



Western Cape  
Government

Human Settlements



RENTAL HOUSING TRIBUNAL  
ANNUAL REPORT 2019/2020

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## FOREWORD BY THE CHAIRPERSON

I submit this annual report for the period 1 April 2019 to 31 March 2020 to the Western Cape Government Minister of Human Settlements, Mr Tertuis Simmers as required by section 12(3) of the Rental Housing Act, 1999 (the Act).

During the first quarter of the financial year, the Western Cape Rental Housing Tribunal (the Tribunal) functioned with 4 members (1 chairperson, 1 deputy chairperson, 2 members). The 2 alternate members' (M Sinuka and M Wannenberg) terms ended at the end of March 2019. The chairperson's term was due to end at the end of September 2019 but due to other commitments he resigned in May 2019. For the months of June – September 2019, the Tribunal was operational with only 3 members. A new chairperson (L Esterhuizen) and a new member (M Wannenberg) were appointed on 1 October 2019. Unfortunately, Ms Wannenberg passed away on 1 January 2020. For the months of January 2020 – March 2020 the Tribunal was functional with 4 Tribunal members (1 chairperson, 1 deputy chairperson, 2 members).

The Tribunal is operating from temporary accommodation since November 2019 while its offices at 27 Wale Street are being refurbished. The refurbishment is planned to be completed by March 2021 when the operations will return to normal again.

The Tribunal recorded three thousand one hundred and eighty (**3 180**) complaints on the database for the **2019/2020** financial year compared to the three thousand six hundred and thirty (**3 630**) complaints in the **2018/2019** financial year.

During the year under review, the complaints lodged with the Tribunal, in terms of section 13 of the Act concerning an unfair practice, consisted mainly of the following:

- a) Failure to refund deposit
- b) Unlawful notice to vacate
- c) Exorbitant increase in rental
- d) Failure to provide municipal services
- e) Failure to pay rental/municipal services/other liabilities

- f) Failure to do maintenance
- g) Unlawful eviction/illegal lockout
- h) Unlawful seizure of possessions.
- i) Unlawful Entry

During the period June 2018 – 31 March 2020, the Tribunal also received 775 complaints from tenants of Communicare. These complaints mainly related to exorbitant increases in rental, failure to do maintenance and allegations of illegal lease agreements. As at the end of the financial year under review, the Tribunal had finalized 381 of these cases. The rest of the complaints are to be scheduled for hearings by the Tribunal.

The Tribunal made history in January 2020 when it held its first virtual hearing via the MS Teams platform, with the Complainant attending the hearing online from his Johannesburg office.

Following a strategic session held by the members and staff during February 2020, a draft Strategic Plan 2020 – 2025 document was presented to the Minister for his approval. The main thrust of the goals which the Tribunal will pursue is to improve its efficiencies, to expand the footprint of its services beyond the metro and to penetrate also the lower income sector of the rental market.

In conclusion I want to express my thanks and appreciation to the members and staff for their continued dedication and commitment to serve the community through this important service.



Lionel Esterhuizen

Chairperson: Western Cape Rental Housing Tribunal

Date: 28/10/2020

## **PART ONE: GENERAL INFORMATION**

### **1.1 Introduction**

The Western Cape Rental Housing Tribunal came into effect in 2001 and consists of five members (including a chair- and deputy chairperson) and two alternate members, appointed by the Western Cape Government Minister of Human Settlements. These individuals have expertise in property management, housing development and consumer matters pertaining to rental housing. The Tribunal is assisted by the support component linked to 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 resolution between tenants and landlords.

The Tribunal is established in terms of Section 7 of the Act. The activities of the Tribunal are funded from the Department of Human Settlements' budget and the Head of the Department functions as the Accounting Officer in respect of appropriated funds.

### **1.2 Relevant Legislation**

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)

### **1.3 Vision**

The vision of the RHT is to be the most efficient forum for landlords and tenants to resolve rental housing disputes.

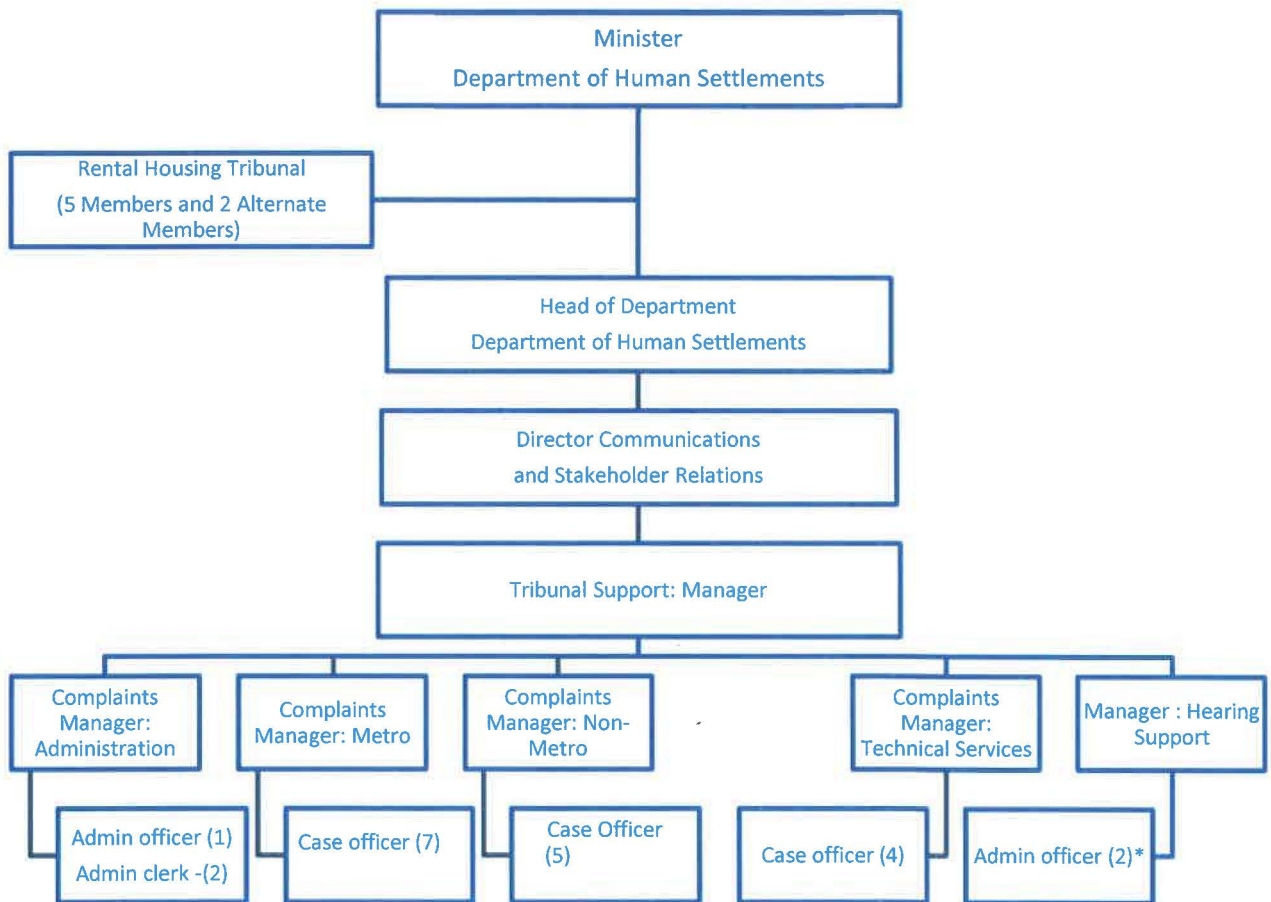
### **1.4 Mission**

The mission of the RHT is to:

- Ensure performance excellence through well trained and well capacitated staff
- Create awareness of the RHT services
- Improve work process flow and turnaround times
- Continuously monitor and evaluate performance
- Make the RHT services accessible to all Western Cape citizens
- Ensure professional, impartial, transparent, ethical and responsible management, as well as cooperative relations between internal and external stakeholders of the RHT

## PART TWO: HUMAN RESOURCE MANAGEMENT

### 2.1 Structure



Total staff complement of 27 officials

The support staff of the Tribunal is incorporated into the Communications and Stakeholder Relations component of the Department of Human Settlements.

## 2.2 Personnel Arrangements

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

The Tribunal Members are appointed by the Western Cape Minister for Human Settlements. In terms of the Act, 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. At the end of the financial year the Tribunal consisted of the following members:

<b>Name</b>	<b>Capacity</b>	<b>Expertise</b>	<b>Term as a Member</b>
Mr L Esterhuizen	Chairperson	Housing Development/Property Management	01 October 2019 [Term 1] until 30 September 2022
Ms S Morara	Deputy Chairperson	Legal	13 March 2017 [Term 1] until 30 June 2020
Mr N van Stade	Member	Legal/ Property Management	13 March 2017 [Term 1] until 30 June 2020
Mr A du Plessis	Member	Property/ Rental/ Consumer Specialist	13 March 2017 [Term 1] until 30 June 2020
Ms M Wannenberg	Member	Estate Agent	01 October 2019 [Term 2] until 01 January 2020 (Deceased)



## PART THREE: PERFORMANCE OF THE TRIBUNAL

### 3. REVIEW OF ACTIVITIES

#### 3.1 Expenditure

**Table 1: Expenditure**

	2018/2019	2019/2020
<b>Compensation</b>		
Compensation of Employees	6 277 038	6 045 805
Members Payments	2 279 265	3 022 103
<b>Total Compensation</b>	<b>8 556 303</b>	<b>9 067 908</b>
<b>Goods and Services</b>		
Administrative Fees	1 003	1 611
Advertisements [Members]	-	1 029
Communication Services [Cell phone]	19 016	21 072
Computer Services	-	95 834
Operating Payments	23 374	25 603
Training & Development	-	34 100
Travel and Accommodation	144 679	179 326
<b>Total Goods and Services</b>	<b>188 072</b>	<b>358 575</b>
<b>Totals</b>	<b>8 744 375</b>	<b>9 426 483</b>

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

## 3.2 Enquiries Received

### 3.2.1 Call Centre

The Call Centre is the main entry point of access for clients to lodge complaints or enquire **about** the services of the Tribunal. This service records incoming calls for quality control purposes as well as submit monthly reports for scrutiny and input for planning purposes. **Table 2** is a presentation of calls received by the Call Centre as from the **2015/2016** to **2019/2020** financial years.

**Table 2: Number of calls received per month**

MONTH	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
April	431	857	679	684	779
May	650	851	888	837	821
June	771	853	759	699	796
July	814	786	849	864	1 022
August	821	968	661	950	1 003
September	974	941	665	896	894
October	856	903	778	867	1 145
November	828	1 043	793	821	942
December	724	647	556	550	519
January	876	937	907	853	855
February	1 092	907	740	728	790
March	926	938	670	562	801
	<b>9 763</b>	<b>10 631</b>	<b>8 945</b>	<b>9 311</b>	<b>10 367</b>

### 3.2.2 Departmental Helpdesk

In this financial year (**2019/2020**), the Department of Human Settlements' Helpdesk attended to three thousand two hundred and twenty-six (**3 226**) queries from the public, as compared to four thousand two hundred and ninety-two (**4 292**) queries in the

(2017/2018) financial year. All these queries consist of people who came to the Department of Human Settlements' Helpdesk office at **27 Wale Street in Cape Town** or **6<sup>th</sup> Floor Norton Rose Building, 8 Riebeek Street, 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 complaints.

**Table 3: The number of enquiries received per month**

MONTH	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
April	270	404	288	312	297
May	333	273	324	288	254
June	349	271	324	307	248
July	333	203	317	679	354
August	386	203	364	386	306
September	414	219	298	330	278
October	269	234	386	379	305
November	321	332	280	356	257
December	278	179	191	215	181
January	421	370	218	391	289
February	507	283	321	370	274
March	338	295	295	279	183
<b>Total</b>	<b>4 219</b>	<b>3 266</b>	<b>3 606</b>	<b>4 292</b>	<b>3 226</b>

The aforementioned table reflects the number of people who enquired at the Department Helpdesk for rental enquiries. The services of the Rental Housing Tribunal are readily available on its website, the WCG intranet and Departmental website in addition to presentations to our social and enforcement partners.

### 3.2.3 Accessibility

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

- The Call Centre 0860 106 166
- Email addresses [rht.enquiries@westerncape.gov.za](mailto:rht.enquiries@westerncape.gov.za)  
[rht.complaints@westerncape.gov.za](mailto:rht.complaints@westerncape.gov.za)
- Facsimile 021 483 3313
- Walk-in Centre [Help Desk] 27 Wale Street Cape Town/6<sup>th</sup> Floor Norton Rose House, 8 Riebeek Street Cape Town
- Please call me 079 769 1207
- SMS Help to 31022

## 3.3 Case Management

### 3.3.1 Captured Cases

This financial year **(2019/2020)** saw a decrease of four hundred and fifty **(450)** captured cases as compared to the previous financial year **(2018/2019)**. Captured cases decreased from three thousand six hundred and thirty **(3 630)** to three thousand one hundred and eighty **(3 180)**.

**Table 4: Number of captured cases**

NUMBER OF CAPTURED CASES PER YEAR 2013 – 2020							
Year	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Number Reported	3 264	3 282	3 617	3 110	2 719	3 630	3 180
Percentage		+0.5%	+10%	-14%	-12.5%	+33.50%	-12,4%

### 3.3.2 Case Management Performance

**Table 5: Case Management Performance**

Indicator	2017/2018	2018/2019	2019/2020
Number of Complaints captured [as at 31 March]	2 719	3 630	3 180
Number of cases open [as at 31 March]	1 148	2 873	2 597
Backlog [cases older than 90 days as at 31 March]	<b>531</b>	<b>1 470</b>	<b>1 903</b>

### 3.4 Hearings conducted

The performance data for the hearings are as follows:

#### 3.4.1 General Hearings

**Table 6: General Hearings**

Indicator	2018/2019	2019/2020
Number of hearings scheduled:	536	535
Number of postponed cases:	118	154
Number of cases settled by parties before hearing	46	24
Number of cases struck off/ closed the roll	31	51
Number of Rulings issued	275	289
Number of Default rulings	12	10
Number of cases withdrawn	39	7

#### 3.4.2 Spoliations

**Table 7: Spoliations**

Indicator	2018/2019	2019/2020
Number of Hearings:	29	48
Number of interim rulings issued:	11	3
Number of final rulings issued:	19	34
Number of applications withdrawn	5	11

The increase in the number of spoliations can be attributed to the support staff's commitment and dedication to providing urgent and speedy relief to tenants in distress and also the Tribunal Members availing themselves to hearing spoliation applications earlier in the morning before starting with their hearing schedule for the day.

### 3.5 Warrants of Execution

**Table 8: Warrants of Execution**

Indicator	2019/2020	2018/2019
Number of Warrants issued	44	55
Value of Warrants issued	R1 074 421.58	R1 555 513.85

### 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 Rental Housing Amendment Act of 2014, specifically section 17A of the Act (as amended), allows for an appeal process but this is not in effect yet. The Amendment Act was assented to by the State President on 5 November 2014, and the implementation date is still to be announced.

1 review application was received during this reporting period.

**To obtain additional copies of this document, please contact:**

Western Cape Government: Department of Human Settlements  
Western Cape Rental Housing Tribunal  
Private Bag X 9083  
CAPE TOWN  
8000

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E-mail: [Nkosana.Vaveki@westerncape.gov.za](mailto:Nkosana.Vaveki@westerncape.gov.za)  
Website: [www.capegateway.gov.za/rentalhousingtribunal](http://www.capegateway.gov.za/rentalhousingtribunal)

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

Wes-Kaapse Regering: Departement van Menslike Nedersettings  
Wes-Kaapse Huurbehuisingstribunaal  
Privaatsak X9083  
KAAPSTAD  
8000

Tel: 021-483 6495  
Faks: 021-483 3313  
E-pos: [Nkosana.Vaveki@westerncape.gov.za](mailto:Nkosana.Vaveki@westerncape.gov.za)  
Webtuiste: [www.capegateway.gov.za/rentalhousingtribunal](http://www.capegateway.gov.za/rentalhousingtribunal)

**Xa ufuna imikhutshelwa eyongezelelekilayo yalo mqulu, nceda qhakamishelana:**

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Umnatha - wehlabathi: [www.capegateway.gov.za/rentalhousingtribunal](http://www.capegateway.gov.za/rentalhousingtribunal)