

ANNUAL REPORT



**Wes-Kaapse Huurbehousingtribunaal
Icandelo Lentshona Koloni Lezindlu Eziqashweyo Ukuzinzisa
ingxoxo- mpikiswano
The Western Cape Rental Housing Tribunal**

1 APRIL 2004 TO 31 MARCH 2005

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FOREWORD BY CHAIRPERSON

As Chairperson, as a collective, we have pleasure in submitting this fourth annual report, covering the period 01 April 2004 to 31 March 2005 to the Provincial Minister of Local Government and Housing.

The Western Cape Rental Housing Tribunal was established in terms of the Rental Housing Act, 1999 (Act 50 of 1999), promulgated in August 2000. The Tribunal members were re-appointed in June 2004. The Act prescribes that the Tribunal should consist of persons having expertise and exposure to rental housing matters, property management, housing development matter and consumer matters. The present Tribunal members bring with them rich experience in the fields of law, rental housing, property management, property development and consumer matters.

A reflection of the application of this expertise is that none of the cases for the year have been taken on review and the strategy that the Tribunal has embarked upon to use cases to both educate and at all times be fair by trying to obtain a win-win situation appears to be bearing fruit.

Our observations for the past year are that even with the lack of marketing of the activities of the Tribunal, there is an ever increasing amount of cases. The nature of complaints and hearings have increased in complexity as most of the role players in the market have a fair idea of what is expected from them in relation to the cases which have been decided over the past two or three years.

A word of credit has to be given to the staff who have and are still doing the impossible. To their credit, there are not many institutions whose employees would be able to operate under such overloaded conditions without additional payment for overtime. The very real danger which we as a Tribunal feels should be highlighted to the Minister is that, although this is admirable for the staff, there is a very real danger that the overloaded conditions and increasing case load will eventually take its' toll and the capacity problems of the unit will have to be addressed in the immediate future.

At present there have been 6572 cases for the year. Distributed over the year and amongst 5 staff members this means that there are 548 cases per month and 109 cases per employee. This is without marketing and largely with the exclusion of areas outside the metro.

We have been advised that the new macro structure of the Department provides for two additional posts. While the Tribunal is not involved in the Department's business, it would with respect like to point out the following:

The Tribunal has to thank the previous Minister, who intervened immediately when he was advised that the Tribunal was not meeting the deadlines prescribed in the Act. To his and the Department's credit, new facilities were commissioned and the Department now has the physical infrastructure which is on par with the rest of the country. The turnaround time through intervention was also reduced from 13 months to 11 months. After the new facilities,

additional effort from staff and additional hearings this figure has now been further reduced to 7 to 9 months. Further interventions in terms of additional staff and other measures will have to be examined as a matter of urgency to meet the prescripts of the Act.

There are at present no marketing of the Tribunal in Departmental and local authority rental stock as well as outside the metro. Should an awareness of the Tribunal be realised in these sectors the staff will not be able to cope with these additional cases. The National Department has slowly begun to realise that an increasingly viable manner of tackling the housing backlog would be to reintroduce the drive to build more rental stock and this is foreseen to start happening in next year. Already the challenges of having rental stock is being raised in the N2 gateway project and it would only be to the Department's benefit to have the capacity earlier rather than later to assist in good governance and providing efficient, cost effective relief to its customers.

A concern for the Tribunal is the increasing number of unlawful evictions which are reported by the staff and the fact that in a number of cases the Police provide no protection to the affected persons. Unless there is a public awareness campaign and the collective addressing of the problem with the two departments this situation is quickly going to lead to more unlawful actions and retaliations which will inevitably affect the promotion of harmonious relationships between landlords and tenants.

In closing we would once again thank the Minister, the Department and the more especially the staff for the exemplary support given to the Tribunal and repeat our commitment to making this Province a leader in harmonious tenant landlord relationships and a leader in service delivery to the entire rental sector.

Mr S Patel
Chairperson

31 July 2005

PART ONE: GENERAL INFORMATION

1.1 Introduction

The rental housing field has to date been an area where a lot of disputes arose from ignorance, as well as unlawful and even illegal actions of landlords and tenants. Until the promulgation of the Rental Housing Act, 1999 (Act No 50 of 1999) on 01 August 2000, there was no other legal mechanism to deal with disputes, other than through costly civil litigation. The Rental Housing Act now provides general principles governing conflict resolution in the rental housing sector and also provides for the facilitation of sound relations between landlords and tenants through general requirements relating to leases laid down in the Act. This sets the backdrop against which the Western Cape Rental Housing Tribunal must function.

The Tribunal is established in terms of section 7 of Act 50 of 1999 and consists of members appointed by the Provincial MEC for Housing. It has no infrastructure, no budget, is not responsible for any expenditure and it therefore has no financial statements. The activities of the Tribunal are funded from moneys appropriated by the Provincial Legislature and the Head of the Department of Local Government and Housing is the Accounting Officer in respect of moneys appropriated.

1.2 Legislative framework

The following legislation provide fundamental principles and guidelines upon which the Tribunal operates:

- The Constitution of the republic of South Africa, 1996 (Act No 108 of 1996);
- The Rental Housing Act, 1999 (Act No 50 of 1999);
- The Unfair Practice Regulations and the Procedural and Staff Duties Regulations published in terms of Act 50 of 1999;
- The Prevention of Illegal Eviction from and Unlawful Occupation of Land

Act, 1998 (Act No 19 of 1998).

The functions of the Tribunal are to harmonise relationships between landlords and tenants in the rental housing sector; resolve disputes and unfair practices; inform landlords and tenants about their rights and obligations in terms of the Act; and to make recommendations to relevant stakeholders pertaining to issues related to the rental housing sector.

1.3 Vision

The Western Cape Rental Housing Tribunal seeks to harmonise relationships between landlords and tenants in the rental housing sector.

1.4 Mission statement

The Western Cape Rental Housing Tribunal seeks to promote stability in the rental housing sector in the Western Cape by facilitating the process of resolving disputes and advising landlords and tenants.

1.5 Key functions

- To promote stability in the rental housing sector;
- To provide mechanisms to deal with disputes in this sector;
- To promote the provision of rental housing property;
- To facilitate, investigate, mediate and conduct hearings to resolve disputes between landlords and tenants;
- To inform landlords and tenants of their rights and obligations should unfair practices arise; and
- To make recommendations to relevant stakeholders regarding issues to be addressed in the rental housing field.

PART TWO: HUMAN RESOURCE MANAGEMENT

2.1 Personnel arrangements

The Tribunal does not have personnel within its employ. The administrative and technical support functions are performed by the Department of Housing that provides a Support Component in terms of section 11 of Act 50 of 1999. The personnel are appointed subject to the laws governing the Public Service.

2.2 Personnel costs and related information

The members of the Tribunal are:

<u>Name</u>	<u>Capacity</u>
Mr S Patel	Chairperson
Ms M Wotini	Deputy Chairperson
Mr P le Roux	Member
Mr M Mdludlu	Member
Ms T van der Hoven	Member
Ms S Ndlwana	Alternate member
Ms V Marks	Alternate member

The members of the Western Cape Rental Housing Tribunal remained the same for the reporting period. This should contribute greatly to the effectiveness of the Tribunal, especially given the increasingly important role that rental housing will play in housing the people of the Western Cape.

Expenditure

Expenditure in respect of the remuneration of Tribunal members for the financial year is as follows:

2004/2005

R 446 128-19

Tribunal members	Hearings/Meetings
Mr S Patel	R 85 944-33
Ms M Wotini	R 48 281-43
Mr P le Roux	R 87 391-27
Ms T van der Hoven	R 44 302-12
Mr M Mdludlu	R 28 785-14
Ms V Marks	R 21 185-65
Ms S Ndlwana	R 130 238-25
Total:	R 446 128-19

PART THREE: PERFORMANCE OF THE TRIBUNAL

3.1 Key functions

The key functions of the Tribunal for the period under review were as follows:

- To promote stability in the rental housing sector;
- To provide mechanisms to deal with disputes in this sector;
- To promote the provision of rental housing property;
- To facilitate, investigate, mediate and conduct hearings to resolve disputes between landlords and tenants;
- To inform landlords and tenants of their rights and obligations should unfair practices arise; and
- To make recommendations to relevant stakeholders regarding issues to be addressed in the rental housing field.

3.2 Strategic objectives

After visits to the Rental Housing Tribunals of Gauteng in October 2004 and KwaZulu-Natal in November 2004, a strategic planning session was held in February 2005. The following strategic objectives were then identified:

- To meet the time-frames stipulated in the Rental Housing Act, 1990 (Act No 50 of 1990)
- To raise public awareness of the Rental Housing Act
- To enhance the management of the rental housing sector
- To provide sustainable systems for the resolution of disputes
- To ensure on-going communication within the Tribunal

3.3 Review of activities

3.3.1 Problems identified in previous Annual reports

In previous annual reports, the Tribunal noted various problem areas and made certain recommendations. Most of the issues have since been addressed, but due to a variety of reasons, it has to be reported that some

problem areas still remain. To provide context, it is necessary to again refer to issues in the previous reports and then to report on progress/lack of progress:

- a) ***“The Tribunal has not had the opportunity to interact with Tribunals of the other provinces and it is therefore not possible to resolve problems around the Act in a uniform manner. The Tribunal will endeavour to liaise with the other Tribunals in this regard.”***

To date, only the Western Cape, Gauteng and KwaZulu-Natal Rental Housing Tribunals are operational. The other provinces are in various stages of implementation and informal contact has shown that meaningful liaison will be possible in future. The three existing Rental Housing Tribunals should assist the newly established Tribunals to learn from existing experience, as they will not have dealt with any cases yet. Representatives from the Eastern Cape Provincial Government who are setting up their own Tribunal, visited the Western Cape to observe and learn from best practices during the reporting period. It was resolved that close co-operation will be strived for as soon as that Tribunal has been set up.

The Western Cape Tribunal visited the Gauteng and KwaZulu-Natal Rental Housing Tribunals with a view to sharing best-practices and to evaluate own performance. This has fed into a strategic planning session during February 2005, mentioned earlier. These visits have also inputted on proposals to redesign the facilities of the Western Cape Rental Housing Tribunal, which was only in the planning phase during the report period. The Tribunal wants to express its appreciation towards the Department for approving these endeavors.

These visits have shown that, although methodologies followed and interpretations of law were similar, there were areas of concern where it was shown that there is a very real danger that certain issues are not dealt with in the same way per Province, which could be confusing to both landlords and tenants. This has led to a strong view that a national conference for all the Rental Housing Tribunals should become an annual event, to act as forum

where strategic and practical issues could be discussed to create synergy in the manner in which cases are dealt with. It was also felt that the Justice and Law and Order systems should be part of this process.

b) *“The enforcement of Tribunal rulings were hampered as the South African Police Service and the Public Prosecutors who were approached for specific cases, were not aware of the Rental Housing Act, 1999.”*

Some progress has been made in this regard, due to concerted efforts to inform and educate the SAPS and Magistrate’s Courts of Act 50 of 1999, as well as the existence and functioning of the Tribunal. Discussions were held with senior magistrates and senior prosecutors regarding a work protocol. In terms of this, the Tribunal has now referred eight cases of non-compliance with rulings and failure to attend hearings for prosecution. The success rate is a concern as cases have to “compete” with more serious criminal cases and the Tribunal has no control over the prioritizing of our cases.

A major area of concern, however, is the inconsistent interpretation by the various SAPS and Justice offices, which leads to waste of time and delays in obtaining remedies by affected parties. An example is illegal evictions of tenants by landlords, where certain SAPS offices refrain from intervening as they regard this as a civil matter and not a criminal matter. Another is the situation that magistrate’s courts differ in the manner in which the referral of cases for prosecution where parties do not comply with rulings of the Tribunal, are to be dealt with.

c) *“In terms of Section 5(3)(a) a landlord must issue written receipts to the tenant for all payments. The Act is very specific in terms of Section 5(3)(b) on what detail should be on the receipts. Landlords have indicated that these specifications are not always possible (where supermarkets are used as collection points) and are also costly for the landlord, which impacts financially on tenants.”*

Comments in this regard were included in proposals submitted to National Housing regarding the amendment of Act 50 of 1999 in the 2002/2003 reporting year. It is disconcerting that no feedback was received and that the Act has still not been amended.

- d) ***“The Act compels the landlord to do joint inspections with tenants before they move in and out of a dwelling (Sections 5(3)(e) and 5(3)(f)). The Tribunal is of the opinion that the Act places an obligation on both parties to be part of the inspections and that the costs can therefore not be attributed to the tenant. The Tribunal therefore questions the tendency of landlords/agents to charge the tenant extra for this action.”***

Comments in this regard were also included in proposals submitted to National Housing regarding the amendment of Act 50 of 1999 in the 2002/2003 reporting year. It is disconcerting that no feedback was received and that the Act has still not been amended.

- e) ***“Section 19 provides for the saving of only Section 28 of the Rent Control Act, 1976 (after the repeal of the rest of the Rent Control Act, and the abolishment of the Rent Board). The implications of this are:***
- ***The Tribunal does not have any jurisdiction to deal with exemptions, or new determinations where previous determinations are obviously outdated.***
 - ***The Tribunal cannot order increases in rental which will enable landlords to effect much-needed maintenance on rent controlled properties.***
 - ***The National Minister of Housing will have to provide direction on how to further deal with rent controlled properties before August 2003 when the saving regarding rent control is repealed. The Western Cape will especially be affected by this, as there are approximately 3 000 such properties that will be affected. The situation will be that, should rent control be retained, landlords will be penalised***

by not being able to increase rental by more than 10 % and will therefore not be able to afford maintenance, which in turn could lead to a decrease in the value of properties. On the other hand, should rent control be abolished, thousands of tenants will lose their homes due to high rental increments, which will flood the Tribunal with complaints regarding excessive increases in rental, leading to a situation where the Tribunal will have to determine what the rentals should be, with no guidelines to use.

To accommodate both these scenarios, Section 19(3) of the Rental Housing Act could be used, where the Minister may define criteria based on age, income or any other form or degree of vulnerability that apply to such tenant or group of tenants and amend or augment the policy framework on rental housing, by introducing a special national housing programme to cater for the needs of affected tenants that comply with the criteria. It is imperative that this issue be clarified before the August 2003 deadline, to provide consistency of rulings by all Tribunals”.

In the previous reporting period, it was reported that the Tribunal did voice its concerns in writing around the repeal of rent protection and rent control, via the MEC for Housing to the National Minister of Housing. It was also reported that the Tribunal reported that it would appear, that although the saving was repealed on 01 August 2003 after a three year period to comply with section 19(2) of Act 50 of 1999, no specific steps were in fact taken. In terms of this, the impact of the repeal of the saving on poor and vulnerable tenants should have been monitored and assessed. It would therefore also appear that no specific action will therefore be taken to alleviate hardship that may be suffered by affected tenants. From complaints lodged in this regard, it would appear that the National Minister of Housing is expecting Tribunals to deal with complaints about exorbitant increases in respect of rent controlled properties, without support programmes having been put in place by the Government. This is to the detriment of tenants who do not qualify for state assistance to housing and also to landlords who are expected to stand in for

the state in terms of social responsibility towards vulnerable tenants.

The Tribunal can also report that it has dealt with complaints regarding exorbitant rental increases, through formal hearings, where rental determinations were done. These determinations were not merely market related rentals, but reflect a variety of issues related to the specific landlord, tenant and the property in question that are taken into account when a determination is done. In the process, without government assistance as was foreseen in the Act, vulnerable tenants who have no social support structures are suffering.

3.2.2 Staffing

Two investigations into the staffing needs of the support component were undertaken in the previous reporting periods. The last report was finalised in 2002 and recommended two additional posts. However, the implementation was held back, pending the completion and acceptance of the macro-investigation of the whole Department. The Tribunal has consistently expressed its concern that the support component has for four consecutive reporting periods been understaffed was really starting to impact on service delivery. The staff shortage still has a negative ripple effect resulting in a lack of capacity to investigate cases, to prepare documentation for hearings, to provide the necessary support to the members and to effectively embark on an awareness campaign. The statistics provided later in the report shows that there has been a steady increase in complaints lodged over the past years, but an aggressive campaign to market the Tribunal and the Act cannot be embarked upon with the staffing problems having been experienced by the support component for the past four years.

During the reporting period, the new macro structure was approved with no additional posts for the support component. However, with the implementation of the macro structure, the support component will not merely be a component within a sub-directorate as in the past, but a fully fledged sub-directorate. The Tribunal support component now also resorts under the Directorate Customer Relations and Communication, which should by its placement, lead to better

internal and external communication.

With the implementation of the new macro structure and the redevelopment of the ground floor to accommodate the Tribunal, management of the support component took upon themselves to redesign the posts themselves during the process of job evaluation, to bring the posts and structure more in line with the facilities that are to be created. Although no additional posts were created, the revised post structure will in all probability lead to more effective and efficient service delivery, as the new posts are a total deviation from the traditional posts found within the Department to posts that describe what the incumbents will actually be doing. In the process the job titles have also been adapted to inform what each job actually entails.

The Tribunal would like to recommend that the filling of the vacant posts at the support component be afforded a high priority.

3.2.3 Raising awareness of Tribunal activities

Raising awareness regarding the Tribunal is the responsibility of the Department and the Tribunal. Although the support component had on three occasions introduced the Tribunal to the rural areas as part of the Provincial MEC for Housing's "roadshows" in the previous reporting period, the Tribunal did not participate in such initiatives in the reporting period. There has also been publicity provided on talk shows on radio stations and quite a few articles regarding specific cases and contentious issues appeared in newspapers. In addition to this, there is close co-operation with the Institute of Estate Agents regarding awareness about the Tribunal with its members who act as renting agents. This focused attention has led to various invitations to be part of panel discussions at Annual General Meetings and other opportunities like training workshops.

The Support Component has also educated and informed members of the SA Police Service serving in Community Centers and Clerks of the Civil Courts at various Magistrate's Offices, who now refer complaints to the Tribunal. Discussions have also been held with housing managers at the City of Cape

Town to possibly cooperate with the marketing of the Tribunal through their housing offices and their Call Center operators. This has, however, been hampered by the restructuring within the City. Now that the restructuring has been completed in both organizations, a more concerted effort will be made to market the activities of the Tribunal.

The Tribunal also features prominently on the Departmental Website and a trend is already seen where queries are received via the Internet. On the Website, direct access is provided to the Rental Housing Act, the Regulations published in terms of the Act, the Complaint Form, and Information Brochures in Afrikaans, English and Xhosa. As the Tribunal was for a large period in the reporting period the only one in the RSA to be linked to a Website, queries are also received via this medium from affected parties in other provinces.

During the reporting period, the support component has also started planning an education campaign of advice offices linked to the Legal Aid Clinic of the UWC in various municipalities. This, however, will only really have started in earnest after the reporting period.

At the time of completing this report, Rental Housing Information Offices still had not been implemented at the various municipalities. However, discussions with various municipal housing officials have indicated that a dedicated and fully staffed Rental Housing Information Office will in all probability not be implementable at all municipalities, due to practical reasons. The Tribunal has taken note that it could be a more practical solution to capacitate frontline staff at municipalities to refer cases to the Tribunal, as it could be problematic with inexperienced staff getting involved in cases or providing advice to disputing parties, while not being part of the Tribunal.

3.2.4 Infrastructure

A separate venue, with furniture, for the Tribunal to hold meetings were provided in the previous report period. However, it was too small for formal hearings and formal hearings for the whole reporting period therefore had to be held in conference rooms in the building, which were not always really

suites for the specific needs of the Tribunal in terms of layout needed during a hearing. During the latter part of the reporting period, the Department allocated the larger part of the ground floor to the Tribunal as part of the process of accommodation planning. It is with pleasure that it can be reported that the support staff was afforded the opportunity to actively play a part in the design and layout of the offices, according to the processes and methodologies performed by the Tribunal. The support staff had to vacate the existing office space on the ground floor at the end of the reporting period for three months, which negatively impacted on the number of complaints registered in March. However, the new facilities, to be opened in the next reporting period, will greatly increase the effectiveness and morale of the support staff. The Tribunal would like to express its appreciation to the Ministry and the Department for the facilities that are to be created, as these will be without equal in the whole of South Africa.

During the reporting period, approval was also granted for a computerized case tracking system for the Tribunal. Discussions around the design of the system were initiated during the reporting period and are still ongoing. The support staff also motivated the implementation of a specific reception area for the Tribunal, which has led to the creation of a Helpdesk for the whole Department in the new structure of the Department. This will greatly assist with the support staff's time being used for general enquiries. The support staff also motivated for a call centre to deal with daily telephonic enquiries, which was also approved by the Department. This will greatly assist with support staff's investigative time being used up by daily telephonic enquiries. The implementation of this facility is in the process of being investigated by the support staff. Hearings outside of Cape Town are held as close as possible to the point of complaint and the Tribunal is therefore dependent on the infrastructure provided by the local authorities.

3.2.5 Amendments to the Rental Housing Act, 1999 (Act No 50 of 1999)

During the 2003/2004 reporting period, the National Department of Housing requested inputs from all Tribunals regarding possible problems with Act 50 of

1999, which would be included in a possible Rental Housing Amendment Bill. The Tribunal did submit comprehensive inputs as discussions around this have been taking place since its inception, but it is disturbing to report that no feedback has to date been received from the Department of Housing.

3.2.6 Best practice visits to other Tribunals

The Tribunal has always been of the opinion that visits to other Tribunals would be beneficial to determining where improvements can increase effectiveness. It has already been reported that visits to the Tribunals of Gauteng and KwaZulu-Natal were undertaken in October and November 2004.

3.2.7 Types of cases before Tribunal

From the types of complaints dealt with by the Tribunal through hearings, it has become evident that the types of complaints dealt with through hearings have become much more varied than in previous years. Although no specific statistics have been kept in this regard, it is now being kept for planning purposes. It can be reported that initially, the predominant cases were related to deposits and failure to undertake maintenance. For the reporting period, the following types of complaints were dealt with through the 71 formal hearings:

TYPES OF CASES	NUMBER
Failure to refund deposits	35
Exorbitant rental increases	9
Exorbitant rental increases & lack of maintenance	8
Failure to vacate premises & arrear rentals	4
Lack of maintenance	2
Unlawful repossession of property	1
Forced entry & lack of maintenance	1
Failure to pay rental & claims for compensation	2
Failure to vacate in terms of notice	2
Liability for basic charges/levies	1
Failure to accept termination of lease	1

PART FOUR: STATUS/STATISTICS OF COMPLAINTS

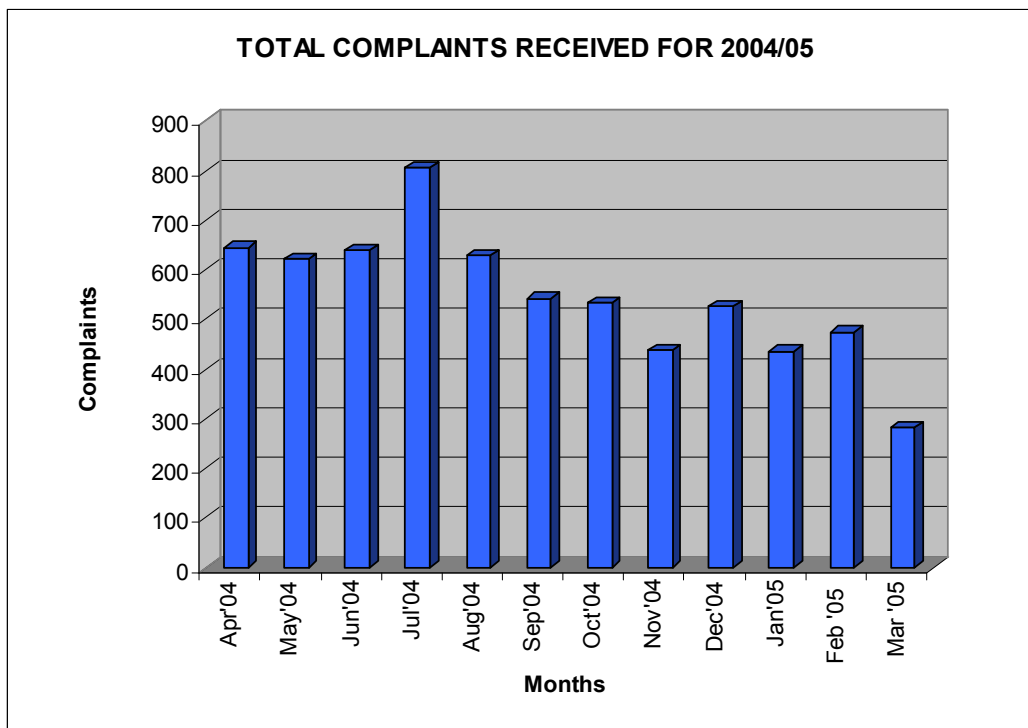
4.1 Status of complaints

The following can be reported on an analysis of the complaints received thus far:

- Most of the complaints received by the Tribunal originated from the Cape Metropolitan Area and is more evenly distributed on a geographical basis, than the previous years. However, there are still problems experienced around awareness creation in certain communities. Plans put in place for the coming year will hopefully address this. There was, however, a marked increase in complaints and enquiries from outside of the Metropolitan Area. One hearing was held in Plettenberg Bay.
- Most of the complaints have been resolved by the support staff through negotiations, of which most were dealt with telephonically.
- Tribunal members have not been made involved in negotiations, to avoid possible perceptions of biasness, should the cases be referred for hearings. However, after the strategic planning session in February 2005, it was decided that Tribunal members and support staff will be used in formal mediations, to try and resolve cases without formal hearings. Unfortunately, only one such formal mediation session could be held within the reporting period.
- Seventy one hearings were conducted in the report period, of which nineteen were found in favour of the landlords/agents and thirty two in favour of the tenants. Eleven rulings were made that favoured both tenants and landlords and five agreements reached between landlords and tenants were made rulings. One case was closed after the complainant failed to attend the scheduled hearing and one case was closed after the complaint was withdrawn. One case was postponed to a date in the next reporting period and one case was closed as it was already brought before another competent court.
- None of the rulings made after formal hearings have to date been referred for review.

- Eight cases of non-compliance to rulings, or non-attendance of hearings were referred for prosecution.
- The Support Component submits monthly reports on the status of cases to the National Department of Housing.

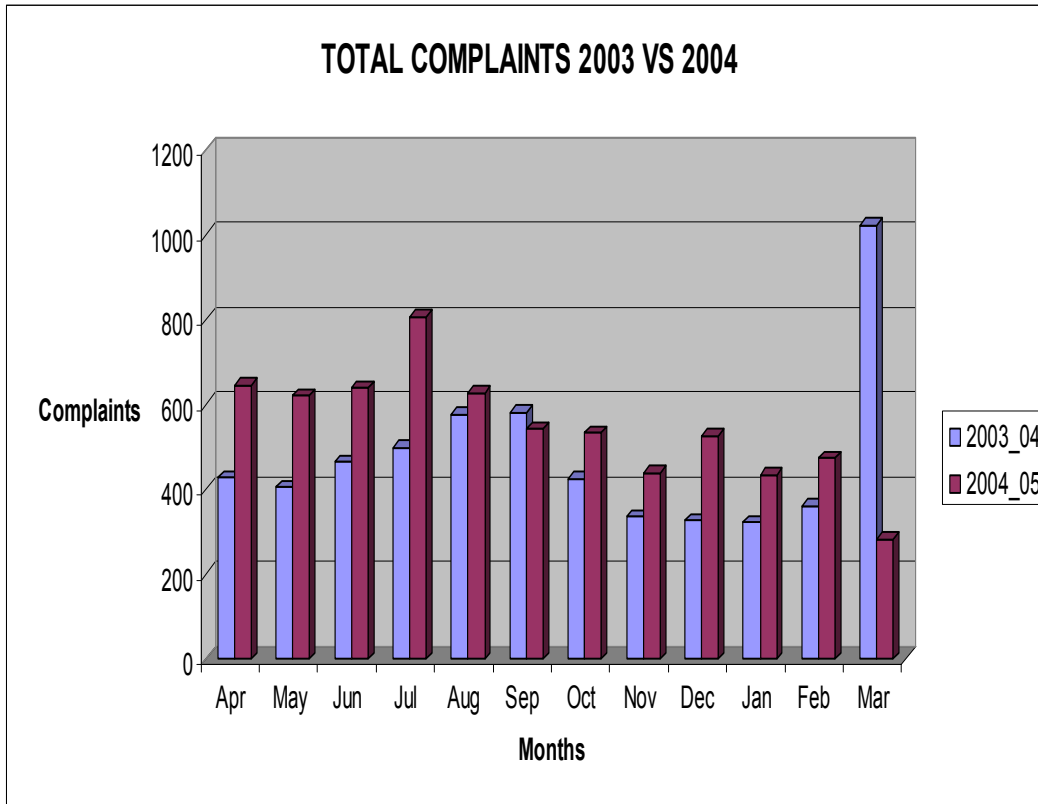
4.2 Statistics of complaints



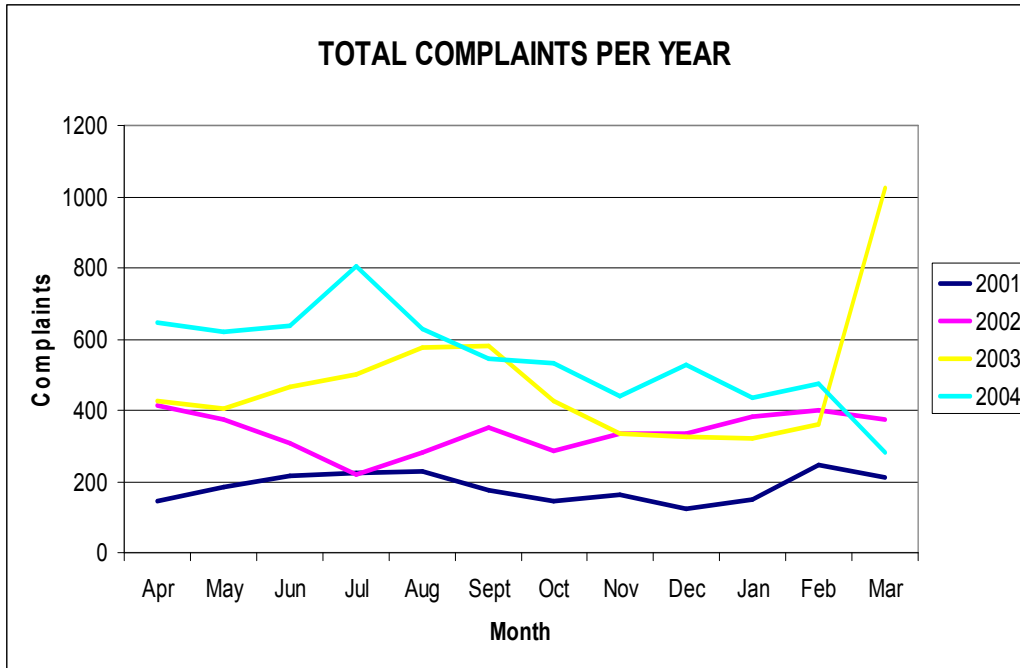
TOTAL COMPLAINTS RECEIVED FOR 2004/05												
APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	TOT
645	621	639	806	629	543	534	438	526	435	474	282	6572

A total of 6 572 complaints were received in 2004/05, compared to the 5 752 complaints received in 2003/04, 4 058 in 2002/03 and 2 457 in 2001/02. This entailed a 46% increase to 2002/03, a 30% increase to 2003/04 and a 14% increase to 2004/05, being dealt with by the same number of staff.

COMPARISON OF COMPLAINTS RECEIVED FOR 2004/05 WITH 2003/04

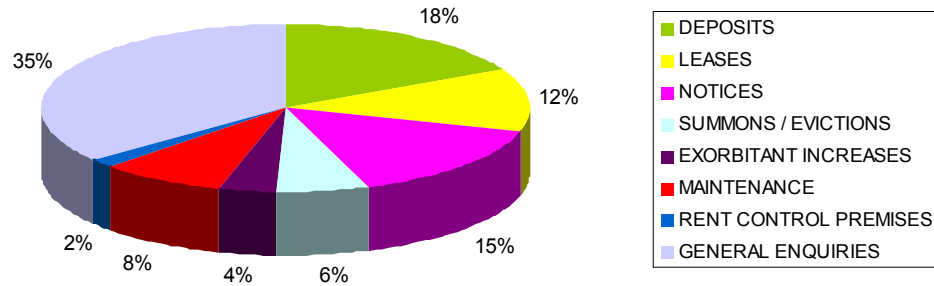


Month	2003/04	2004/05
April	427	645
May	405	621
June	465	639
July	500	806
August	578	629
September	581	543
October	425	534
November	336	438
December	327	526
January	322	435
February	362	474
March	1 024	282
Total	5 752	6 572



Month	2001/02	2002/03	2003/04	2004/05
April	143	413	427	645
May	183	373	405	621
June	214	308	465	639
July	226	221	500	806
August	230	282	578	629
September	177	350	581	543
October	144	285	425	534
November	164	334	336	438
December	125	336	327	526
January	151	383	322	435
February	244	398	362	474
March	209	375	1 024	282
Total	2 457	4 058	5 752	6 572

TYPES OF COMPLAINTS 2004/2005



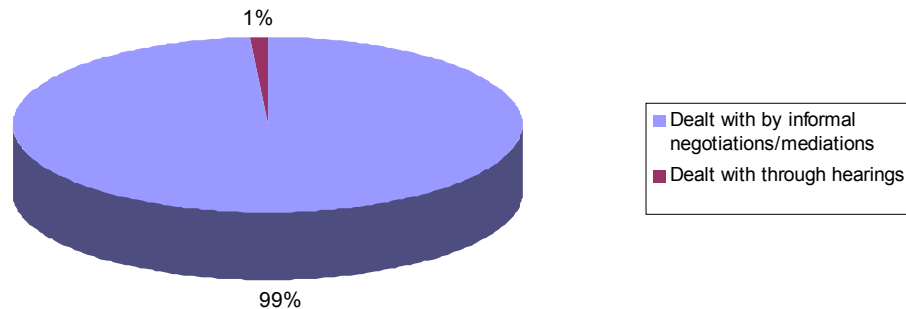
The 6 572 complaints received for 2004/05, can be categorized as follows:

- 1 156 regarding deposits not refunded
- 778 regarding lease agreements not being adhered to
- 980 regarding unlawful notices
- 410 regarding illegal evictions
- 245 regarding exorbitant increases in rental
- 554 regarding failure to do maintenance
- 105 regarding rent controlled properties
- 2 344 regarding general enquiries

Trends from 2003/04 to 2004/05 are:

- Deposits – increase of 27% from 913 to 1 156
- Leases – increase of 43% from 544 to 778
- Notices – decrease of 14% from 1 142 to 980
- Evictions – increase of 80% from 228 to 410
- Increases – decrease of 32% from 359 to 245
- Maintenance – increase of 31% from 424 to 554
- Rent control – decrease of 66% from 309 to 105
- General enquiries – increase of 28% from 1 842 to 2 344

STATUS OF COMPLAINTS: 2004/2005



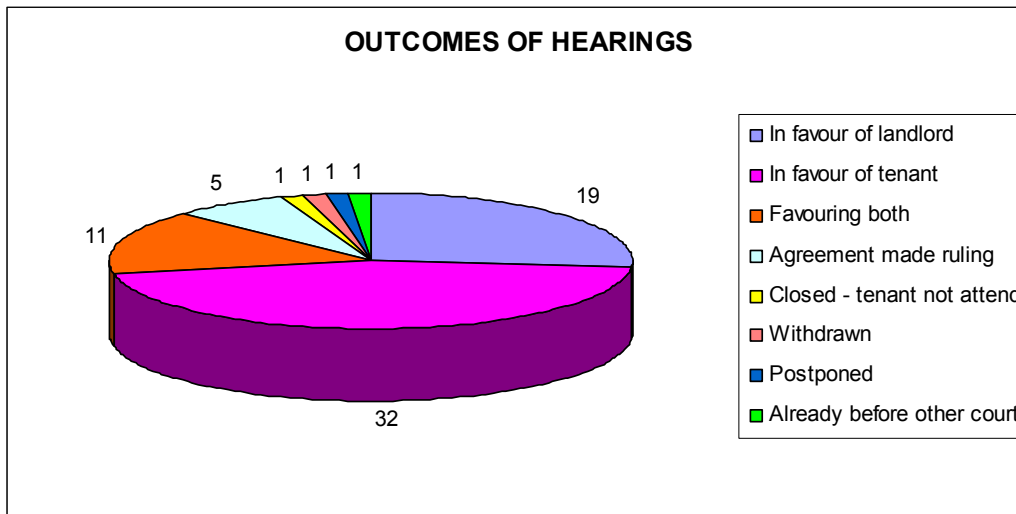
Of the 6 572 complaints received, 71 were dealt with through formal hearings. This means that the Support Staff on average, worked on 1 643 cases per person for the year. The implications of this high ratio per person are:

- Staff stress
- Possible decrease in the quality of service provided
- Increase in the inability to meet the requirements of the Act – on average it takes 7-9 months to resolve a case with the number of current staff and the level of awareness created of the Tribunal.
- There are 202 cases that are still not finalized.

A comparison with previous years shows the following:

- Complaints received:
2001/02 – 2 199; 2002/03 – 4 058 (46% increase); 2003/04 – 5 752 (30% increase); and 2004/05 – 6 572 (15% increase).
- Complaints dealt with through Hearings:
2001/02 – 14 (0,64%); 2002/03 – 26 (0,64%); 2003/04 – 42 (0,24%);
2004/05 – 71 (1,08%)

- Average complaints received per month:
2001/02 – 183; 2002/03 – 338; 2003/04 – 479; 2004/05 – 548.



Total hearings	71
Rulings in favour of landlord	19
Rulings in favour of tenant	32
Rulings favouring both	11
Agreements made rulings	5
Cases closed after complainant did not attend hearings	1
Complaints withdrawn	1
Cases postponed	1
Cases closed as already before another court	1

Eight cases were handed over to SAPS and Magistrate's courts for prosecution.