



Western Cape
Government
FOR YOU

RENTAL HOUSING TRIBUNAL ANNUAL REPORT 2021/22

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FOREWORD BY THE CHAIRPERSON

I submit this annual report of the Western Cape Rental Housing Tribunal (the Tribunal) for the period 1 April 2021 to 31 March 2022 to the Western Cape Minister of Human Settlements, Tertuis Simmers, as required by section 12(3) of the Rental Housing Act, 1999 (the Act).

During this financial year the country was still subject to the various stages of the Covid19 - lockdown in terms of the regulations issued under the Disaster Management Act, 2002. Although the Tribunal was able to provide all its mandated services during this period, its operations were still affected in several ways which is evident from the statistics provided later in this report.

The Tribunal recorded 2544 cases during the financial year which is much higher than the 1944 cases recorded in 2020-21, but it is still considerably less than the average of 3200 cases recorded over the previous six years. Through concerted efforts by the members and the staff the number of open cases was reduced to 817 from the 1325 in 2020-21, as well as the backlog cases (cases older than 90 days) which were reduced to 391 from 898 in 2020-21.

The complaints lodged with the Tribunal during the period under review, in terms of section 13 of the Act concerning an unfair practice, were mainly in respect of failure to refund deposits (27.43%), unlawful notice to vacate (21.61%), failure to pay rental (10.69%), failure to provide municipal services (8.45%), failure to do maintenance (8.09%) and unlawful evictions (5.11%).

The Tribunal conducted a mid-term review of its 2020-25 Strategic Plan during February 2022. Although the Covid19 pandemic had an impact on the implementation of the plan, the Tribunal made good progress in pursuing the major goals of improved efficiency and public awareness set out in the plan.

From the 1st of April 2021 all complaints are being managed through the Customer Relations Management System (CRM). Besides the other options to lodge complaints that remain available, the CRM system allows citizens to lodge rental housing complaints online via the Western Cape Government eService Portal. The main objective of the CRM is to improve the efficiency with which complaints are processed and finalized, and to eliminate or at least reduce the use of paper in the processing and management of complaints.

The Tribunal initiated and attended several events where the citizens were made aware of its services, while it also established good relationships with key stakeholders in the sector. However, these initiatives are happening on an ad hoc basis, and it is realized that a dedicated division, which can be created by rearranging the existing staff compliment, is needed in the Tribunal to attend to an ongoing programme to achieve the objective of also reaching and be accessible to the poorer sectors of the community. An important initiative that is also being pursued is the establishment of Rental Housing Information Offices at municipalities as provided for in the Act. Under the current financial climate, it is not foreseen that fully fledged offices will be created to perform this function, but, at least as a start, to provide an information service via the existing resources of municipalities.

The Tribunal made comprehensive input on the draft regulations to be promulgated in terms of the Act, which the national Department of Human Settlements issued during May 2021. The implementation of the Rental Housing Amendment Act, 2014, which was already signed by the President, is still pending because of the outstanding regulations. Unfortunately, the regulations were not promulgated as was expected in September 2021, and the status quo remains.

Since November 2019 the Tribunal was operating from temporary accommodation in the Norton Rose Building while the Ground Floor in 27 Wale Street was being refurbished. Through a well planned and executed process it moved back to the refurbished offices during October 2021 without having to interrupt its services and with minimal discomfort to the citizens.

For eleven months of the financial year the Tribunal functioned with the full complement of members and alternate members. One of the members, Mr N van Stade, resigned at the end of February 2022 to pursue other interests.

Finally, I express my sincere thanks and appreciation to the members and staff of the Tribunal and the Western Cape Department of Human Settlements for their continued support, dedication, and commitment to render this important service to the community.



Lionel Esterhuizen

Chairperson: Western Cape Rental Housing Tribunal

Date: 20/9/2022

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); and
- 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:

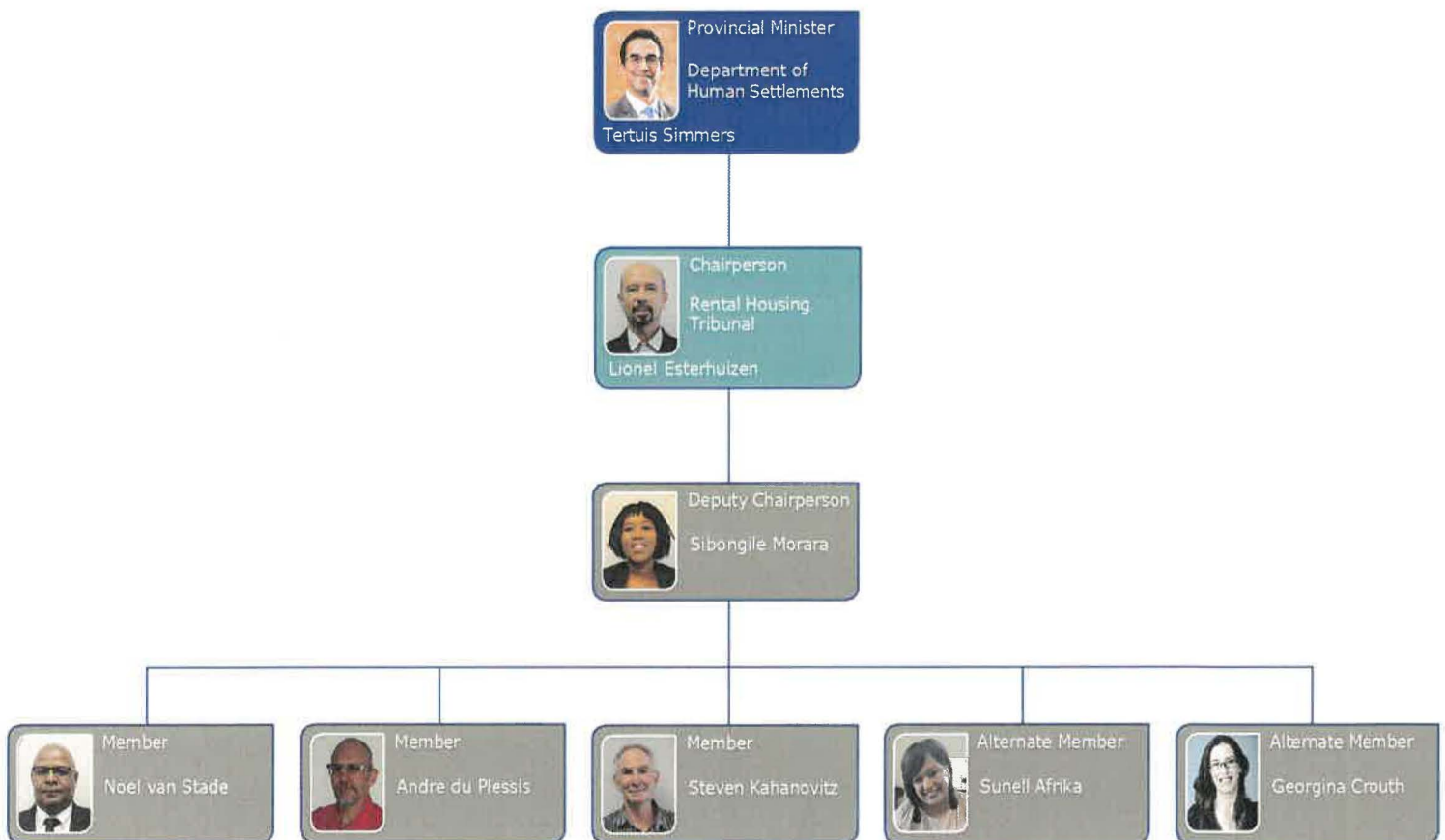
- Ensure performance excellence through well trained and well capacitated staff.
- Create awareness of the RHT services.
- Improve work process flow and turnaround times.
- Continuously monitor and evaluate performance.
- Make the RHT services accessible to all Western Cape citizens; and
- Ensure professional,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

PART TWO: HUMAN RESOURCE MANAGEMENT

2.1 Structure/Organogram

Tribunal Members and Related Information

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. The current Tribunal consists of the following members:



Tribunal Members' Related Information

NAME	CAPACITY	EXPERTISE	TERM AS A MEMBER
Mr. L Esterhuizen	Chairperson	Housing Development/Property Management	Term 1: 01 October 2019 - 30 September 2022
Ms. S Morara	Deputy Chairperson	Legal	Term 1: 13 March 2017 until 13 March 2020 Term 2: 1 July 2020 until 30 June 2023
Mr. N van Stade (Vacant)	Member	Legal	Term 1: 13 March 2017 until 13 March 2020 Term 2: 1 July 2020 until 28 February 2022 (Resigned)
Mr. A du Plessis	Member	Property/ Rental/ Consumer Specialist	Term 1: 13 March 2017 until 13 March 2020 Term 2: 1 July 2020 until 30 June 2023
Mr. S Kahanovitz	Member	Legal	Term 1: 1 July 2020 until 30 June 2023
Ms. S Africa	Alternate Member	Property Management	Term 1: 1 July 2020 until 30 June 2023
Ms. G Crouth	Alternate Member	Consumer Affairs	Term 1: 1 July 2020 until 30 June 2023

2.2 Support Staff

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 has a support staff complement of 27 officials. The support staff of the Tribunal is incorporated into the Directorate: Communications and Stakeholder Relations of the Department of Human Settlements.



PART THREE: PERFORMANCE OF THE TRIBUNAL

3. Review of Activities

3.1 Expenditure

Table 1:

DESCRIPTION	2019/2020	2020/2021	2021/2022
Compensation of Employees	6,045,804.00	5,638,474.00	7,254,141.00
Members Payments	3,022,103.00	2,449,459.00	3,773,814.00
Total Compensation	9,067,907.00	8,087,932.00	11,027,955.00
Administrative Fees	1,611.00	-	138.00
Advertisements [Members]	1,029.00	-	-
Communication Services [Cell phone]	21,072.00	26,839.00	34,927.00
Computer Services	95,834.00	-	34,180.00
Operating Leases	-	10,933.00	2,212.00
Operating Payments (printing and publications)	-	10,353.00	8,535.00
Training & Development	34,100.00	-	-
Travel and Accommodation	179,326.00	76,777.00	137,081.00
Legal Services	-	-	39,330.00
Total Goods and Services	332,972.00	124,902.00	256,404.00
Households: Leave Gratuity	910.00	5,139.00	28,692.00
Totals	9,401,789.00	8,217,973.00	11,313,051.00

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

3.2 Complaints/Queries 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** below is a comparison of calls received by the Call Centre as from the **2019/2020** to **2021/2022** financial years.

Table 2: Number of calls received per month

Call Centre Report			
MONTH	2019/2020	2020/2021	2021/2022
April	779	125	268
May	821	61	292
June	796	98	304
July	1 022	95	274
August	1 003	117	275
September	894	112	283
October	1 145	122	279
November	942	120	313
December	519	106	180
January	855	157	268
February	790	131	301
March	801	148	247
Total	10 367	1 392	3 284

3.2.2 Departmental Helpdesk

For the financial year (**2021/2022**), the Department of Human Settlements' Helpdesk attended to one thousand nine hundred (**1900**) queries from the public, as compared to one thousand five hundred and sixteen (**1516**) queries in the (**2020/2021**) financial year.

These Helpdesk enquiries ranged from:



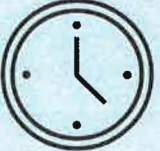
- People who came to lodge an official rental housing tribunal complaint.
- People who came to obtain information on their rights as either a landlord or tenant.
- People who came to drop off rental housing official complaints.

Table 3: The number of enquiries received per month

Departmental Help Desk Report - Tribunal enquiries attended to per month			
MONTH	2019/2020	2020/2021	2021/2022
April	297	5	154
May	254	19	158
June	248	41	134
July	354	48	124
August	306	41	133
September	278	199	154
October	305	258	219
November	257	203	223
December	181	121	120
January	289	180	141
February	274	197	203
March	183	204	137
Total	3 226	1 516	1 900

Table 3 reflects the number of people who enquired at the Department Helpdesk for rental housing enquiries. The above table shows a steady increase of 384 in the number of enquiries registered during the 2021/2022 financial year.

3.2.3 Accessibility

	<p><u>CONTACT DETAILS FOR ENQUIRIES</u></p> <p>Contact Centre: 0860 106 166 Please Call Me: 079 769 1207 SMS: Help to 31022</p>
	<p><u>FOR ALL GENERAL ENQUIRIES</u></p> <p>E-mail: rht.enquiries@westerncape.gov.za</p>
	<p><u>FOR DISPUTE RELATED ENQUIRIES</u></p> <p>Submit all complaint forms, annexures and a copy of your lease agreement to</p> <p>E-mail: rht.disputes@westerncape.gov.za Telephone: 021 483 5020 / 6495 / 3283 Fax: 021 483 3313</p>
	<p><u>WEBSITE</u></p> <p>https://www.westerncape.gov.za/dept/human-settlements</p>
	<p><u>WCG ESERVICE PORTAL</u></p> <p>https://westerncapegov.custhelp.com/</p>
	<p><u>OPENING HOURS</u></p> <p>Monday to Friday from 07:30 – 15:00</p>

3.3 Tribunal Support Services

3.3.1 Captured Cases

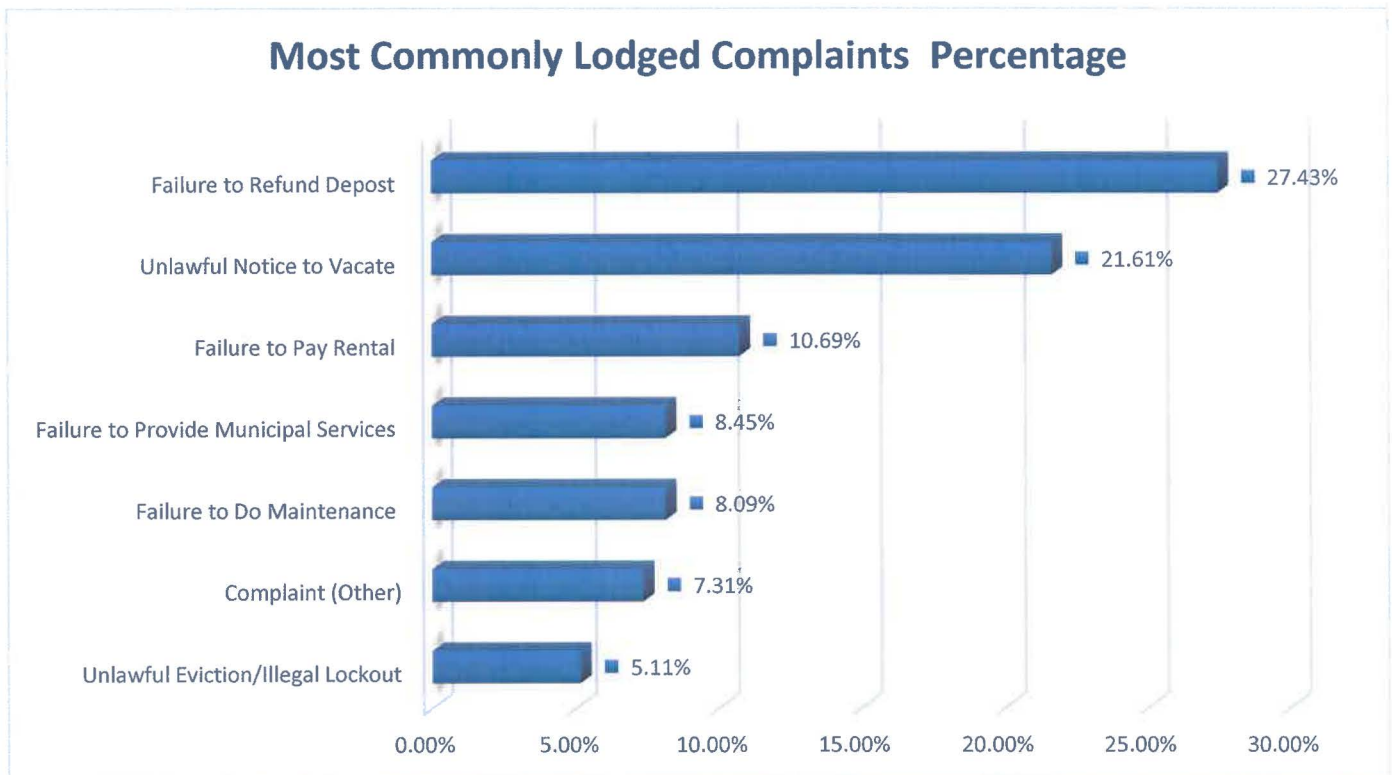
The financial year **(2021/2022)** saw an increase of six hundred (600) cases as compared to the previous financial year **(2020/2021)**. The directive by the then HOD to return to office on a full-time basis amidst the COVID-19 pandemic meant that the citizens were able to visit our offices once again and lodge complaints, hence the increase in captured cases.

Table 4: Number of captured cases

NUMBER OF CAPTURED CASES PER YEAR 2018 – 2021		
2019/2020	2020/2021	2021/2022
3 180	1 944	2 544
-12,4%	-38.8%	+30,86%

3.3.2 Most commonly lodged complaints

Table 5:



3.3.3 Case Management

Table 6:

INDICATOR	2019/2020	2020/2021	2021/2022
Number of Complaints captured [as of 31 March]	3 180	1 944	2 544
Number of cases open [as of 31 March]	2 597	1 325	817
Backlog [cases older than 90 days as of 31 March]	1 903	898	391

The significant decrease in the number of open and backlog cases is attributed to the adoption and successful implementation of the open and backlog recovery plan and the migration from the CMATS to CRM case management system from the 1 April 2021.

3.3.4 General Hearings

Table 7:

INDICATOR	2019/2020	2020/2021	2021/2022
Number of hearings scheduled	535	635	565
Number of postponed cases	154	195	154
Number of cases settled by parties before hearing	24	22	21
Number of cases struck off/ closed the roll	51	47	29
Number of Rulings issued	289	329	303
Number of Default rulings	10	16	13
Number of cases withdrawn	7	12	14

- Matters scheduled for hearing have decreased year on year because of the finalization of the Communicare tenants group complaints.
- Postponement of cases is mainly as a result of medical reasons and unavailability of legal representation.
- Cases will normally be withdrawn if the matter has been settled by the parties or the Complainant is no longer interested in pursuing the matter any further.

3.3.5 Spoliations

Table 8:

INDICATOR	2019/2020	2020/2021	2021/2022
Number of Hearings	48	41	44
Number of interim rulings issued	3	2	4
Number of final rulings issued	34	32	37
Number of applications withdrawn	11	7	4

Spoliation is the wrongful deprivation of another's right of possession. The aim of spoliation is to prevent parties from taking the law into their own hands. This remedy is brought on an urgent basis to restore lost possession of movable, immovable, corporeal and incorporeal property, where possession has been unlawfully deprived. The Rental Housing Tribunal assists the citizens with spoliation orders in the following instances:

- Unlawful evictions/Illegal lockouts.
- Failure to provide municipal services (cutting of electricity/water).
- Unlawful seizure of possessions.

3.3.6 Warrants of Execution

Table 9:

Indicator	2019/2020	2020/2021	2021/2022
Number of Warrants issued	44	37	58
Value of Warrants issued	R1,074,421.58	R1,357,408.21	R1,251,641.93

The number of warrants of execution have increased significantly because Respondents are unable to satisfy the judgement debt (ie the tenant can't pay the arrear rental or the landlord/managing agent can't refund the deposit) because of the prevailing financial climate.

3.3.7 Review Applications

Table 10:

Complainant	Respondent	Status
Smuts	Saniflo Africa (Pty) Ltd	Pending
Wassel	Hazell	Pending
Stojanovic	Christie	Pending
Viljoen	Van der Westhuizen	Pending
Kovacs Student Housing	Visagie	Pending
Ramdass	Uys	Pending

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

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

Tel: 021-483 6495 / 5020 / 3283
Fax: 021-483 3313
Contact Centre: 086 0106 166
E-mail: Nkosana.Vaveki@westerncape.gov.za
Website: 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 / 5020 / 3283
Fax: 021-483 3313
Contact Centre: 086 0106 166
E-mail: Nkosana.Vaveki@westerncape.gov.za
Website: 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

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Umnatha – wehlabathi: www.capegateway.gov.za/rentalhousingtribunal

