



Western Cape  
Government

Human Settlements



Winner of the 2015 National Govan Mbeki Awards: Kewtown  
Community Residential Project in Cape Town

Annual Report 2014/15  
Rental Housing Tribunal

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# ANNUAL REPORT

## 1 APRIL 2014 - 31 MARCH 2015

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## FOREWORD BY CHAIRPERSON

It is with pleasure that we submit this annual report, covering the period 1 April 2014 to 31 March 2015, to the Western Cape Government MEC of Human Settlements and to the Western Cape Provincial Legislature.

The past financial year has indeed been challenging but also exciting for the Tribunal. In previous years we have come to accept the fact that meeting the legislative turnaround time was indeed an almost impossible task, we nonetheless committed ourselves to stretch our resources to improve the turnaround time on resolving cases. For the first time the Tribunal has come to grips with the backlog issue.

The Western Cape Rental Housing Tribunal (WCRHT) official case management system had three thousand two hundred and eighty two (**3282**) recorded official complaints for the 2014/2015 financial year compared to the three thousand and fifty three (**3053**) complaints in the 2013/2014 financial year. The backlog remained a challenge and therefore the Tribunal sought it necessary to revisit its business model. The first step was to put in place an "as is" Standard Operation Procedure as a basis from which to analyze the current processes. This document was signed off on 30 September 2014 and from here we deconstructed every aspect of our business with a view to identify inefficiencies in our day-to-day operations. A final document in this regard will be available by 30 June 2015 which would inform a final Standard Operating Procedure.

The objective of the business improvement exercise was to find a sustainable solution to consistently comply with the legislative mandate of resolving cases within the 90 day turnaround time. This still left the current backlog as a problem and the two instruments used to address this gap was remunerated overtime and the refinement of system reports. By 31 March 2015 both these instruments led to the decrease in the backlog.

With respect to the marketing of the Rental Housing Tribunal, it was deemed necessary to first get our house in order before drafting a comprehensive marketing plan. The key element in the marketing plan would be the establishment of rental housing information

offices at each local municipality to place the services of the Tribunal within reach of every citizen. However this did not preclude the Tribunal from seizing opportunities to market the services of the Tribunal. In this regard the following initiatives were embarked upon:

- The WCRHT became a partner with the Estate Agency Affairs Board on their 2014 Roadshows where access was gained to approximately 3000 estate agents;
- Conducted training programs for Community Development Workers (CDWs); a draft SLA will be presented to the Department of Local Government to secure them as a key stakeholder.
- Continuous engagement with various Police Stations and other security cluster stakeholders (Magistrate Courts).

In conclusion, I would like to thank all the officials in the Western Cape Provincial Department of Human Settlements (who have played a supportive role towards the work of the Tribunal) and the Tribunal Members for their unwavering hard work, support and enthusiasm in rendering an invaluable service to the public.



ARNO BOTHA

Chairperson: Western Cape Rental Housing Tribunal

## **PART ONE: GENERAL INFORMATION**

### **1.1 Introduction**

Formed in 2001, the Tribunal consists of five members (including a chair- and vice-chairperson) appointed by the Western Cape Government Minister of Human Settlements. These individuals have extensive expertise in property management, housing development and consumer matters pertaining to rental housing. The Tribunal is assisted by the support component of the Directorate: Communications and Stakeholder Relations. The Tribunal provides a free service to tenants and landlords in the Western Cape, and its main function is dispute settlement between tenants and landlords.

The Tribunal is established in terms of Section 7 of the Act. The activities of the Tribunal are funded from moneys appropriated by the Western Cape Provincial Legislature and the Head of Department (HOD) of the Western Cape Government Department of Human Settlements functions as the Accounting Officer in respect of moneys appropriated.

### **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) as amended;
- 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 Consumer Protection Act 2008 (Act No 68 of 2008)
- Precedent case law

The functions of the Tribunal are to harmonize 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 by facilitating the process of resolving disputes and advising landlords and tenants.

### **1.5 Key functions**

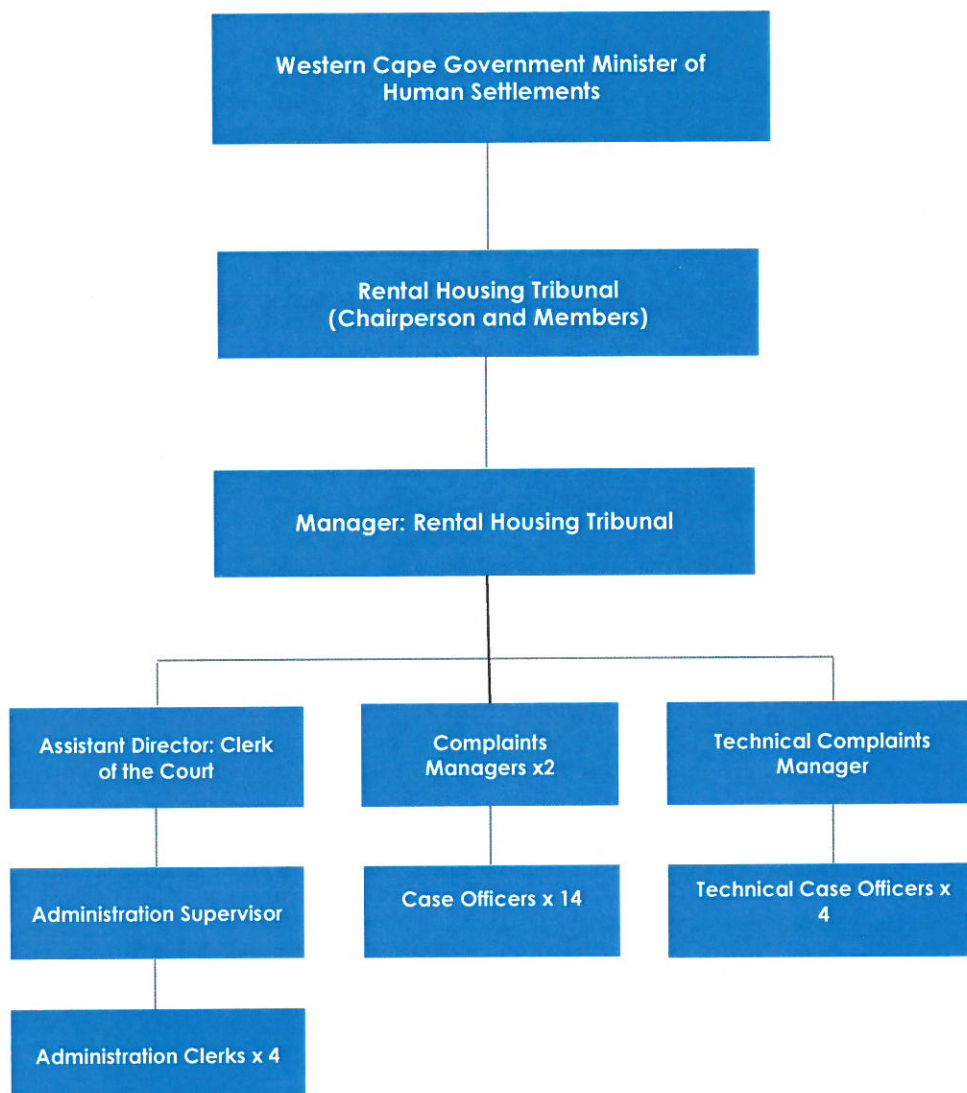
- To promote stability in the rental housing sector;
- To provide mechanisms to deal with disputes in this sector;
- To promote the provision of rental housing property;
- To facilitate, investigate, mediate and conduct hearings to resolve disputes between landlords and tenants;
- To inform landlords 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 Structure

The Rental Housing Tribunal is incorporated into the Communications and Stakeholder Relations component of the Department of Human Settlements. This provides the opportunity to leverage expertise within the component to educate, market and empower citizens with respect to the Rental Housing Act [50 of 1999].

The Support Component consists of the following structure:





## 2.2 Personnel arrangements

The Rental Housing Tribunal is an independent body established by the Rental Housing Act [50 of 1999] and is provided with administrative and technical support by the Western Cape Government Department of Human Settlements.

## 2.3 Personnel and related information

The Tribunal Members are appointed by the Western Cape Government Minister for Human Settlements. In terms of the Rental Housing Act [50 of 1999], the Minister is vested with the powers to appoint members of the Tribunal who have expertise in property management, housing development and consumer matters pertaining to rental housing. The current Tribunal consists of the following members:

Table1

<b>Name</b>	<b>Capacity</b>	<b>Profession</b>	<b>Term as a Member</b>
Mr JJA Botha	Chairperson	Practicing attorney	01/07/10 2 <sup>nd</sup> Term
Ms M Wotini	Deputy Chairperson	Human Resource Practitioner	01/02/14 4 <sup>th</sup> Term
Mr RJ Vincent	Member	Retired legal advisor	01/08/09 2 <sup>nd</sup> Term
Mr I Higgins	Member	Practicing attorney	01/08/09 2 <sup>nd</sup> Term
Ms J Ferdinando	Member	Estate Agent	01/02/14 1 <sup>st</sup> Term

## 2.4 Administration unit

The Administration Supervisor (level 7) became vacant during the period under review and currently one of the Administration Clerks in the Unit is acting as the Supervisor. This post will not be filled because it is envisaged that the job requirements will change subsequent to the Business Improvement Study final report.

## **2.5 Case Officer's unit**

The case officer unit consists of fourteen **(14)** posts. Seven **(7)** of these posts are available for the Metro area and are filled. The other seven **(7)** rest of the Western Cape of which two **(2)** of these posts are based in the George Office and the other three **(3)** posts are based in Cape Town. Five of the Non-Metro case officer posts have been filled and the remaining two vacant posts have been, due to the low complaints rate in the in this region, utilized temporarily to increase capacity in the Court Management unit to expedite the hearing process. It is envisaged that the business improvement study will identify additional capacity requirements.

## **2.6 Court Management**

In the existing structure only one post was created for this Unit, namely a Clerk of the Court [Level 9] post. During the business improvement study it came to the fore that a number of legal mandates within the Rental Housing Act 50 of 1999 were not been attended to and as stated previously, the two (2) posts from the Non-Metro Region were utilized to temporarily create capacity to get this Unit functional.

## PART THREE: PERFORMANCE OF THE TRIBUNAL

### 3. REVIEW OF ACTIVITIES

#### 3.1 Expenditure

**Table 1**

EXPENDITURE ITEM	2014/15	2013/14
<b>SALARIES AND WAGES</b>	<b>10,157,411.58</b>	<b>7,845,333.38</b>
STAFF	7,860,509.08	6,313,801.54
MEMBERS	2,296,902.50	1,531,531.84
<b>ADMINISTRATIVE FEES: PAYMENTS</b>	<b>682.00</b>	<b>1,826.00</b>
<b>MINOR ASSETS</b>		<b>1,487.70</b>
<b>COMMUNICATION</b>	<b>23,880.21</b>	<b>15,916.27</b>
<b>COMPUTER SERVICES [LICENCES]</b>	<b>63,880.88</b>	<b>29,858.31</b>
<b>LEGAL SERVICES</b>	<b>31,008.00</b>	<b>0</b>
<b>AGENCY &amp; OUTSOURCED SERVICES</b>	<b>588,199.92</b>	<b>629,062.20</b>
<b>ENTERTAINMENT MANAGEMENT</b>		<b>891.85</b>
<b>MATERIALS AND SUPPLIES</b>	<b>0</b>	<b>20,016.67</b>
<b>PRINTING</b>	<b>42,200.52</b>	<b>0</b>
<b>OPERATING LEASES</b>	<b>38,136.35</b>	<b>51,938.84</b>
<b>PROPERTY SEARCH PAYMENTS</b>	<b>594.56</b>	<b>1,839.46</b>
<b>TRAVEL AND SUBSISTENCE</b>	<b>231,869.21</b>	<b>287,179.25</b>
<b>TRAINING &amp; DEVELOPMENT</b>	<b>2,804.60</b>	<b>9,050.00</b>
<b>OPERATING PAYMENTS</b>	<b>37,871.24</b>	<b>48,513.80</b>
<b>VENUES AND FACILITIES</b>	<b>1,000.00</b>	<b>450.00</b>
<b>EMPLOYEE SOCIAL BENEFITS</b>	<b>2,222.02</b>	<b>0</b>
<b>TOTAL</b>	<b>11,221 761.09</b>	<b>8,943,363.73</b>

## Notes to Table 1

<b>a) <u>Communication</u></b>	
i) Cell Contract Subscriptions –	R 23 880.21
ii) Fixed-line telephone -	<u>R 3 048.45</u>
	<u>R 23 880.21</u>
<b>b) <u>Administrative Fees</u></b>	
Travel Agency fee	R 682.00
<b>c) <u>Agency and outsourced service</u></b>	
Call Centre	R588 199.92
<b>d) <u>Printing</u></b>	
Cost per paper print	R 42 200.52
<b>e) <u>Operating Lease</u></b>	
Photo-copy machine lease	R 38 136.35
<b>f) <u>Travel and subsistence</u></b>	
Accommodation	R 22 880.75
Daily allowance	R 7 275.63
Food and beverage	R 9 158.68
Incidental cost	R 19 148.20
Transport	<u>R173 405.95</u>
	<u>R231 869.21</u>
<b>g) <u>Training and Development</u></b>	
A member represented the Tribunal at a workshop on the Amendment Act.	
<b>h) <u>Operating Payments</u></b>	
Insurance payment for two technical case officers that are on the vehicle subsidy scheme	
<b>i) <u>Venues and Facilities</u></b>	
Ad-hoc hearings	
<b>j) <u>Employee Social Benefits</u></b>	
Technical case officer injured on duty	

## 3.2 Complaints received

### 3.2.1 Call Centre

The Call Centre is the main entry point of access for clients to lodge complaints or enquire of the services of the Western Cape Rental Housing Support Staff. This service is provided by SA Commercial\* and the service level agreement is managed jointly by the Tribunal and e-G4C [Department of the Premier]. The service provider record calls for quality control purposes and also submits a monthly report for scrutiny and input for planning purposes. **Table 2** is a comparison of calls received by the Call Centre as from the **2011/2012** to **2014/2015** financial years. However, it must be stressed that not all calls received by the Call Centre were converted to official complaints. The typical calls received are inter alia:

- Advice about rental problems;
- Queries about the case number and the official working on the complaint of the caller;
- The need to lodge an official complaint;
- Wanting to be transferred to the Rental Housing Tribunal office.

**85%** of the calls received are about **deposit refunds, questions on lease agreements, advice on failure to pay rental and failure to do maintenance**. Monthly meetings are held with the service provider to raise any issues that are of concern, particularly around training and the quality of information provided to the citizens contacting the Call Centre. Where the calls received are of a complex nature, the Call Centre officials would transfer the call to the Rental Housing Tribunal office or to the Department of Human Settlements' Helpdesk.

\* Situated at 22 Long Street Cape Town

**Table.2**

<b>Call Centre Report Number of calls received per month</b>				
<b>MONTH</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
<b>April</b>	877	1 005	1357	718
<b>May</b>	1101	1 212	1505	777
<b>June</b>	1026	1 059	1265	750
<b>July</b>	1051	1 181	1366	733
<b>August</b>	1308	1 329	903*	944
<b>September</b>	1324	1 090	948	828
<b>October</b>	1242	1 296	1026	822
<b>November</b>	1371	1 335	931	650
<b>December</b>	921	942	657	540
<b>January</b>	1259	1 330	950	555
<b>February</b>	1366	1 302	943	589
<b>March</b>	1369	1 195	955	516
<b>Total</b>	<b>14215</b>	<b>14 276</b>	<b>12 806</b>	<b>8 422</b>

\*The reporting template has changed effective 1 August 2013. It now excludes duplicate calls.

### **3.2.2 Department Helpdesk**

In this financial year (**2014/2015**), the Department of Human Settlements' Helpdesk attended to three thousand eight hundred and forty two (**3 842**) queries from the public, as compared to five thousand and twenty six (**5 026**) queries in the **2013/2014** financial year. All of these queries consisted of people who came to the Department of Human Settlements' Helpdesk office at **27 Wale Street in Cape Town** for advice and made enquiries on rental housing tribunal related matters. These Helpdesk enquiries ranged from:

- People who came to lodge an official rental housing tribunal complaint;
- People who came to get advice on their rights as either a landlord or tenant;

- People who came to drop off rental housing official complaint/s.

**Table 3**

<b>Departmental Help Desk Report RHT enquiries attended to per month</b>				
<b>MONTH</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
<b>April</b>	254	246	227	287
<b>May</b>	270	497	481	263
<b>June</b>	330	540	513	276
<b>July</b>	323	565	532	291
<b>August</b>	361	539	403	298
<b>September</b>	427	421	453	331
<b>October</b>	413	535	498	354
<b>November</b>	477	522	421	296
<b>December</b>	304	289	293	295
<b>January</b>	532	608	454	361
<b>February</b>	545	557	420	414
<b>March</b>	462	456	331	376
<b>Total</b>	<b>4 698</b>	<b>5 775</b>	<b>5 026</b>	<b>3 842</b>

The abovementioned table reflects the number of people who enquired at the Department Helpdesk for rental enquiries.

### 3.2.3 Rental Housing Tribunal Email Account

The email account was previously linked to the case management system and proper monitoring of the emails was problematic. The email account was channeled through the Outlook facility and access granted by all in the Administration unit to access and process. This led to an improved turnaround time in responding to queries received via the email account. Table 4 gives a breakdown of the enquiries received on a monthly basis through the email account.

**Table 4**

<b>Departmental Email Account Report: RHT enquiries received per month</b>	
<b>MONTH</b>	<b>2014/2015</b>
<b>April</b>	343
<b>May</b>	391
<b>June</b>	287
<b>July</b>	372
<b>August</b>	370
<b>September</b>	386
<b>October</b>	367
<b>November</b>	276
<b>December</b>	139
<b>January</b>	236
<b>February</b>	238
<b>March</b>	350
<b>Total</b>	<b>3755</b>



### 3.2.4 Geographical spread of Complaints

The services of the Rental Housing Tribunal can be accessed throughout the Western Cape through either:

- The Call Centre 0860 106 166
- Email address [Renthtrb@westerncape.gov.za](mailto:Renthtrb@westerncape.gov.za)
- Facsimile 021 483 3313
- Walk-in Centre [Help Desk] 27 Wale Street Cape Town
- Please call me 079 769 1207
- SMS Help to 31022

**Table 5** gives an indication of the geographical spread of the actual cases registered on the official case management system. It is envisaged that the establishment of the rental housing information offices through the Province would make the Tribunal more accessible to local communities where access to electronic communication services are not readily available. Table 5 reflects the areas where 50 or more complaints were registered on the case management system.

The George office has been identified as a suitable central point for all municipalities in the Eden District to access for quick assistance to the citizens of that district. The detail of the working relationships between these municipalities and the George office must be formalized through service level agreements so that service delivery can be performed effectively and efficiently.

For the period under review, 2 sessions of hearings [September and November 2014] totaling 14 cases, were held at the satellite office.

The Tribunal also had ad-hoc hearings in Hermanus, Citrusdal, Worcester and Stellenbosch.

**Table 5**

<b>Town</b>	<b>Municipality</b>	<b>Metro/Non-Metro</b>	<b>Cases</b>
Milnerton	Cape Town	M	364
Goodwood	Cape Town	M	276
Parow	Cape Town	M	213
Table View	Cape Town	M	160
Maitland	Cape Town	M	146
Bellville	Cape Town	M	138
Athlone	Cape Town	M	123
Mitchells Plain	Cape Town	M	119
Cape Town	Cape Town	M	109
Strand	Cape Town	M	107
Ottery	Cape Town	M	96
Kraaifontein	Cape Town	M	93
Sea Point	Cape Town	M	93
Woodstock	Cape Town	M	83
Brackenfell	Cape Town	M	74
Claremont	Cape Town	M	74
Grassy Park	Cape Town	M	68
Kuils River	Cape Town	M	66
Mowbray	Cape Town	M	64
Durbanville	Cape Town	M	58
Salt River	Cape Town	M	54
Lansdowne	Cape Town	M	41
Somerset West	Cape Town	M	40
George	George	N	38
Retreat	Cape Town	M	38
Rondebosch	Cape Town	M	38
Fish Hoek	Cape Town	M	37
Gordans Bay	Cape Town	M	37
Constantia	Cape Town	M	36
Eerste River	Cape Town	M	36
Muizenberg	Cape Town	M	36
Paarl	Drakenstein	N	35
Delft	Cape Town	M	32
Stellenbosch	Stellenbosch	N	32
Other areas with 30 or less cases per area			228
<b>Total</b>			<b>3282</b>

### 3.3 Captured Cases

This financial year (**2013/2014**) saw an increase of two hundred and eleven (**211**) reported cases as compared to the previous financial year. Reported cases increased from three thousand and fifty three (**3053**) to three thousand two hundred and sixty four cases (**3282**).

**Table 6**

Year	NUMBER OF REPORTED CASES PER YEAR 2006 – 2015						
	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
Number reported	1237	2454	2710	2442	3053	3264	3282
Percentage	+27%	+49%	+10%	-9%	+25%	+7%	

The above increase (2013/2014) is, among other reasons, attributed to the following:

- Word of mouth;
- WC: RHT posters which provide information on the services rendered by the Tribunal which is displayed at certain local government offices and public institutions such as libraries, SAPS and Thusong Centers;
- Various engagements with Municipal Management Forums (MMF).



### **3.5 Warrants of Execution**

In the **2013/2014** financial year **75** warrants of execution were issued for monetary non-compliance.

In the **2014/2015** financial year **98** warrants of execution were issued for monetary non-compliance.

### **3.6 Review Applications**

Section 17 of the Rental Housing Act (50 of 1999) provides for an aggrieved party to approach the High Court of South Africa in the specific area of jurisdiction to review a Ruling. The review application is commonly referred to as an appeal application.

**4** review applications were dealt of with in this reporting period.

### **3.7 Promotion of Access to Information Act (Act of 2000)**

In this reporting period (**2104/2105**) the WC: RHT received twelve (**06**) Promotion of Access to Information Act (PAIA) requests as opposed to six (**12**) for the period (**2103/2104**). The requests were from persons who were not satisfied with the rulings. All of these requests were complied with by providing the requested information and signed off by the Head of the Department (HOD).

## **4. Highlights**

### **4.1 Amendment Bill**

The second semester of the 2013/ 2014 financial year saw the revival of the proposed Amendment Bill and the Western Cape Rental Housing Tribunal provided inputs and comments to the changes contemplated in the aforesaid legislation. Some of the changes envisaged are that all lease agreements must be in writing, the introduction of an appeals authority, municipalities not yet on accreditation level 3 must have a rental housing information office. On 25 March 2014 the Select Committee on Public Services met to adopt the final mandates on the Rental Housing Amendment Bill [B56B-2013].

### **4.2 Business Improvement Study**

The as-is standard operation procedure was signed off on 08 October 2014 and the need arose to further interrogate processes related to improving the turnaround time in case management to comply with the legislative mandate. A number of challenges were identified and solutions proposed to overcome those gaps. A few of the solutions were implemented within the reporting period and contributed to the success of eradicating the backlog. A final report in this regard will be submitted in the new reporting period and it is envisaged that the longer term solutions would be embarked upon as a matter of urgency to ensure that cases are resolved timeously on a sustainable basis.

### **4.3 Marketing and Education**

The Western Cape Rental Tribunal launched a few initiatives to empower stakeholders and citizens on their rights and obligations with respect to the Rental Housing Act [50 of 1999]. In this regard it has fostered a relationship with the Estate Agency Affairs Board and will accompany them on their Roadshows in the new financial year. Several other ad-hoc engagements took place with relevant stakeholders. It has become evident that the most effective way to market the Tribunal is through the rental housing tribunal offices that needs to be established at the municipal level. It is envisaged that the mandatory requirement in the Amendment Act [2014] would stimulate the exposure of the Tribunal at the local level.

## 5. Conclusion

The past financial year has been very successful for the Western Cape Rental Tribunal as the backlog of cases was finally trumped and thus understood more clearly. At the closing of the reporting period the backlog consisted of 17 cases that were still in the process of being investigated and 156 Communicare cases that could not be resolved by the Tribunal due to representations made by both parties through their legal counsel. This however provides an improved basis to start off the new financial year.

The key issue addressed during the reporting period was the business improvement study. The purpose of this study was to streamline the processes of the Tribunal so that the legislative mandate of resolving cases within 90 days can be sustainably achieved. This exercise created an opportunity to unpack the business of the Tribunal and agreed [short, medium and long term] solutions to all the challenges were identified. The short term challenges were addressed and successfully implemented.

With respect to the tenants and landlords it is hoped that the Appeals process contemplated in the Amendment Act [2014] will provide an opportunity for aggrieved parties to have their cases reviewed as opposed to the current convention of having to approach the High Court at a considerable cost.

Lastly, with the continued positive working relationship between the Western Cape Government Department of Human Settlements, the Tribunal support staff and the Tribunal Members, we are of the view that the remaining challenges and achievements highlighted in this report will be strengthened as we move along to the next financial year (2015/2016).

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