

Western Cape
Government
FOR YOU

RENTAL HOUSING TRIBUNAL ANNUAL REPORT 2022/2023

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FOREWORD BY THE CHAIRPERSON

This annual report of the Western Cape Rental Housing Tribunal (the Tribunal) for the period 1 April 2022 to 31 March 2023 is submitted to the Western Cape Minister of Infrastructure, Tertuis Simmers, as required by section 12(3) of the Rental Housing Act, 1999 (the Act).

The Tribunal recorded 2552 cases during the financial year. The members and the staff further managed to reduce the number of open cases from 817 in the previous year to 675 while the backlog cases (cases older than 90 days) were reduced to 209 from 391 in the 2021/2022 financial year.

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 (26.99%), other complaints (20.86%), unlawful notice to vacate (20%), failure to pay rental (11.39%), failure to provide municipal services (8.41%), failure to do maintenance (7.78%) and unlawful evictions (4.83%).

The Customer Relations Management System (CRM) was launched in 2020 and is being exclusively used as the case management system by the Tribunal since April 2021. The main objective of the CRM is to improve the efficiency and enhance the experience of citizens when dealing with the Tribunal. After some initial teething problems which required further enhancements, the system is now being used effectively by the members and staff and increasingly by citizens who can now lodge their complaints online.

A major challenge of the Tribunal remains the lack of access of citizens living outside of the Cape Metropolitan Area to the services of the Tribunal. This challenge will be mitigated with the establishment of Rental Housing Information Offices at municipal level as provided by the Act. In this regard, the Tribunal and staff engaged the following municipalities as a first phase, i.e. George, Oudtshoorn, Mossel Bay, Bitou, Theewaterskloof, Overstrand, Swellendam, Breede Valley, Stellenbosch, Knysna, Drakenstein, Cederberg, Swartland and Prince Albert. Unlike the noncommittal or negative attitude perceived during the previous similar engagements, most municipalities that were now engaged were very positive and cooperative to establish RHIO's in their organizations. It is intended that these offices, as a start, will be established in a form and manner that suits the financial and resource capacity of individual municipalities.

The Tribunal has also drafted and implemented a stakeholder engagement plan which is aimed at establishing mutually beneficial relations with relevant stakeholders to assist with the successful execution of the Tribunal's mandate. The Tribunal has identified and engaged law enforcement institutions (South African Police Service, Magistracy, sheriffs, etc), rental housing advocacy groups (Non-Governmental Organization, Community-Based Organization, advice offices, etc), regulatory and complaints handling bodies (Office of the Consumer Protector, South African Human Rights Commission, Social Housing Regulatory Authority, Property Practitioners Regulatory Authority, Community Schemes Ombud Service, etc) and is actively embarking on a consumer education drive to increase public awareness of the services rendered by the Tribunal.

The status quo regarding the proclamation of the Rental Housing Amendment Act 35 of 2014 remains the same. The Amendment Act is to be proclaimed once its regulations are ready to be promulgated as well. Although the National Department of Human Settlements has committed itself to promulgate the regulations by the end of September 2022, it has not happened yet.

Following the promulgation of the regulations and the coming into effect of the Rental Housing Amendment Act 35 of 2014 and the adoption of the Rental Housing Tribunal Governance Framework, the implementation thereof will have significant financial implications for Department of Infrastructure (i.e. an increase in number in the composition of the Tribunal, the creation of an appeals panel, the mandatory establishment of Rental Housing Information Offices with training and capacitation challenges, the marketing of Tribunal services, etc) which must already be considered at this stage.

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.

Chairperson: Western Cape Rental Housing Tribunal

Date: 31-08-2023



PART ONE: GENERAL INFORMATION

1.1 Introduction

The Western Cape Rental Housing Tribunal came into effect in 2001 and, during the financial year under review, consisted of four members (including a chair and deputy chairperson) and two alternate members, appointed by the Western Cape Government Minister of Infrastructure. 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:

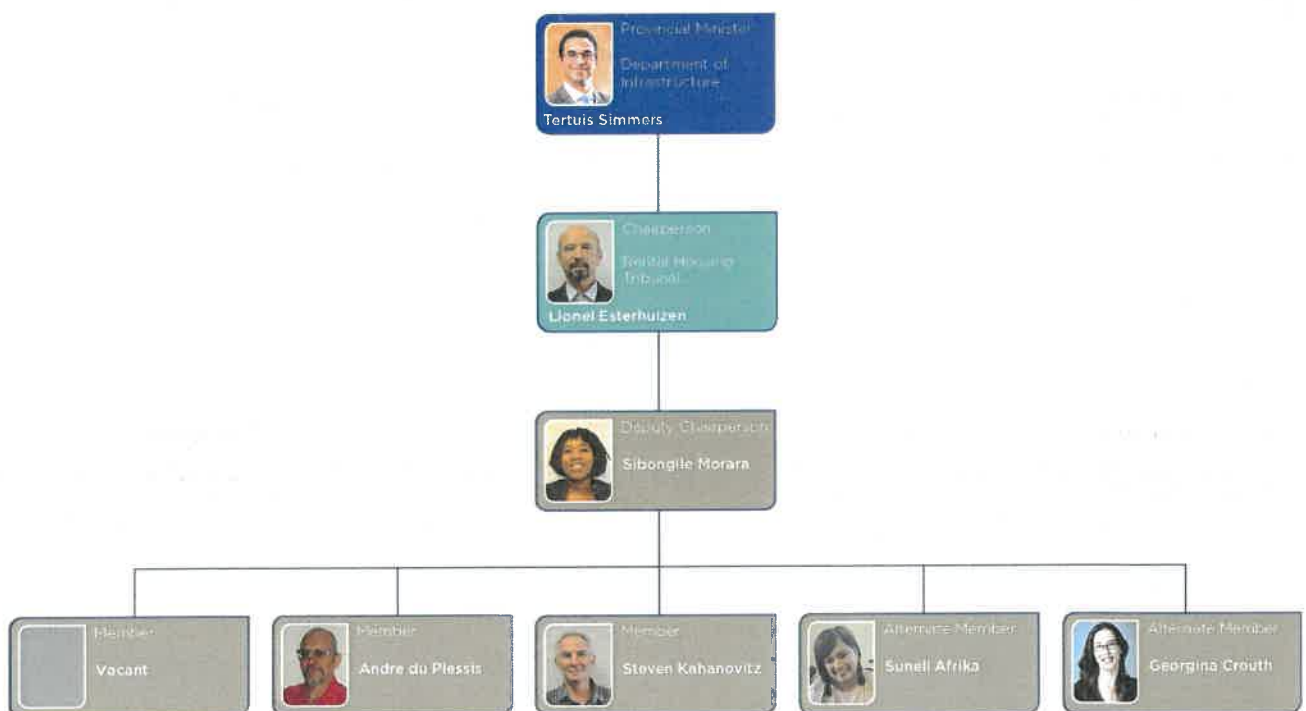
- Ensure performance excellence through well trained and well capacitated staff.
- Create awareness of the RHT services.
- Improve work process flow and turnaround times.
- Continuously monitor and evaluate performance.
- Make the RHT services accessible to all Western Cape citizens; and
- Ensure professional, 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

The Tribunal Members are appointed by the Western Cape Minister of Infrastructure. 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. During the 2022/2023 financial year, the following members served on the Tribunal:

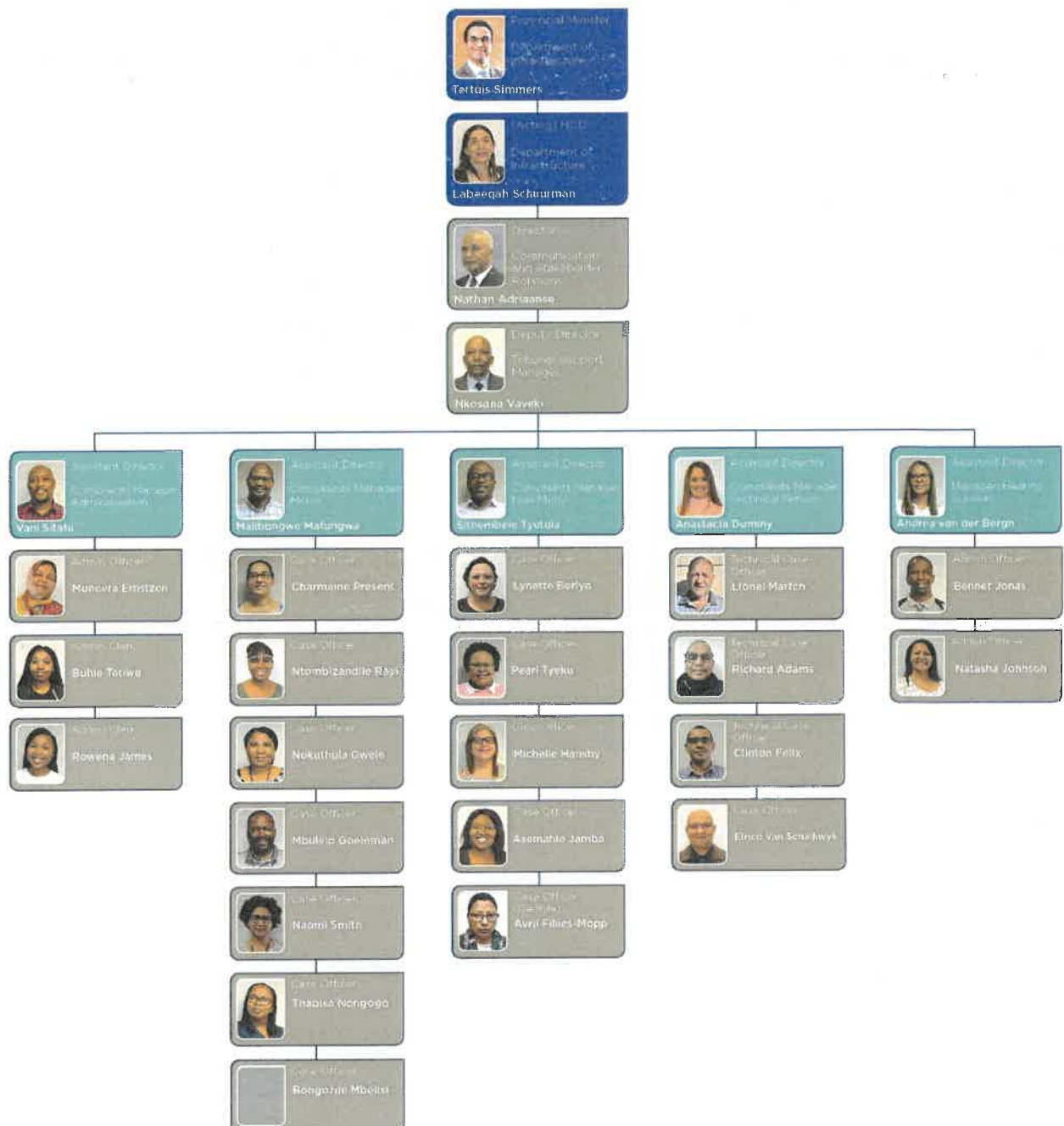


Tribunal Members' Related Information

NAME	CAPACITY	EXPERTISE	TERM AS A MEMBER
Mr. L Esterhuizen	Chairperson	Housing Development/Property Management	Term 1: 01 October 2019 - 30 September 2022 Term 2: 01 October 2022 - 30 September 2023
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. 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 Infrastructure. The Tribunal has a support staff complement of 27 officials. The support staff of the Tribunal is incorporated into the Directorate: Public Information and Stakeholder Relations of the Department of Infrastructure.



PART THREE: PERFORMANCE OF THE TRIBUNAL

3. Review of Activities

3.1 Expenditure

Table 1:

DESCRIPTION	2020/2021	2021/2022	2022/2023
Compensation of Employees	5,638,474.00	7,254,141.00	7,724,833.61
Members Payments	2,449,459.00	3,773,814.00	3,680,646.13
Total Compensation	8,087,932.00	11,027,955.00	11,405,479.74
Administrative Fees	-	138.00	
Advertisements [Members]	-	-	
Communication Services [Cell phone]	26,839.00	34,927.00	20,264.00
Computer Services	-	34,180.00	275,000.00
Catering: Departmental activities			2,000.00
Operating Leases	10,933.00	2,212.00	
Operating Payments (printing and publications)	10,353.00	8,535.00	
Training & Development	-	-	13,800.00
Travel and Accommodation	76,777.00	137,081.00	133,003.98
Legal Services	-	39,330.00	6,555.00
Total Goods and Services	124,902.00	256,404.00	450,622.98
Households: Post retirement benefits			91,170.60
Households: Leave Gratuity	5,139.00	28,692.00	
Totals	8,217,973.00	11,313,051.00	11,947,273.32

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 **2020/2021** to **2022/2023** financial years.

Table 2: Number of calls received per month.

Call Centre Report			
MONTH	2020/2021	2021/2022	2022/2023
April	125	268	253
May	61	292	254
June	98	304	283
July	95	274	268
August	117	275	311
September	112	283	241
October	122	279	237
November	120	313	275
December	106	180	244
January	157	268	306
February	131	301	344
March	148	247	255
Total	1 392	3 284	3271

3.2.2 Departmental Helpdesk

For the financial year **(2022/2023)**, the Department of Infrastructure' Helpdesk attended to one thousand seven hundred and thirty-six **(1736)** rental housing queries from the public, as compared to one thousand nine hundred **(1900)** queries in the **(2021/2022)** 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

Tribunal enquiries attended to per month			
MONTH	2020/2021	2021/2022	2022/2023
April	5	154	65
May	19	158	171
June	41	134	164
July	48	124	89
August	41	133	131
September	199	154	114
October	258	219	197
November	203	223	197
December	121	120	115
January	180	141	155
February	197	203	166
March	204	137	172
Total	1 516	1 900	1 736

3.2.3 Accessibility

	<u>CONTACT DETAILS FOR ENQUIRIES</u> Contact Centre: 0860 106 166 SMS Help to 31022 Please Call Me: 079 769 1207
	<u>FOR ALL GENERAL ENQUIRIES</u> E-mail: rht.enquiries@westerncape.gov.za
	<u>FOR DISPUTE RELATED ENQUIRIES</u> Submit all complaint forms, annexures and a copy of your lease agreement to E-mail: rht.disputes@westerncape.gov.za Telephone: 021 483 5020 / 6495 / 3283 Fax: 021 483 3313
	<u>WEBSITE</u> https://www.westerncape.gov.za/tpw/departement-of-infrastructure
	<u>WCG ESERVICE PORTAL</u> https://westerncapegov.custhelp.com/
	<u>OPENING HOURS</u> Monday to Friday from 07:30 – 16:00

3.3 Tribunal Support Services

3.3.1 Captured Cases

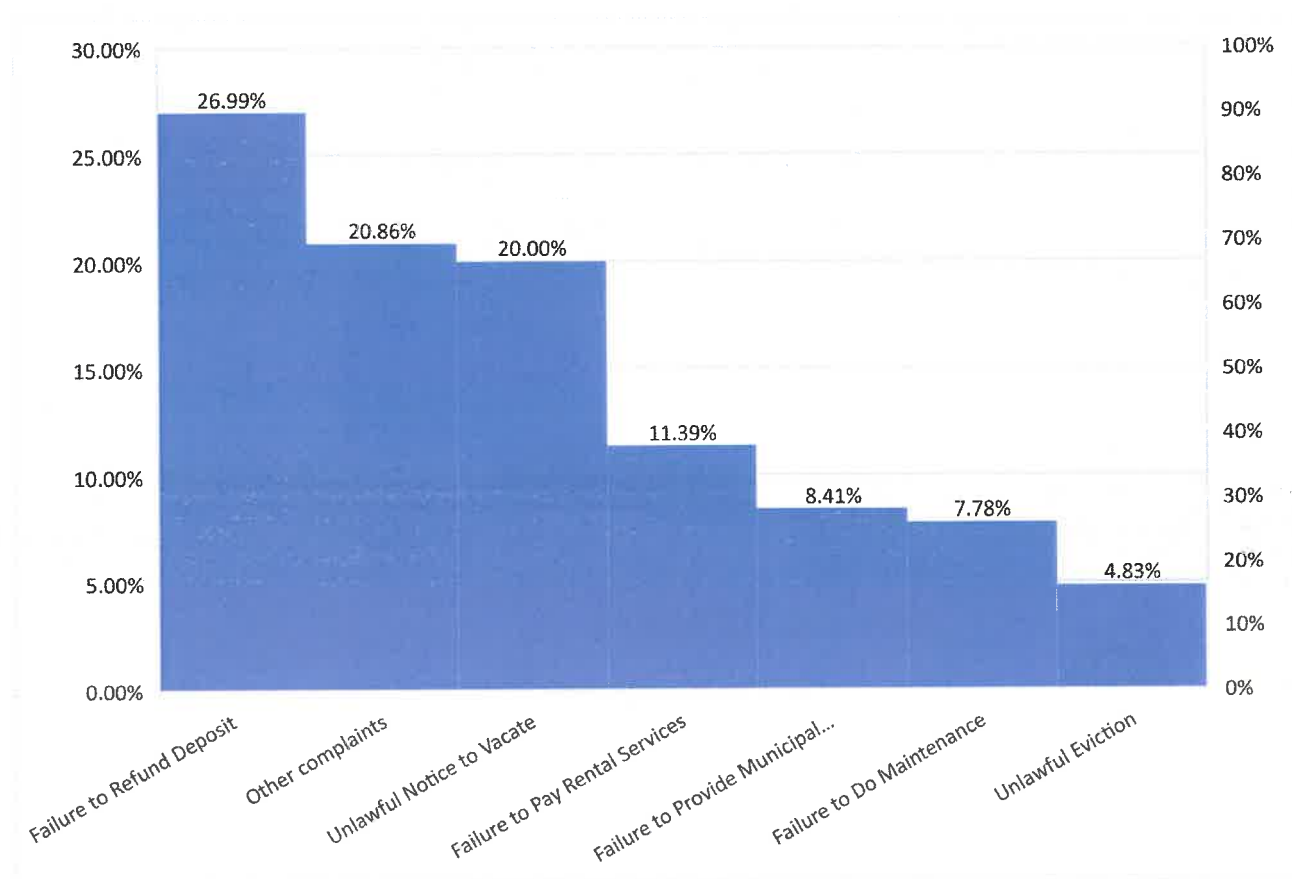
The table below gives an indication of the number of captured cases for the financial year.

Table 4: Number of captured cases

NUMBER OF CAPTURED CASES PER YEAR 2019 – 2023			
2019/2020	2020/2021	2021/2022	2022/2023
3180	1 944	2 544	2 552
-2,4%	-38,8%	+30,86%	+0.031%

3.3.2 Most commonly lodged complaints

Table 5:



The complaint "Other" represents complaints like exorbitant increases in rental, failure to accept notice to vacate, unilateral changes to lease agreement, unlawful entry, unlawful seizure of possessions, failure to furnish receipts for payment, failure to provide copy of lease, failure to reduce lease to writing, and claim for remission of rental.

3.3.3 Case Management

Table 6:

INDICATOR	2020/2021	2021/2022	2022/2023
Number of Complaints captured [as of 31 March]	1 944	2 544	2 552
Number of cases open [as of 31 March]	1 325	817	675
Backlog [cases older than 90 days as of 31 March]	898	391	209

The significant decrease in the number of open and backlog cases is attributed to the adoption and successful implementation of the backlog recovery plan and the efficiencies brought about by the implementation of the CRM case management system.

3.3.4 General Hearings

Table 7:

INDICATOR	2020/2021	2021/2022	2022/2023
Number of hearings scheduled	635	565	692
Number of postponed cases	195	154	151
Number of cases settled by parties before hearing	22	21	58
Number of cases struck off/ closed the roll	47	29	65
Number of Rulings issued	329	303	323
Number of Default rulings	16	13	35
Number of cases withdrawn	12	14	30

- Matters scheduled for hearing have increased year on year because of the increased number of hearings per day.
- 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	2020/2021	2021/2022	2022/2023
Number of Hearings	41	44	49
Number of interim rulings issued	2	4	1
Number of final rulings issued	32	37	42
Number of applications withdrawn	7	4	6

Spoliation is the wrongful deprivation of another's right of possession. The aim of a spoliation application 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 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	2020/2021	2021/2022	2022/2023
Number of Warrants issued.	37	58	109
Value of Warrants issued.	R 1,357,408.21	R 1,251,641.93	R 3,524,944,61

The number of warrants of execution have increased significantly because Respondents are unable to satisfy the judgement debt (i.e., 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

Section 17 of the Rental Housing Act (50 of 1999) provides for an aggrieved party to approach the High Court of South Africa within the specific area of jurisdiction to review a ruling of the Tribunal. At the end of the 2022/2023 financial cycle, the Rental Housing Tribunal had 8 (eight) review applications pending in the Western Cape High Court dating back to 2021.

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:

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Inkundlana Yengxaki Zengqesho Zindlu eNtshona Koloni

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

