

Doelwitte van die Tribunaal

- Om stabiliteit in die huurbehuisingsektor van die Wes-Kaap te bevorder;
- Om meganismes vir die hantering van geskille binne hierdie sektor te skep;
- Om deur fasilitering, ondersoeke, bemiddeling en formele verhore geskille te besleg;
- Om huiseienaars en huurders in te lig oor hul regte en pligte indien onbillike en onwettige praktyke ontstaan.

Totstandkoming van die Tribunaal

Die tribunaal is 'n onpartydige entiteit wat deur die Minister van Behuising ingevolge die Wet op Huurbehuising, 1999 (Wet 50 van 1999) gestig is.

Verantwoordelikhede van die Tribunaal

Die Huurbehuisingstribunaal verskaf 'n gratis diens aan huurders en huiseienaars regdeur die Wes-Kaap. Verhore en sittings vir bemiddeling word so naby as moontlik aan die punt van die klagte hanteer.

Watter proses word gevolg as 'n klagte ontvang word?

- Klagtes moet op die klagtevorm wat by die Tribunaal, die Wes-Kaapse Regering se webtuiste, die Departement van Menslike Nedersettings se hulptoonbank of die inbelsentrum beskikbaar is, ingedien word.
- Die Tribunaal doen 'n voorlopige ondersoek om vas te stel of die klagte betrekking het op 'n geskil ten opsigte van 'n aangeleentheid wat 'n onbillike praktyk mag impliseer.
- Indien die klagte wel betrekking het op sodanige geskil, poog die Tribunaal eers om die klagte deur informele of formele bemiddeling op te los.
- Indien die partye nie 'n ooreenkoms kan bereik nie, word die saak vir formele verhoor verwys.

Wie mag 'n klagte Indien?

Enige huurder of huiseienaar of groep huurders of huiseienaars of belangegroep binne die Wes-Kaap mag klagtes by die Wes-Kaapse Huurbehuisingstribunaal indien.

Wat is die regte van huiseienaars en huurders?

'n Huurder se regte sluit in:

- Dat sy/haar persoon of woning nie deursoek mag word nie;
- Dat sy/haar eiendom nie deursoek mag word nie;
- Dat daar nie op sy/haar besittings sonder 'n hofbevel beslag gelê mag word nie; en
- Privaatheid van kommunikasie.

'n Huiseienaar se regte sluit in:

- Tydige en gereelde betalings;
- Om skuld te verhaal ná 'n hofbevel verkry is;
- Om 'n huurkontrak te kanselleer op gronde wat nie as onbillik beskou word nie en in die huurkontrak gespesifiseer is;
- Om by beëindiging van die huurkontrak, die huureiendom in 'n goeie toestand terug te ontvang en om die eiendom terug te neem ná verkryging van 'n hofbevel; en
- Om vergoeding te eis vir skade/verbeterings.

Wat gebeur indien partye nie aan 'n beslissing van die Tribunaal gehoor gee nie?

'n Beslissing van die Tribunaal is gelykstaande aan 'n bevel van 'n landdroshof, ingevolge die Wet op Landdroshowe (Wet 32 van 1944).

Enige persoon wat versuim om aan artikel 16 gehoor te gee (m.a.w. versuim om 'n verhoor by te woon sonder 'n geldige rede, wat weier om ingesweer te word, wat weier om enige dokument of voorwerp in sy besit voor te lê, wat poog om die Tribunaal te mislei, wat met opset valse verklarings aflê, wat enige regulasie oortree), sal skuldig wees aan 'n oortreding en by skuldigbevinding strafbaar wees met 'n boete of gevangenisstraf van hoogstens twee jaar, of met sowel 'n boete as gevangenisstraf.

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What are the rights of landlords and tenants?

A tenant has the right:

- Not to have his/her person or home searched;
- Not to have his/her property searched;
- Not have his/her possessions seized without an order of court; and
- To privacy of communication.

A landlord has the right to:

- Prompt and regular payment;
- Recover debt after an order of court has been obtained;
- Terminate a lease on grounds that do not constitute an unfair practice and are specified in the lease agreement;
- Upon termination of a lease, receive the property back in good state and repossess the property after obtaining an order of court; and
- Claim compensation for damages/improvements.

What happens if parties fail to adhere to a Tribunal ruling?

A decision by the Tribunal is considered to be an order of a magistrate's court made in terms of the Magistrates' Court Act, 1944 (Act 32 of 1944).

Any person who fails to act in accordance with section 16 (i.e. fails to attend a hearing without sufficient cause; refuses to go under oath; refuses to make available any document in his/her ownership; intends to betray the Tribunal; or makes false statements that violate any rule of law). Section 16 states that any person who fails to abide by the abovementioned provisions is guilty of an offence. Offenders may be fined or imprisoned for a period not exceeding two years, or both such fine and imprisonment.



Objectives of the Tribunal

- To promote stability in the rental housing sector in the Western Cape;
- To create mechanisms to deal with disputes in the rental housing sector;
- To facilitate, investigate, mediate and conduct hearings to resolve disputes; and
- To inform landlords and tenants of their rights and obligations should unfair and unlawful practices arise.

Formation of the Tribunal

The Tribunal is an impartial entity established by the Minister of Housing in terms of the Rental Housing Act, 1999 (Act 50 of 1999).

Responsibilities of the Tribunal

The Rental Housing Tribunal provides a free service to tenants and landlords throughout the Western Cape. Hearings and mediations are held as close as possible to the point of complaint.

What is the process when a complaint is lodged?

- Complaints must be lodged on the prescribed complaint form, obtainable from the Tribunal, Western Cape Government website, Department of Human Settlements Helpdesk or the Call Centre.
- The Tribunal conducts a preliminary investigation to determine whether the complaint relates to a dispute in respect of a matter which may constitute an unfair practice.
- If the complaint does relate to such a dispute, the Tribunal will try to resolve the matter with informal or formal mediation.
- If the parties are unable to reach an agreement, the case will be referred for a ruling at a formal hearing.

Who may lodge a complaint?

Any tenant or landlord or group of tenants or landlords or interest group in the Western Cape may lodge complaints with the Western Cape Rental Housing Tribunal.