



**Western Cape
Government**
Human Settlements

WESTERN CAPE RENTAL HOUSING TRIBUNAL



ANNUAL REPORT

2016/2017

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1 APRIL 2016 - 31 MARCH 2017

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FOREWORD BY THE CHAIRPERSON

It is with pleasure that I submit this annual report, for the period 1 April 2016 to 31 March 2017, to the Western Cape Government MEC of Human Settlements and to the Western Cape Provincial Legislature.

The position of chairperson of the Western Cape Rental Housing Tribunal ("WCRHT") was vacant from 30 June 2016 when the term of the previous chairperson expired. I was appointed as chairperson of the WCRHT with effect from 1 October 2016.

The term of office of three members of the Tribunal, appointed in terms of Section 9(1) of the Rental Housing No.50 of 1999, also expired at the end of January 2017 and February 2017. The Tribunal continued to fulfill its duties with a chairperson and two alternate members from February 2017 until four new members were appointed on 13 March 2017.

The WCRHT recorded three thousand one hundred and ten (**3 110**) complaints on the database for the 2016/2017 financial year compared to the three thousand six hundred and seventeen (**3617**) complaints in the 2015/2016 financial year.

During the current year under review the Tribunal endeavoured to continuously improve the drafting of their rulings. Tenants and landlords are entitled to lawful, reasonable and procedurally fair administrative action and the Tribunal is committed to reflect this in their rulings. The rulings are now drafted in a manner that a party knows why a ruling went for or against him or her.

There was also an increase in the number of complaints of tenants who were unlawfully evicted. In accordance with the powers conferred on it by Section 13(12)(c) of the Rental Housing Act, the Tribunal issued spoliation orders and landlords were ordered to restore possession of rental properties to vulnerable tenants who were unlawfully evicted from leased premises. In this manner, public order is preserved by restraining

persons from taking the law into their own hands. These complaints are enrolled for a hearing on an urgent basis.

There are currently no National uniform rules regulating the procedures and manner in which the proceedings of the Tribunal must be conducted. The WCRHT has drafted a practice directive for legal practitioners which deals with the allocation of hearing dates and the filing of documents to be used at a hearing. This directive will be submitted to the National Department of Human Settlements to consider when drafting the regulations under the Rental Housing Amendment Act 35 of 2014. The purpose of these directives is to create uniformity and to enhance the effective management of complaints that are enrolled for hearing.

In conclusion, I would like to thank all the officials in the Western Cape Provincial Department of Human Settlements (Support to the WCRHT) for their unwavering hard work, support and enthusiasm in rendering an invaluable service to the public.



Thomas Cloete

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

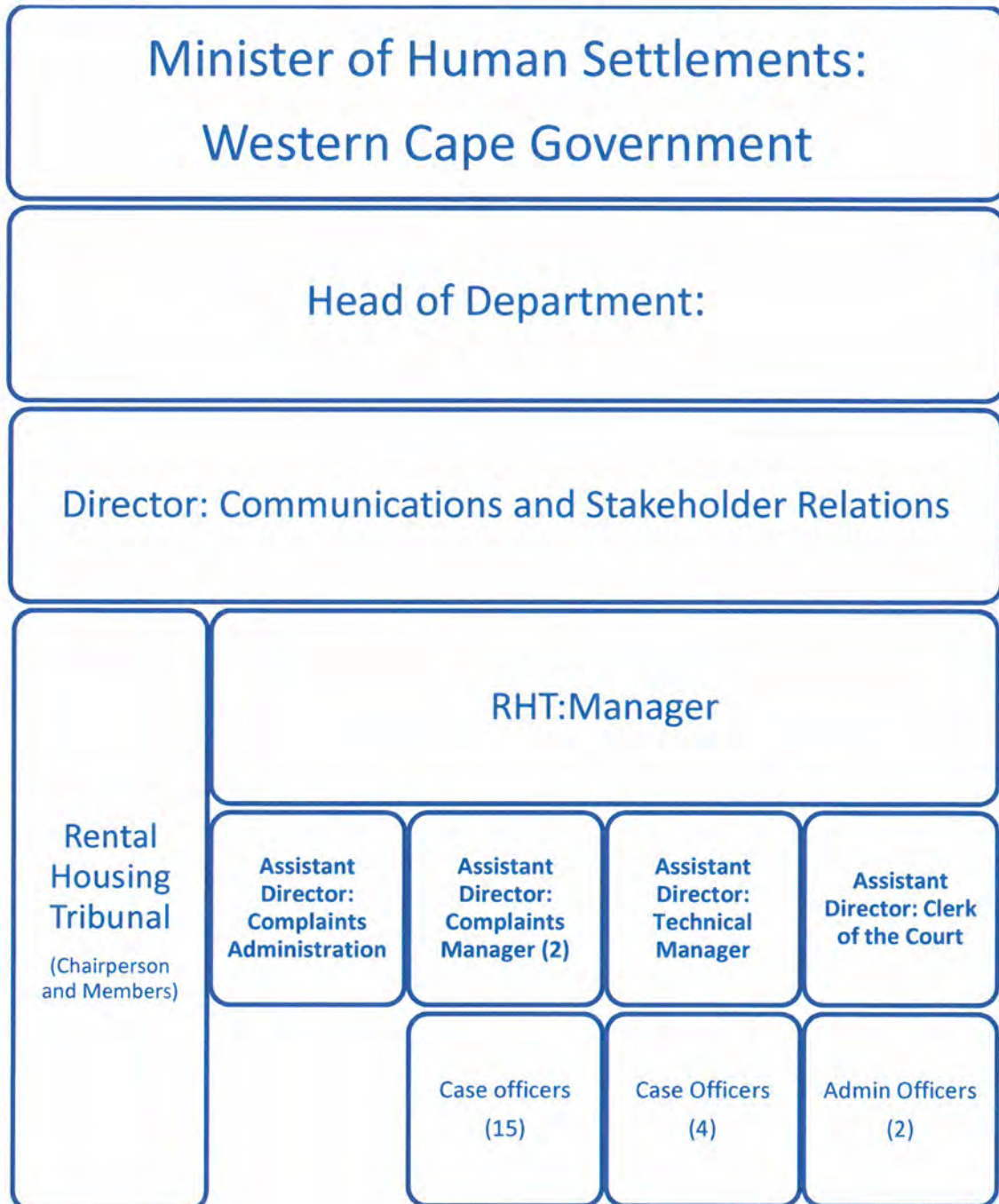
The Western Cape Rental Housing Tribunal seeks to promote stability in the rental housing sector by facilitating the process of resolving disputes and advising landlords and tenants.

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].

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;

Table 1

Name	Capacity	Profession	Term as a Member
Mr JJA Botha	Chairperson	Practicing attorney	End 30 June 2016
Mr T Cloete	Deputy Chairperson/ Chairperson	Practicing attorney	01 April 2016 until 31 March 2019 [Chairperson from 01 October 2016]
Mr RJ Vincent	Member	Retired legal advisor	01/08/09 3 rd Term [Term ended 12 February 2017]
Mr I Higgins	Member	Practicing attorney	01/08/09 3 rd Term [Term ended 12 February 2017]

Ms J Ferdinando	Member	Estate Agent	01/02/14 1 st Term [Term ended 31 January 2017]
Ms M Sinuka	Alternate Member	Estate Agent	01 April 2016 until 31 March 2019
Ms M Wannenberg	Alternate Member	Estate Agent	01 April 2016 until 31 March 2019

2.4 Complaints Management

The Complaints Management unit is split into to 2 legs [Metro Unit and a Non-Metro Unit]. The 2 units are headed by two complaints managers and consists of twelve **(12)** case officer posts. Two **(2)** of these posts are based in the George Office and the remaining ten **(10)** posts are based in Cape Town.

2.5 Court Management

This component is headed by a Clerk of the Court [Level 9] and is assisted by two administrative officers.

2.6 Complaints Administration

During the period under review, a new component was created to improve the interfacing with clients and also to sharpen first-line resolution of complaints received.

PART THREE: PERFORMANCE OF THE TRIBUNAL

3. REVIEW OF ACTIVITIES

3.1 Expenditure

Table 1

DESCRIPTION	BUDGET	EXPENSES 2016/2017	DIFFERENCE
COMPENSATION	R	R	R
COMPENSATION OF EMPLOYEES	9 550 000.00	9 550 000.00	0
MEMBERS PAYMENTS	1 952 000.00	1 952 000.00	0
TOTAL COMPENSATION	11 502 000.00	11 502 000.00	0
GOODS AND SERVICES	R	R	
TRAVEL AGENCY FEES	1 000.00	1 000.00	0
ADVERTISEMENTS [MEMBERS]	75 000.00	75 000.00	0
AIRTIME & DATA	13 000.00	13 000.00	0
TELECOM [TELEPHONE & FAX]	8 000.00	8 000.00	0
MEDICAL SERVICE	10 000.00	10 000.00	0
ADMIN & SUPPORT STAFF	435 000.00	435 000.00	0
GOV PRINTING	1 000.00	1 000.00	0
OPERATING LEASES	40 000.00	40 000.00	0
PROPERTY DEEDS SEARCHES	1 000.00	1 000.00	0
TRAVEL AND ACCOMMODATION	228 000.00	228 000.00	0
TRAINING: EMPLOYEES	-	-	0
LIFE INSURANCE	18 000.00	18 000.00	0
PRINTING & PUBLICAT SERVICES	20 000.00	20 000.00	0
TOTAL GOODS AND SERVICES	850 000.00	850 000.00	0
TOTALS	12 352 000.00	12 352 000.00	0

Note: The Rental Housing Tribunal budget is managed within Programme 1 of the Department of Human Settlements.

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 **2012/2013** to **2015/2016** financial years.

* Situated at 22 Long Street Cape Town

Table.2

Call Centre Report				
Number of calls received per month				
MONTH	2013/2014	2014/2015	2015/2016	2016/2017
April	1357	718	431	857
May	1505	777	650	851
June	1265	750	771	853
July	1366	733	814	786
August	903*	944	821	968
September	948	828	974	941
October	1026	822	856	903
November	931	650	828	1043
December	657	540	724	647
January	950	555	876	937
February	943	589	1092	907
March	955	516	926	938
	14 276	12 806	9 763	10 631

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

3.2.2 Department Helpdesk

In this financial year (**2015/2016**), the Department of Human Settlements' Helpdesk attended to four thousand two hundred and nineteen (**4219**) queries from the public, as compared to three thousand and eight hundred and forty-two (**3 842**) queries in the **2014/2015** 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

Departmental Help Desk Report RHT enquiries attended to per month				
MONTH	2013/2014	2014/2015	2015/2016	2016/2017
April	227	287	270	404
May	481	263	333	273
June	513	276	349	271
July	532	291	333	203
August	403	298	386	203
September	453	331	414	219
October	498	354	269	234
November	421	296	321	332
December	293	295	278	179
January	454	361	421	370
February	420	414	507	283
March	331	376	338	295
Total	5 026	3 842	4 219	3 266

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

3.2.4 Accessibility

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
- Facsimile 021 483 3313
- Walk-in Centre [Help Desk] 27 Wale Street Cape Town
- Please call me 079 769 1207
- SMS Help to 31022

3.3 Captured Cases

This financial year **(2016/2017)** saw a decrease of five hundred and seven **(507)** reported cases as compared to the previous financial year **(2015/2016)**. Reported cases decreased from three thousand six hundred and seventeen **(3617)** to three thousand one hundred and ten **(3110)**.

Table 6

	NUMBER OF REPORTED CASES PER YEAR 2010 – 2017						
Year	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Number reported	2710	2442	3053	3264	3282	3617	3110
Percentage	+10%	-9%	+20%	+7%	0.5%	+10%	-14%

The abovementioned decrease can be attribute to an increased awareness of the rights and obligations of the parties in a rental relationship due to inter alia the following reasons:

- 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;
- Economic and property market factors

3.4 Hearings conducted

All hearings by the WC: RHT are held as close as possible to the point of complaint. They currently hear a maximum of four **(4)** matters per day.

Table.8

Cases referred for Hearing and subsequently Heard				
MONTH	2015/2016		2016/2017	
	CASES REFERRED FOR HEARINGS	NUMBER OF CASES HEARD	CASES REFERRED FOR HEARINGS	NUMBER OF CASES HEARD
April	44	28	41	17
May	46	27	51	31
June	51	33	43	27
July	33	15	29	08
August	37	21	21	08
September	42	23	39	16
October	33	14	30	16
November	41	19	45	25
December	21	10	13	04
January	23	11	30	12
February	37	19	45	18
March	48	26	42	23
Total	456	246	429	205

3.5 Warrants of Execution

In the **2015/2016** financial year **98** warrants of execution were issued for monetary non-compliance.

In the **2016/2017** financial year **90** 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.

0 review applications were dealt of with in this reporting period.

3.6 Promotion of Access to Information Act (Act of 2000)

In this reporting period (**2016/2017**) the WC: RHT received nil (**0**) Promotion of Access to Information Act (PAIA) requests.