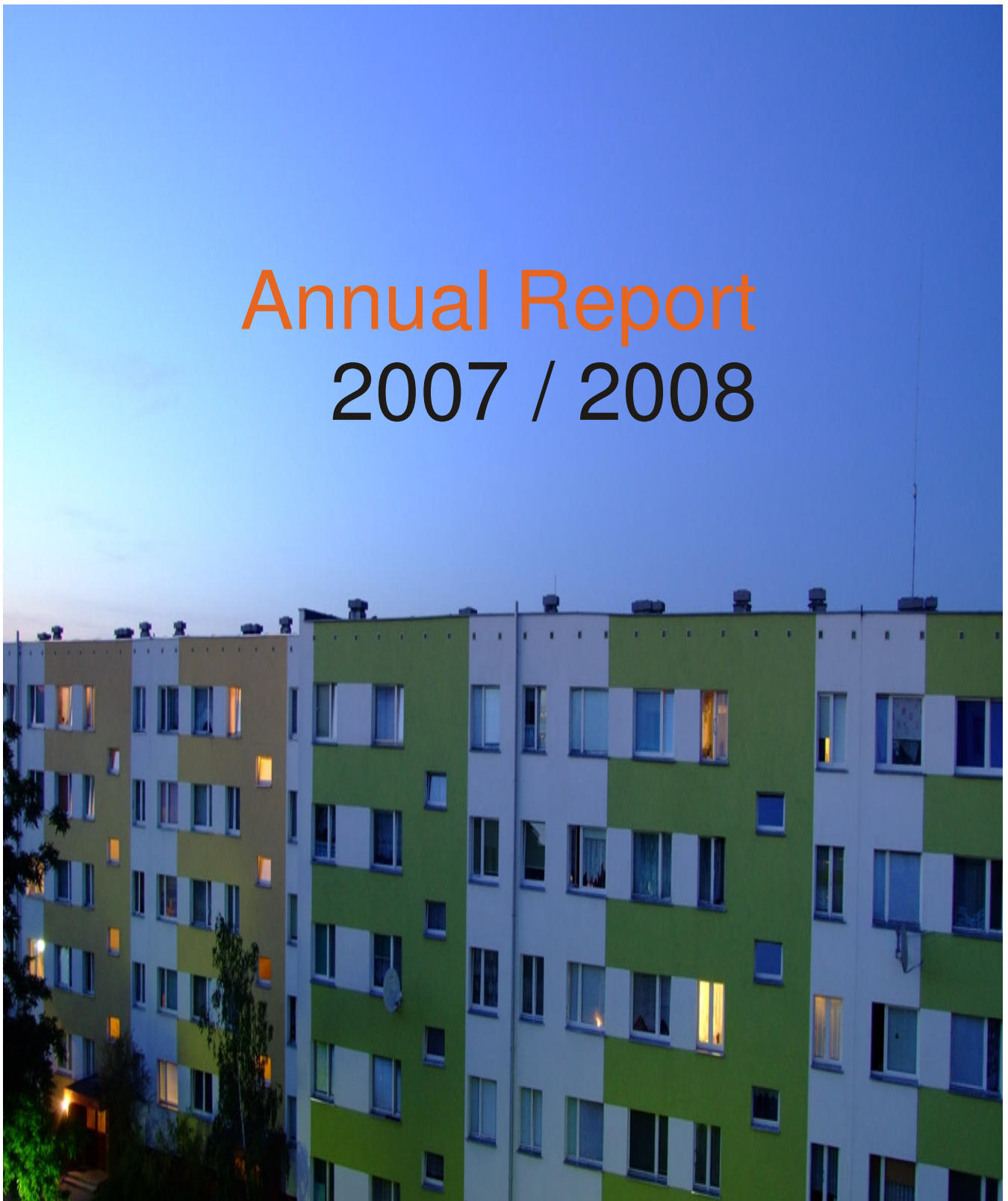


Annual Report 2007 / 2008



Western Cape Rental Housing Tribunal



Western Cape Provincial Department of Local Government and Housing
Wes-Kaapse Provinsiale Departement van Plaaslike Regering en Behuising
Isebe lePhondo leNtshona Koloni looRhulumente boMmandla nezeZindlu



To obtain additional copies of this document, please contact:

Western Cape Provincial Department of Local Government and Housing
Western Cape Rental Housing Tribunal
Private Bag X 9083
CAPE TOWN
8000
Tel: 021-483 6492
Fax: 021-483 2060
E-mail: sdewet@pgwc.gov.za
Website: www.capegateway.gov.za/rentalhousingtribunal

Om nog afskrifte van hierdie dokument te bekom, tree asseblief in verbinding met:

Wes-Kaapse Provinsiale Departement van Plaaslike Regering en Behuising
Wes-Kaapse Huurbehuisingstribunaal
Privaatsak X9083
KAAPSTAD
8000
Tel: 021-483 6492
Faks: 021-483 2060
e-Pos: sdewet@pgwc.gov.za
Webblad: www.capegateway.gov.za/rentalhousingtribunal

Xa ufuna imikhutshelwa eyongezelelekilayo yalo mqulu, nceda qhakamishelana:

ne-Sebe looRhulumente boMmandla nezeZindlu kwiphondo LeNtshona Koloni:
Inkundlana YengxakI Zengqesho Zindlu eNtshona Koloni
Private Bag X9083
CAPE TOWN
8000
Umnxeba: 021-483 6492
Umnxeba wephepha: 021-483 2060
Umnatha-ngqo: sdewet@pgwc.gov.za
Umnatha a wehlabathi: www.capegateway.gov.za/rentalhousingtribunal

ANNUAL REPORT

1 APRIL 2007 TO 31 MARCH 2008

INDEX

	<u>Page</u>
Foreword by Chairperson	4
Part 1: General information	7
Part 2: Human Resource Management	9
Part 3: Performance of the Tribunal	11

FOREWORD BY CHAIRPERSON

As Chairperson and as a collective, we have pleasure in submitting this annual report, covering the period 01 April 2007 to 31 March 2008, 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 provided to the community at large.

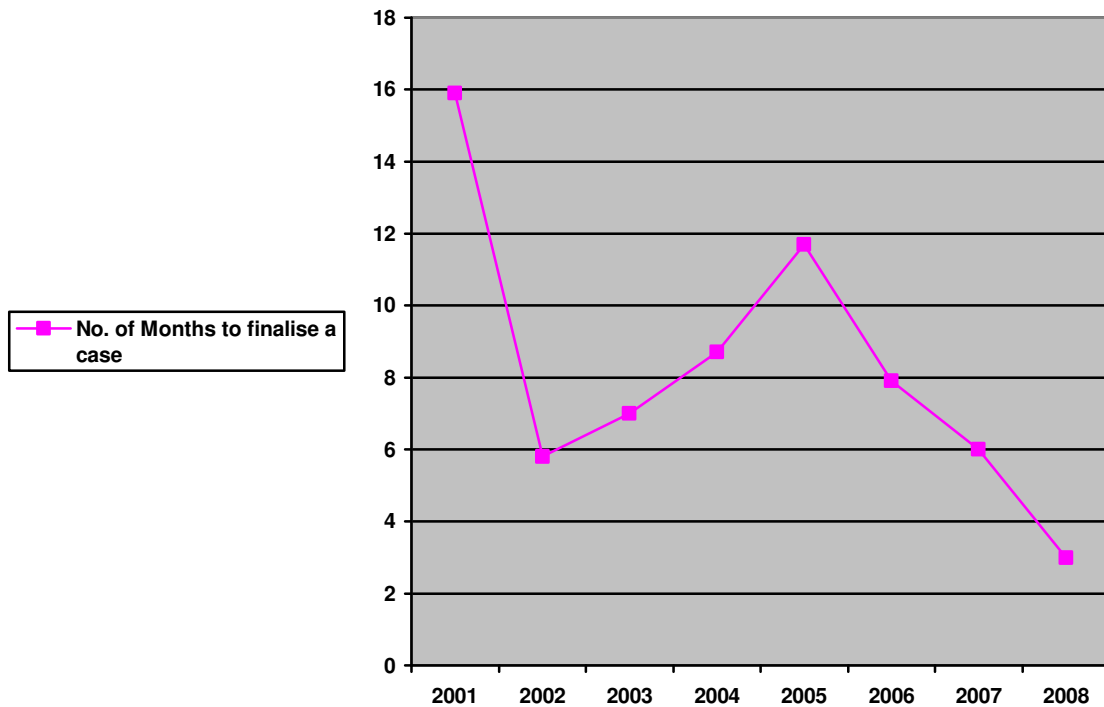
The attached report is by its nature intended to be a reflection of the Rental Housing Tribunal activities over the reporting period.

During the reporting period, the Tribunal has once again seen an increase in cases reported, in comparison to the previous year. To deal with this increase effectively, the Tribunal has doubled its staff compliment and consciously started examining its processes and procedures.

For the first time since its inception in 2001, the Tribunal has this year achieved on average, meeting its legislative prescript of having cases resolved within three months, as prescribed by the Rental Housing Act.

The table below best illustrates and demonstrates the measure of effectiveness and efficiency achieved by the Tribunal over the past eight years.

TRIBUNAL PERFORMANCE



The challenges the Tribunal faces in the year ahead are:

1. To be able to successfully sustain the meeting of the legislative prescript.
2. To achieve proper remuneration for the Support Staff and Tribunal Members on the basis of similar remuneration for similar work, as the Rental Housing Act is a National Act.
3. To market the activities of the Tribunal to a broader audience within the Western Cape Province.

Plans for the year ahead, to address these challenges, would include the following:

1. To embark on intensive training of the Support Staff on the Rental Housing Act to better equip them in understanding the intricacies of the Act.
2. For the Support Staff to attend Mediation Training Courses, which should reduce the number of cases brought to hearings, as the staff would be in a better position to facilitate mediation between Landlords and Tenants. Should no resolution be achieved, after mediation, the matter would be brought to a hearing by the Tribunal.
3. The implementation of a Case Management System to provide improved customer service and assist with the analysis of trends, types of complaints and identification of areas which may require interventions, which will assist with harmonising relationships between Landlords and Tenants.

In closing, we would again like to thank the MEC, the Support Staff and the Members for their support, guidance and assistance provided to the Tribunal over the past year.



Mr. S Patel
Chairperson

29 September 2008

PART ONE: GENERAL INFORMATION

1.1 Introduction

The Western Cape Rental Housing Tribunal is set up in terms of section 9 of the Rental Housing Act (Act 50 of 1999), herein referred to as the Act. The purpose of this Annual Report is to appraise the MEC for Local Government and Housing of the activities of the Tribunal for the past financial year.

1.2 Legislative framework

The following legislation provides 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).

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 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 administrative and technical support functions are performed by the staff provided by the Department of Local Government and Housing. These personnel are appointed subject to the laws governing the Public Service and perform functions related to the support of Tribunal activities.

2.2 Personnel 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 (until Dec 2007)
Mr J Kuiler	Member (from Jan 2008)
Ms T van der Hoven	Member
One position of Member became vacant during the previous reporting period.	
Ms V Marks	Alternate Member
Ms S Ndlwana	Alternate Member

The members of the Western Cape Rental Housing Tribunal remained mostly 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.

2.3 Expenditure

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

Staff	Amounts
Members	R 731 409.51
Support Staff	R 2 342 841.45
Total:	R 3 074 250.96

PART THREE: PERFORMANCE OF THE TRIBUNAL

3.1 Strategic objectives

The Tribunal has set the following strategic objectives for itself:

- To meet the 90 day time-frame stipulated in the Rental Housing Act (Act No 50 of 1999)
- 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

These Strategic Objectives, although determined in previous reporting periods, are still applicable for this reporting period as they are still very relevant. However, there needs to be a follow-up strategic planning session to streamline and/or enhance these strategic objectives.

3.2 Review of activities

3.2.1 Staffing

The following vacant positions were filled during the reporting period:

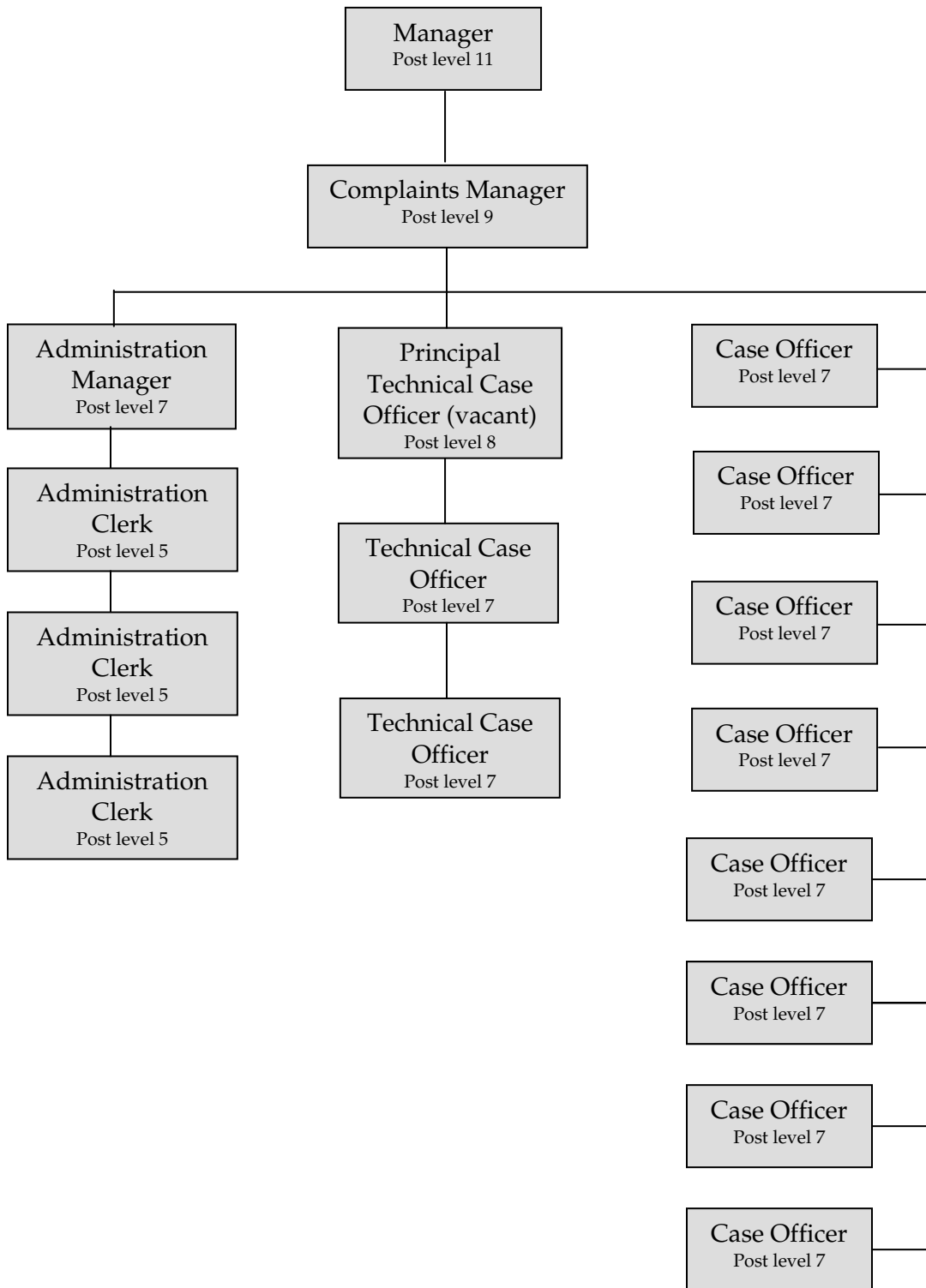
Complaints Manager

Administration Manager

Administration Clerks x 3

Case officers x 5

The Support Component consists of the following posts:



3.2.2 Raising awareness of Tribunal activities

No activities were undertaken during the period in question, as there were not sufficient funds and/or capacity.

3.2.3 Call centre

Statistics provided for the reporting period are set out in Figure 1.

Figure 1:

MONTH	CALLS	FORMAL COMPLAINTS
April	1214	11
May	1270	18
June	1128	15
July	997	6
August	1192	7
September	989	3
October	1167	6
November	1036	3
December	630	5
January	1065	4
February	1098	7
March	1040	2

The situation illustrated above, given the low formal complaint referrals reflected, and the potential risk of clients feeling less than satisfied with the telephonic response that they receive, will have to be examined.

3.2.4 Computerised Case Management System

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 finalised in the next reporting period, as this process has now been ongoing for four years. The idea behind this aid, is to provide an invaluable management and information tool to be able to effectively manage the cases and to predict trends.

3.2.5 Inputs on Amendment Bills

Inputs were provided on the Amendment to the Rental Housing Act and the National Regulations. The Tribunal had the privilege of a visit from the Standing Committee on Housing, during their consideration of the Amendments to the Act.

The National Regulations will replace the current Provincial Regulations, due to the fact that the Act that is being implemented is a National Act. These Regulations, once finalized, will be operative and will need to be implemented in the Province.

The implications of the Amendments to the Act and the proposed Regulations, are that the whole methodology, systems and structure of the Tribunal will have to be revisited, to give effect to the proposed National changes.

3.2.6 Hearings of the Tribunal

A total of 220 hearings were conducted in the reporting period with 26 cases being postponed, compared to 177 hearings in 2006/07.

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. Hearings were held in George, Franschhoek, Bredasdorp, Belhar, Vredenburg, Vredendal, Grabouw, Worcester and Hermanus – a total of 21 hearings outside of the Metropole.

It is noticeable that the fact that so few rental disputes/complaints are coming from outside of the Metropole, could possibly be attributed to the fact that no marketing of the Tribunal is done outside of the Metropolitan area, and clients both within the Metropole and the rest of the Province are possibly not aware of the service that is being offered by Government.

3.2.7 Help Desk

Statistics provided for the reporting period are set out in Figure 2.

Figure 2:

MONTH	WALK-INS
April	174
May	234
June	206
July	218
August	224
September	186
October	219
November	242
December	142
January	206
February	271
March	196

3.3 Performance of the Tribunal

- A total of 904 cases were opened during the reporting period, compared to 767 in the previous year. Of the 904 cases, 526 were finalised.

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

Figure 3:

NUMBER OF CASES PER YEAR							
2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
102	120	233	299	352	487	767	904
	+17%	+94%	+28%	+17%	+38%	+57%	+17%

This shows the increase in the number of cases that are, and have been dealt with, due to extraordinary efforts by the Support Staff and the extra efforts of the members of the Tribunal to hold more hearings.

A comparison of the number of cases closed per financial year is set out in Figure 4.

Figure 4:

CASES CLOSED IN A FINANCIAL YEAR							
2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
0	152	169	182	294	359	663	526

Figure 3 shows that there was an increase in the number of cases per year from 2006/07 to 2007/08 (17%). The reduction in the number of closed cases can largely be attributed to the lack of capacity, as the vacant posts were only filled from January 2008 onwards.

Figure 5:

DURATION OF CLOSED CASES							
2000/2001		2001/2002		2002/2003		2003/2004	
Complaints per year	Duration (Months)	Complaints per year	Duration (Months)	Complaints per year	Duration (Months)	Complaints per year	Duration (Months)
102	15.9	120	5.8	233	7	299	8.7

DURATION OF CLOSED CASES							
2004/2005		2005/2006		2006/2007		2007/2008	
Complaints per year	Duration (Months)	Complaints per year	Duration (Months)	Complaints per year	Duration (Months)	Complaints per year	Duration (Months)
352	11.7	487	7.9	767	6	904	3

An active education and marketing campaign needs to be done to educate landlords and tenants around their rights and responsibilities and the prescripts of the Rental Housing Act. Changes in legislation would also mean that the Tribunal will have to deal with more cases and this will put more pressure on the capacity of the Support Staff.

To obtain additional copies of this document, please contact:

Western Cape Provincial Department of Local Government and Housing
Western Cape Rental Housing Tribunal
Private Bag X 9083
CAPE TOWN
8000
Tel: 021-483 6492
Fax: 021-483 2060
E-mail: sdewet@pgwc.gov.za
Website: www.capegateway.gov.za/rentalhousingtribunal

Om nog afskrifte van hierdie dokument te bekom, tree asseblief in verbinding met:

Wes-Kaapse Provinsiale Departement van Plaaslike Regering en Behuising
Wes-Kaapse Huurbehuisingstribunaal
Privaatsak X9083
KAAPSTAD
8000
Tel: 021-483 6492
Faks: 021-483 2060
e-Pos: sdewet@pgwc.gov.za
Webblad: www.capegateway.gov.za/rentalhousingtribunal

Xa ufuna imikhutshelwa eyongezelelekilayo yalo mqulu, nceda qhakamishelana:

ne-Sebe looRhulumente boMmandla nezeZindlu kwiphondo LeNtshona Koloni:
Inkundlana YengxakI Zengqesho Zindlu eNtshona Koloni

Private Bag X9083
CAPE TOWN
8000
Umnxeba: 021-483 6492
Umnxeba wephepha: 021-483 2060
Umnatha-ngqo: sdewet@pgwc.gov.za
Umnatha a wehlabathi: www.capegateway.gov.za/rentalhousingtribunal