Rental Housing Tribunals' in all provinces in South Africa.
- ❑ The KwaZulu-Natal Rental Housing Tribunal is an independent Quasi Judicial Body established by the MEC i.t.o. sec 7 of the Rental Housing Act 50 of 1999.
- ❑ The Rental Housing Tribunal provides mechanisms to resolve disputes and harmonise relationships between landlords and Tenants in residential dwellings.

## Composition(sec 9)



# Jurisdiction of the Tribunal

- The Tribunal has jurisdiction over complaints that arise as a result of an **unfair practice** relating to **residential dwellings** throughout KZN.
- Section 1 defines a dwelling to include any house, hostel room, a hut, a shack, a flat, an apartment, storeroom, outbuilding garage or similar structure a landlord leases to a tenant to **live** in.
- **Business /Commercial property is not covered**

## What constitute an unfair practice?

- Any act or omission by a landlord or tenant in contravention of this Act or a practice prescribed as a practice unreasonably prejudicing the rights or interests of a tenant or landlord (**sec 1 as amended**)

## **Examples: (Sec 15)**

- Illegal lockout
- disconnection of services
- Failure to issue receipts
- Nuisance
- Damage to property
- Non-payment of rental
- Intimidation
- Deposits (including refund thereof)
- Overcrowding
- Determination of fair rentals
- Demolitions and conversions
- Tenants Committees
- Exploitative rentals
- Municipal services
- Maintenance
- Invasion of privacy

# Why use the services of the Tribunal

- Free service
- Provides speedy resolution to complaints (must be resolve within 3 months)
- Simplified Procedure
- No need to involve attorneys
- Accessible-throughout the province
- Complaints may be lodged by :Personally, mail, fax, e-mail, or through an information office established in the municipality

## Who may lodge a complaint ?

Any of the following may, in a **prescribed form** obtainable at the offices of the Tribunal, lodge a complaint with the KZN Rental Housing Tribunal

- Tenants
- Landlords
- Body co-oporates
- Property/Rental managing agents
- Tenants associations
- Any interested group

# Tribunal Processes

- A complaint is lodged with the Tribunal using a prescribed complaint form
- Preliminary investigation is conducted to determine whether a complaint relates to a matter which constitutes an unfair practice
- Notices are issued to the disputing parties
- If a complaint relates to an unfair practice, mediation is scheduled to resolve the unfair practice
- If mediation fails, a complaint is referred for the Tribunal hearing
- The Tribunal gives a ruling which is **final and binding** to both the complainant and respondent
- The ruling is deemed to be an order of court made in terms of the Magistrate's court Act 1944(Act 32 of 1944)
- Any party to the dispute, who is aggrieved by the ruling, may take the matter for a review before a High Court having jurisdiction.



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# LEASE AGREEMENTS

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# LEASE AGREEMENT

- S5(1) A lease may be in writing ,oral or a combination.
- S5(2) In the event there is no written lease, If a tenant requests the lease to be writing ,the landlord must comply.
- S5(3a) The landlord must provide a tenant with a written receipt for all payments
  - (3b) Receipt must include date, address, street number, dwelling in respect of which payment is made, whether payment has been made for rental, arrears , deposits or otherwise and payment period
- S5(3d) A deposit must be invested by the landlord in an interest bearing account with a reputable financial institution.
- The tenant has a right to obtain a written proof of interests accrued on such deposits from the landlord.





# CONT.

- (s5.(3)(e) joint inspection before tenant takes occupation
- (s5.(3)(f) and at the expiration of the lease (w/in 3 days prior to expiration)
- S5(3)(g) Authorizes the landlord to deduct from deposits if there were damages incurred during the occupation.
- (s5.(3)(h) receipts proving costs incurred must be made available if no amount is due by tenant,
- (s5.(3)(i) should no amount be due, deposit plus interest must be refunded without deduction w/in 7 days
- (s5(3)((J)) landlords failure of joint inspection is deemed to be an acknowledgement that the dwelling is proper state of repair & landlord will have no further claim against tenant-therefore must refund the deposit and interest (s5(3)((J))



## CONT.

- (s5(3)(k). failure by tenant to be present for joint inspection at the end of the lease, landlord may inspect w/in 7 days of termination
- (s5(3)(l) may deduct from the deposit reasonable costs of repair
- (s5(3)(m) balance must be refunded not later than 21 days
- (s5.(3)(n) receipts for costs to be made available for inspection by tenant
- (s5.(3)(o) should a tenant vacate before expiration, w/out notice .lease is deemed to have been expired on the date the landlord establishes that the tenant has vacated-landlord retains all rights arising from tenants breach



# CONT.

- (s5(3)(p)) Any costs in relation to the contract of lease shall only be payable by tenant upon proof of factual expenditure by the landlord
- S5(4) The standard provisions referred to in S5(3) may not be waived by the tenant or landlord
- (S5(5) If tenant remains in occupation after expiration parties are deemed to have entered into a periodic lease on the same terms and condition as the expired lease, except that one month's written notice to vacate must be given of the intention by either party to terminate



# CONTACT DETAILS

## Tribunal offices: Durban

**Physical Address: 9<sup>th</sup> Floor Eagle Building (Murchies Passage), 353-363 Dr. Pixley ka Seme (West Street), DURBAN, 4001**

**Postal Address: Private Bag x54328, DURBAN, 4000**

**Tel. No. : 031 372 1802/3/4/6**

**Email : [info.rht@kzndhs.gov.za](mailto:info.rht@kzndhs.gov.za)**

# THANK YOU

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KWAZULU-NATAL DEPARTMENT OF HUMAN SETTLEMENTS



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