

ANNUAL REPORT



**Wes-Kaap Huurbehuisingstribunaal
Inkundlana Yengxaki Zengqesho Zindlu
eNtshona Koloni
Western Cape Rental Housing Tribunal**

1 APRIL 2005 TO 31 MARCH 2006

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FOREWORD BY CHAIRPERSON

As Chairperson and as a collective, we have pleasure in submitting this fourth annual report, covering the period 01 April 2005 to 31 March 2006 to the Provincial MEC for Local Government and Housing.

Before going any further, we wish to thank all the members of the support staff for their continued and unwavering support and dedication to the workings of the Tribunal and service to the community at large.

The attached report is by its nature intended to be as self explanatory as possible and as a oversight, we would think that a reflection on some of the trends deserve comment.

It has been admirable how the Minister and Department have actively pursued and succeeded in the provision of a world class physical infrastructure and resources. The biggest challenge which this has created is that more financial resources are now required to address the capacity problem to maximize the benefit of funds already expended.

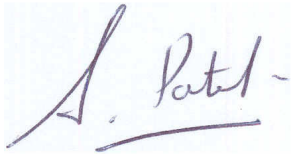
The effects of the continued delay in addressing the legislative problem that was highlighted in the previous annual report is best seen in the trend of landlords increasingly taking the law into their own hands to obtain evictions or even worse as could be inferred from the indications as a result of the combination of not being able to obtain evictions in a fair and timeous manner and not receiving money, the maintenance of rental properties are being neglected. Irrespective of which analysis one chooses the impacts of not regularising and enabling the legislative environment for a harmonious rental market will continue to be felt until the legislative issues have been addressed.

This is and was not intended to be a doom and gloom reflection as the Department and Tribunal have already had the opportunity to input on some of the issues and the current indications are that there is an increasing pressure from the respective Ministers and Cabinet that this will be addressed

in 2007.

It has to be noted that two of the rulings made by the Tribunal have been taken on review. The Tribunal's view on this has been one of being thankful for the opportunity to have either the correctness of its thinking confirmed, or in the alternative, good advice be given on procedures and methodologies to be followed in particular circumstances and cases. At the time of reporting these matters have however still not proceeded to a hearing and decision.

In closing we would once again thank the Minister, the Department and the rest of the members whose invaluable tacit and express support of the system have thus far contributed to a Rental Housing Tribunal and service which is on par with equivalent systems not only in the country but in all likelihood, the rest of the world.

A handwritten signature in blue ink, appearing to read 'S. Patel', with a horizontal line underneath.

Mr S Patel
Chairperson

31 March 2007

PART ONE: GENERAL INFORMATION

1.1 Introduction

The realities of today's economy are firstly, that a vast majority of people are poor and secondly that there is a desperate shortage of affordable rental accommodation which tends to skew or pressurise the price of rentals and will continue to do so while demand outstrips supply. A contributory factor here must be the continued lack of real development of rental stock by government at all levels within the Province of the Western Cape and limited concrete provisions or policies to develop rental stock to cater for the poor.

Usually in rental units which have just been built or become available, is that normal and natural market forces dictate what rental will be based on agreements between the landlord and potential tenant. There is an argument, that, based on the depth and extent of poverty and the critical shortage of rental accommodation, the present circumstances in this Province give rise to the situation that the normal natural market forces tend to favour the landlords in terms of their bargaining powers.

The shortage of affordable rental accommodation has led to what some say is an artificially high demand for housing and rental stock generally. This has led to two spin off's, or ripples, the first being that property prices have initially increased steeply in response to unrealistic asking prices, generally referred to as the "property boom", but now show signs of returning to more realistic prices as reflected in the latest Rode report and reports from the banking sector. The second was that there has been a flurry of rental increases as landlords have seized on the opportunity to make a quick profit. The low affordability of the general market has also in this instance caught up and rentals, or rather rental increases, have been trimmed down accordingly.

In viewing the same aspect from a tenant's perspective, there is often perceived to be a huge demand made for an increase in rental but the supply of monies to pay for this have remained constant and in many cases

dwindled, as previously gainfully employed contributing members of the household have either left the household, or become unemployed. Generally in cases before the Tribunal, increases in household incomes have been outstripped by increases in the cost of living and have not kept up with or matched the increase in rental being sought.

In addition to this, the rental housing field has always been, irrespective of economic level, 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. It has to cater for the needs of the poorest-of-the-poor in rental relations, as well as the extremely affluent.

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 staff within the employ of the Department of Local Government and 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 and perform the functions delegated to them by the Tribunal, through formal delegations.

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
Ms T van der Hoven	Member

One position of Member has become vacant during the reporting period, but is in the process of being filled.

Ms V Marks	Alternate member
Ms S Ndlwana	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:

2005/2006

R 477 279-97

Tribunal members	Hearings/Meetings
Mr S Patel	R 114 679-91
Ms M Wotini	R 78 770-35
Mr P le Roux	R 78 392-48
Ms T van der Hoven	R 100 822-73
Ms V Marks	R 42 147-61
Ms S Ndlwana	R 62 466-79
Total:	R 477 279-97

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

As was reported in the previous Annual Report, visits were undertaken to the Rental Housing Tribunals of Gauteng in October 2004 and KwaZulu-Natal in November 2004 and thereafter a strategic planning session was held in February 2005, just prior to this reporting period.

As was reported, the following strategic objectives were 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

These Strategic Objectives are still applicable for the reporting period as they are still very relevant. However, there needs to be a follow-up strategic planning session that will have to be addressed in the next reporting period, to ensure that the strategic objectives and activities of the Tribunal are aligned

with that of the Department and Government in general.

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 those 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.”***

In previous annual reports it has been reported that there is no formal interaction between the various Provincial Rental Housing Tribunals. There is and has been no formal guidance/outreach from the National Department of Housing towards the various Tribunals to ensure uniformity of activities, interpretation of legislation and actions to support and promote national policies regarding the promotion of rental housing. This has led to a situation that the Tribunals are, and have been, operating in isolation that could lead to the situation that the various provinces could have differing interpretations of the law regarding rentals and make different rulings that become common law in the respective provinces through the law of precedence.

It has also been reported in the previous Annual Report that this could become very confusing to the rental sector in South Africa, especially so if it is taken into account that South Africa is increasingly competing with the global property market, of which rentals is a major part. This could negatively impact

on South Africa as a international tourist destination, as rentals will always be a part of this sector. International investors are also increasingly becoming a major role player in the property market, where local tenants are renting properties owned by foreign landlords who own property in the various provinces.

Due to an absence of a co-ordination initiative by the Nation Department of Housing regarding the various Provincial Rental Housing Tribunals, the Support Staff has only had informal contact with some other province's tribunal staff. This has led to a strong view that a national conference for all the Provincial 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. This is especially important as there is, for example, a very real difference in the Regulation of Unfair Practices in the various provinces and also the interpretation of certain vital aspects of the Rental Housing Act, that could become very confusing for tenants that use rental accommodation over a period within the various provinces. This could become a major problem during, for example the 2010 Soccer World Cup, where possible disputes would have to be resolved with tenants already out of the country.

In addition to this, it was also felt that the Justice and Law and Order systems should be part of this process, as it is public knowledge that the prosecution of certain types of transgressions of the rental Housing Act is dealt with differently in the various provinces, with one prosecutions in one province being deemed impossible by the justice system due to a difference in interpretation.

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.”*

As was reported in the previous Annual Reports, 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 referred eight cases of non-compliance with rulings and failure to attend hearings for prosecution in the previous reporting period. As was reported, the success rate was a concern as cases had to "compete" with more serious criminal cases and the Tribunal has no control over the prioritising of cases. However, the Tribunal has now in this reporting period, after discussions with the justice system, succeeded in having the first case of non-attendance of a hearing being prosecuted as a "Contempt of Court" transgression. This is probably a first for any Rental Housing Tribunal in South Africa.

A major area of concern, however, is still as was reported in previous Annual Reports, the inconsistent interpretation by the various SAPS offices, which leads to waste of time and delays in obtaining remedies by affected parties. Illegal evictions of tenants by landlords without the necessary Court Orders and unlawful discontinuation of services are on the increase, while certain SAPS offices refuse to intervene, as they regard this as a civil matter and not a criminal matter.

Another matter that will have to be addressed in the future, is the situation that a shortened and more streamlined method needs to be found where non-compliance to a ruling where a party is left without the repayment of monies after a ruling has been made. It is one thing to have non-attendance of a hearing prosecuted, but the real issue is to also ensure that justice is done where monies have to be paid over to a party in terms of a ruling, or another remedy, as this could very well be a matter of literally, life-and-death for the most needy in society.

3.3.2 Staffing

The Tribunal has consistently in previous reports expressed its concern that the Support Component has for four consecutive reporting periods been understaffed and that this 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 due to the staffing problems having been experienced.

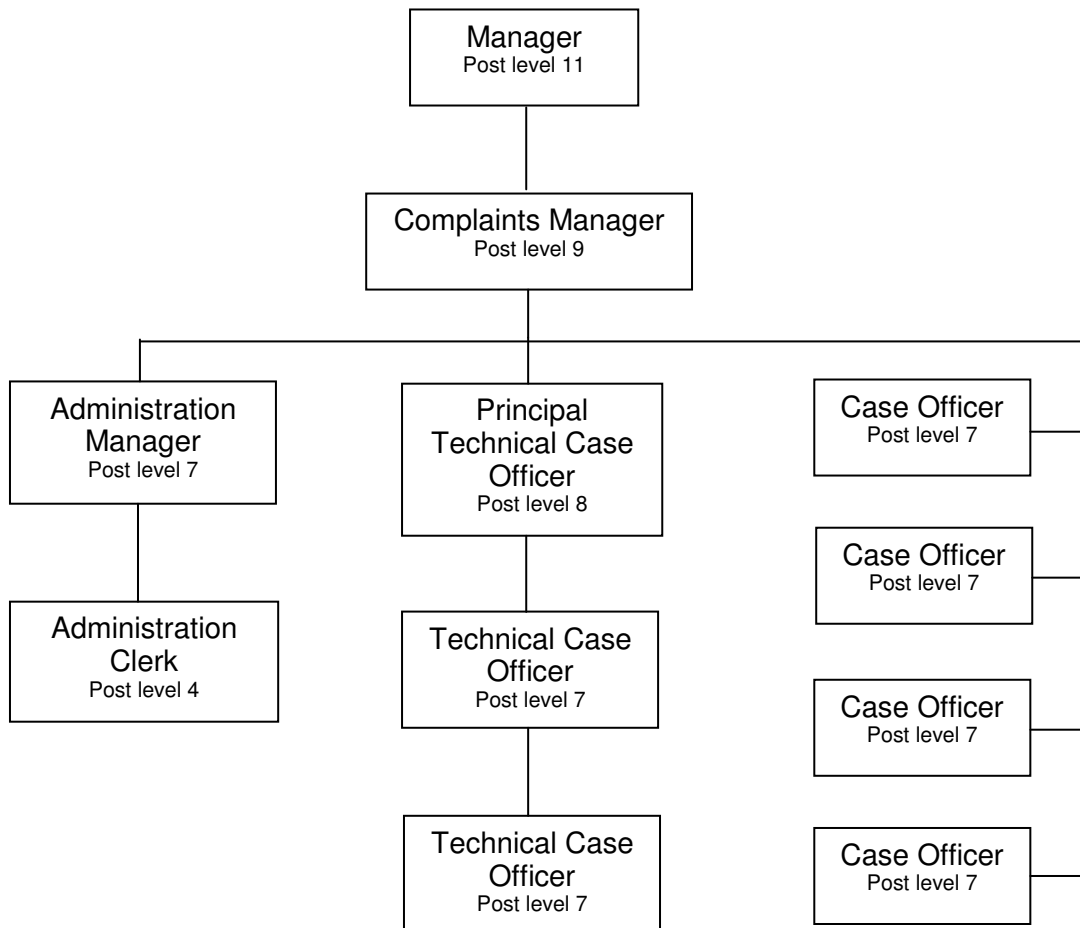
It was reported in the previous Annual Report that the new macro structure was approved with no additional posts for the support component and that the Support Component will not merely be a component within a sub-directorate as in the past, but a fully fledged sub-directorate. The Support Component 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 it upon themselves to redesign the posts during the process of job evaluation, to bring the posts and structure more in line with the facilities that are to be created and the actual functions to be performed by the individual posts. 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.

During the reporting period the staff was permanently placed in the process of matching-and-placing and this also led to two additional staff members being placed. The redesigning of the posts unfortunately led to only two additional staff members being matched-and-placed and these staff members still had to be involved in other functions that they had previously performed, which meant that they still had to perform those functions, while also trying to focus on their Tribunal-related responsibilities. This dilution of attention did not assist in relieving the capacity problems of the Support Component. In addition to this, the Support Component lost the services of the Complaints

Manager at the end of the reporting period through an internal promotion. If this post is not filled soon, the effect is probably going to be felt in the next reporting period.

The Support Component now consists of the following posts:



3.3.3 Raising awareness of Tribunal activities

Raising awareness regarding the Tribunal is the responsibility of the Department and the Tribunal. 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 lead to various invitations to be part of panel discussions at Annual General Meetings and other opportunities like training workshops. The activities of the Tribunal is also widely publicized in pamphlets handed out during Imbizos throughout the Province.

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.

The Tribunal also features prominently on the Capegateway Website in that it has its own webpage 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 IsiXhosa and two sets of Frequently Asked Questions by Landlords and Tenants. As the Tribunal is the only Tribunal in the RSA to be linked to a Website, queries are also received via this medium from affected parties in other provinces and internationally.

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 resources limitations. 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. This issue was to a large degree not pursued due to the restructuring process within the Department and the capacity problems experienced at the Support Component.

3.3.4 Infrastructure

The Tribunal moved into its own newly developed facilities in July 2005 which will greatly increase the effectiveness and morale of the support staff. The Tribunal and Support Component is extremely proud of these facilities and would like to express its appreciation to the Ministry and the Department for the facilities that were created, as these are without equal for any Rental

Housing Tribunal in South Africa. The following photographs give an indication of the quality of the facilities:

Photo 1: Entrance area to Department with Helpdesks, leading to Tribunal facilities



Helpdesks to the left with client waiting area

Photo 2: Tribunal waiting area and Interview room – entrance from Helpdesk area



Waiting area for parties attending mediations/hearings and two interview rooms

Photo 3: Hearing venue



From waiting area - Seating for parties and witnesses; support staff desk with digital recording facilities; projection screen

Photo 4: Hearing venue



Bench with separate entrance for members and staff recording station in foreground

Photo 5: Hearing venue



Seating for observers

Photo 6: Mediation room 1



There are two identical mediation rooms available

Photo 7: Staff workstations in open plan area



The Support Component has a social capital area that links to an open plan kitchen

Photo 8: Tribunal Caucus/Meeting room



The Tribunal has its own separate Caucus/Meeting room adjacent to the hearing venue bench

During the reporting period, ongoing discussions around the design of a Computerised Case Management System for the Tribunal continued and it is hoped that this would be finalized in the next reporting period. 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. 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.

3.3.5 Formal hearings of the Tribunal

To enable more cases to be finalized where formal hearings were concerned, the Tribunal implemented two pilot projects during the reporting period. This was done to expedite the resolution of complaints received and also to accommodate urgent hearings where it was deemed that disputes had to be dealt with on an urgent basis due to the specific circumstances of the individual parties and the specific unfair practice committed in relation to the specific circumstances of the individual parties.

The one was where mediations would be scheduled parallel with hearings on the same scheduled hearing days, where mediated settlements could be made rulings of the Tribunal on the same day and the other was where parallel hearings were held on similar cases on the same days, where the availability of Tribunal members presiding over cases allowed this. This meant that instead of three hearings per day, six hearings per day could be scheduled.

Although the latter proved extremely successful, the capacity constraints of the Support Component and the continued availability of members showed that it was not sustainable on a permanent basis. It will, however, be considered again should the need arise. The former has proven to be so successful that it has been implemented as a policy decision and is an

ongoing intervention to assist the processes of having complaints resolved within the legislative prescript of 90 days.

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. It can be reported that initially, the predominant cases were related to deposits and failure to undertake maintenance.

The following types of complaints were dealt with in hearings during the reporting period, compared to the previous year.

TYPES OF CASES	2004/05	2005/06
Failure to refund deposits	35	71
Exorbitant rental increases	9	2
Exorbitant rental increases & lack of maintenance	8	9
Failure to vacate premises & arrear rentals	4	0
Lack of maintenance	2	24
Unlawful repossession of property	1	6
Forced entry & lack of maintenance	1	0
Failure to pay rental & claims for compensation	2	8
Failure to vacate in terms of notice	2	0
Liability for basic charges/levies	1	3
Failure to accept termination of lease	1	0
General	0	10
Failure to provide municipal services	0	4
Unlawful notice	0	10
Unilateral changes to lease agreements	0	2
Unlawful eviction	0	3

The reasons for the increase in complaints are twofold, namely more complaints registered per case and also more hearings being held, as was referred to above. Currently the Tribunal has scheduled three days of hearing days every two weeks, which means that in the reporting period, 129 formal hearings were held, compared to 71 in the previous year and 42 in the year

before.

An analysis of the figures would indicate the following trends, taking into account that ordinarily, only cases that are very urgent where a ruling is required to restore the status quo or to resolve a dispute that borders on an emergency and cases where the dispute cannot successfully be resolved by the Support Component is scheduled for a hearing:

- Disputes pertaining to a failure to refund deposits are on the increase and have been for the past years, despite an increased focus on education of landlords affiliated to organised bodies. This would indicate that there is still an ignorance of the stipulations of the Rental Housing Act.
- Complaints about exorbitant increases in rental were mostly related to old rent controlled properties and these have declined, probably due to the effective information campaign by the Support Component regarding the repeal of Rent Control in previous years, as well as tenants accepting to pay the higher rentals or have moved out of properties rather than having to pay the increased rentals.
- Disputes regarding a lack of maintenance have increased dramatically. This would indicate that there is still an ignorance of the stipulations of the Rental Housing Act, as well as bad property management practices by landlords in this sector. It is also noticeable that there is an increase in complaints of lack of maintenance being brought against private landlords. This could be due to an increase in awareness regarding tenant's rights, as well as the adverse weather conditions the past year, which has led to poor and neglected maintenance being exposed by the weather.
- Disputes regarding unlawful repossession of property and unlawful evictions are also on the increase, which could be indicative of landlords not having faith in the justice system and taking the law into

their own hands. It could also, however be that tenants are getting more aware of their rights and are complaining.

- The category “General” is a new category, with the complaint form having been changed to allow for a more streamlined methodology. This allowed for 15 frequently encountered types of complaints with another category of General.
- Disputes regarding unlawful notices is a new category of complaints and the high number of hearings with these types of complaints is also indicative that the education of tenants in this regard is bearing fruit.

PART FOUR: STATUS/STATISTICS OF COMPLAINTS

4.1 Status of complaints

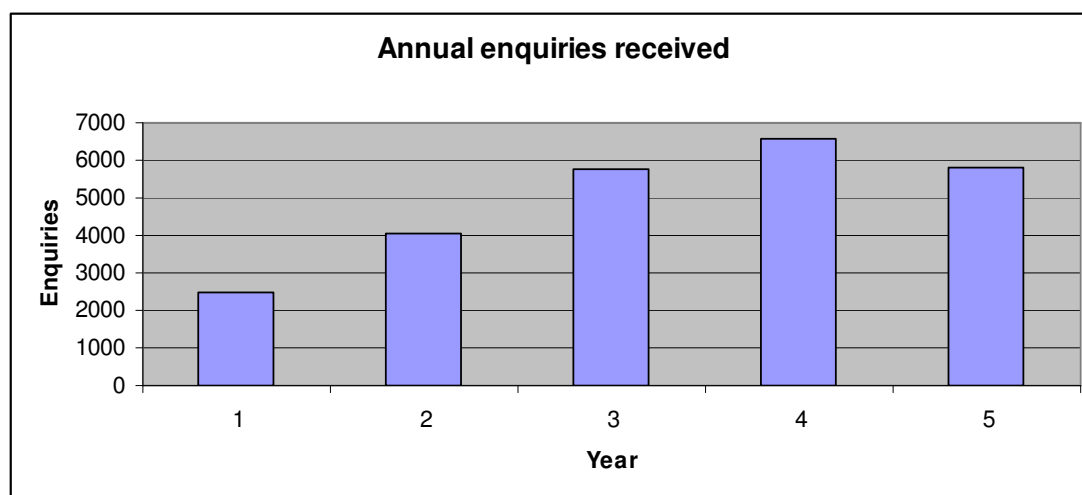
The following can be reported on an analysis of the complaints received thus far:

- 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. Five hearings were held in Mossel Bay.
- Most of the complaints have been resolved by the support staff through negotiations.
- A total of 20 formal mediation sessions were held, which has become an ever increasing method of resolving disputes and it is anticipated that this will increase even more in future, as it is a very cost-effective mechanism. Most mediated settlements are made a ruling of the Tribunal to ensure enforceability.
- A total of 129 hearings were conducted in the report period, of which 46 were found in favour of the complainants (mostly tenants) and 9 in favour of the respondents (mostly landlords). The balance of hearings were a combination of rulings that favoured both parties and settlement agreements that were made rulings.
- Two applications for reviews of rulings of the Tribunal were initiated in the reporting period. These are the first since the appointment of the Tribunal in 2001.
- A total of 14 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 enquiries and complaints

A total of 5 802 enquiries were received in the reporting period of 2005/06. This compares to the 6 572 in 2004/05, 5 752 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. The decrease in enquiries received this year, compared to 2004/05 can be attributed to the Support staff having to move another floor for three months to enable construction work and then to move back again, which entailed problems with telephones and networks. The above comparative statistics are depicted in Figure 1.

Figure 1



Of the total number of enquiries, only 487 ended up as formal complaints with case files being opened. This is due to the fact that the enquiries could relate to merely information needed or it could relate to a dispute on which advice is sought. The latter is then either resolved through the advice given by the Support Staff, or if not, then a formal complaint is lodged. Of the 487 formal cases, only 129 were finalised through formal hearings. This means that 21% of cases have been resolved through hearings and 79% were resolved through involvement by the Support Staff.

This means that the total of 5 802 enquiries, with 487 formal cases to be

worked on, entails an average of 828 enquiries that were handled by each staff member, while they also had an average of 80 cases per staff member to handle.

This high case load has led to the following:

- 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 9 months to resolve a case with the number of current staff and the level of awareness created of the Tribunal.

Compared to the number of enquiries received, the number of complaints lodged per year is set out under Figure 2.

Figure 2:

NUMBER OF COMPLAINTS PER YEAR					
2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006
102	120	233	299	352	487

This shows the increase in the number of formal complaints that are, and have been dealt with, due to extraordinary efforts by the support staff that has remained the same over the period and the extra efforts of the members of the Tribunal to hold more hearings. From 2000/01 to 2001/02 the formal complaints increased by 18%, from 2001/02 to 2002/03 it increased by 95%, from 2002/03 to 2003/04 it increased by 29%, from 2003/04 to 2004/05 it increased by 18% and for the current reporting period the number of complaints increased by 39%.

This should be read together with the increase in the number of hearings held and the increase in the number of cases that have been closed in a financial year.

A comparison of the number of cases closed per financial year is set out in Figure 3.

Figure 3:

CASES CLOSED IN A FINANCIAL YEAR					
2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006
0	152	169	182	294	359

A superficial analysis and comparison of the data under Figures 2 and 3 would indicate that cases are closed after a much longer period than the prescribed 90 day period. A comparison of the duration of closed cases is therefore needed.

A comparison of the duration of closed cases is set out under Figure 4.

Figure 4:

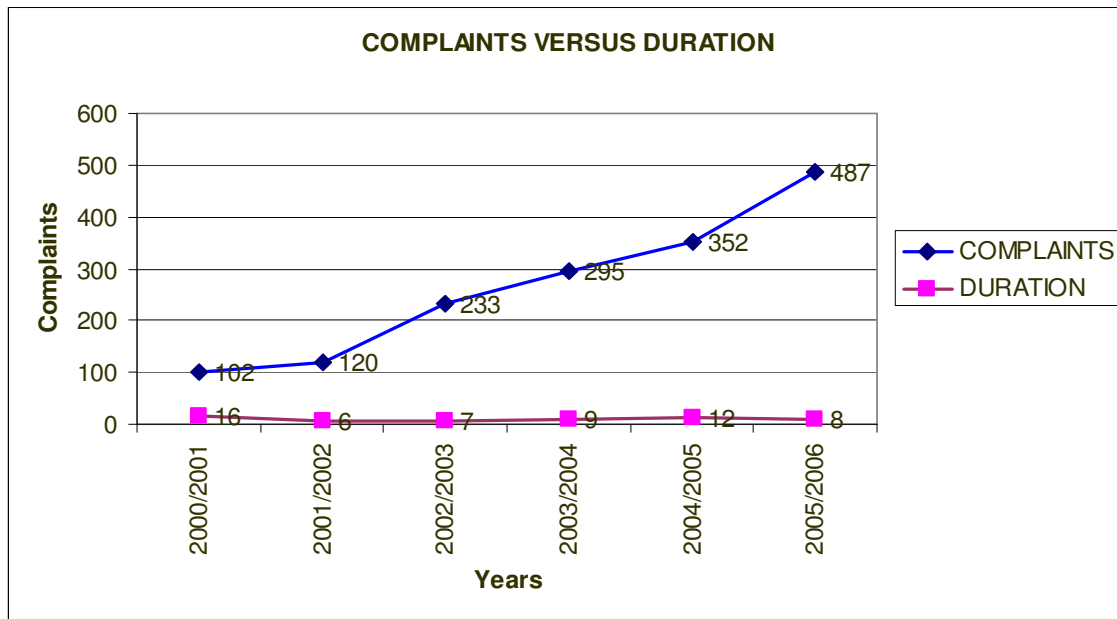
DURATION OF CLOSED CASES					
2000/2001		2001/2002		2002/2003	
Complaints	Duration	Complaints	Duration	Complaints	Duration
per year	(Months)	per year	(Months)	per year	(Months)
102	15.9	120	5.8	233	7

DURATION OF CLOSED CASES					
2003/2004		2004/2005		2005/2006	
Complaints	Duration	Complaints	Duration	Complaints	Duration
per year	(Months)	per year	(Months)	per year	(Months)
295	8.7	345	11.7	446	8

Note: The duration of closed cases in 2004/05 and 2005/06 could well mean that the cases were closed in 2006/07, as the average duration of cases is more than 90 days.

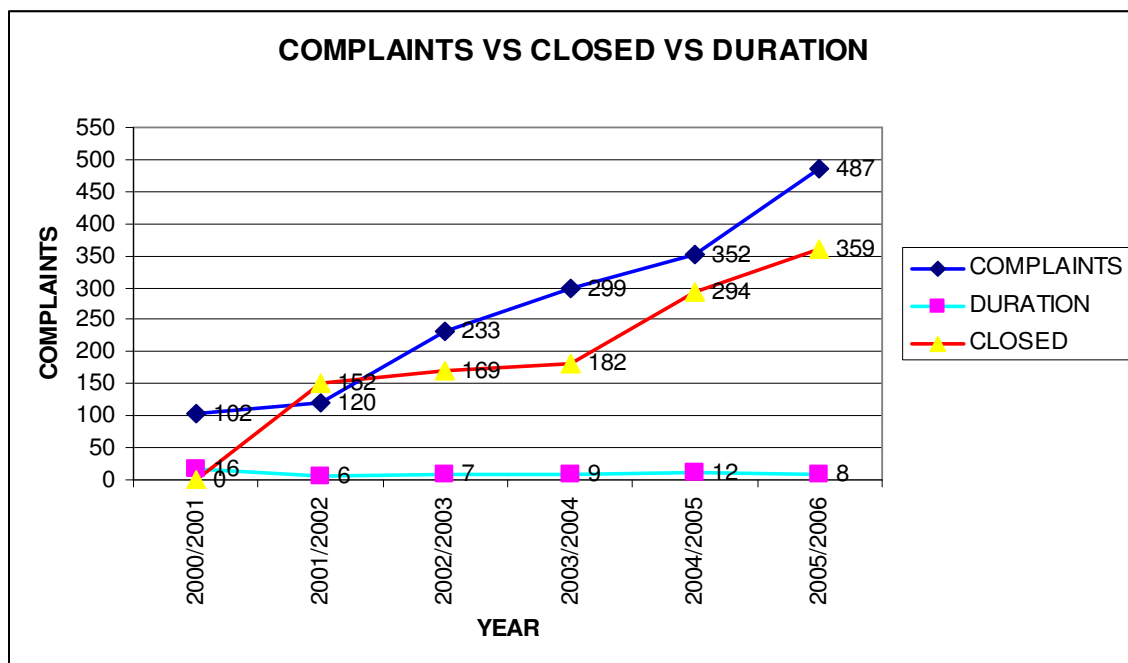
A superficial analysis of merely the above figures would indicate that the number of formal complaints have increased from 102, to 120, to 233, to 295, to 352 and to 487, whereas the duration of resolving the cases have actually shown a decrease or has remained relatively stable over six years. This bears testimony to the efforts in the current reporting period by the Members to deal with formal hearings and the support staff to streamline processes and to resolve disputes without formal hearings. A comparison of this trend is set out under Figure 5.

Figure 5:



If one compares these two graphs under Figure 5, with the number of cases closed per financial year (under Figure 3), it becomes obvious that the number of complaints, as well as the number of cases closed per year, have increased over the years, with the duration per closed case that have remained static. This trend is set out under Figure 6.

Figure 6:



These figures indicate the extraordinary efforts that were made to deal with the increase in cases as well as closing of cases from previous reporting periods, in the current reporting period. It is questionable whether the effort put in by the support staff during the year is sustainable if there is an even larger increase in the following years. This will invariably lead to a concomitant increase in the duration of cases, as the number of open cases as on 31 March 2006, were 53. These will also have to be dealt with in next years.

The type of complaints received is a valuable and very necessary indicator to determine areas of education needing attention and marketing drives. This will be analysed by the Tribunal and the necessary educational interventions undertaken to address clients in respect of their rights and responsibilities as a landlord and a tenant.

The types of complaints received are set out in Figure 7 that will be used to determine educational needs. The General/Other category comprises complaints that do not fit under the other categories.

Figure 7:

