



Western Cape  
Government  
Human Settlements

# RENTAL HOUSING TRIBUNAL ANNUAL REPORT 2020/2021



# TABLE OF CONTENTS

Foreword by Chairperson .....	2
Part 1: General Information .....	4
Part 2: Human Resource Management .....	6
Part 3: Performance of the Tribunal .....	9
Contact Information .....	15



## FOREWORD BY THE CHAIRPERSON

This annual report of the Western Cape Rental Housing Tribunal (the Tribunal) for the period 1 April 2020 to 31 March 2021 is submitted to the Western Cape Minister of Human Settlements, Mr Tertuis Simmers, as required by section 12(3) of the Rental Housing Act, 1999 (the Act).

This year marked the twentieth anniversary of the Tribunal, and we are very grateful for the pioneering work which our predecessors have done to enable the Tribunal to provide this essential service to the citizens of the Western Cape. Since its establishment the Tribunal has assisted landlords and tenants to resolve more than 35 000 disputes.

Like all institutions in South African and across the world, the Tribunal was also highly affected by the COVID-19 pandemic, particularly during the initial stages of the lockdown imposed in terms of the regulations of the Disaster Management Act, 2002 (DMA). The only services that the Tribunal could render during the first six weeks of the lockdown were by means of providing telephonic information and assistance to enquirers.

After the Tribunal was designated as an essential service by the Minister and Head of Department in May 2020 in terms of the DMA, the rest of the Tribunal's services were restarted, albeit in a very different manner. The staff were set up to do some of their work from home, and the investigations, mediations and hearings were conducted on a telephonic or virtual basis as the default option.

The Tribunal recorded one thousand nine hundred and forty-four (1 944) complaints on the database for the 2020/2021 financial year compared to the three thousand one hundred and eighty (3180) complaints in the 2019/2020 financial year. Notwithstanding the challenges which the COVID-19 restrictions placed on operations, the Tribunal managed to reduce the backlog cases (older than 90 days) to 898 as at 31 March 2021.

To further assist the Tribunal in dealing faster with the large case load that accumulated, the Minister directed the Tribunal to schedule dual hearing sessions while still maintaining the quorum requirements.

During the year under review, the complaints lodged with the Tribunal, in terms of section 13 of the Act concerning an unfair practice, were mainly in respect of failure to refund deposits (29%), unlawful notice to vacate (27%), failure to pay rental (14%), failure to provide municipal services (9%), failure to do maintenance (7%) and unlawful evictions (6%). The remaining 8% was in respect of a variety of other issues.

Of the 775 Communicate tenants' complaints received during the period June 2018 – 31 March 2020, the Tribunal has managed to finalize 616 complaints as at 31 March 2021.


The operations of the Tribunal are closely monitored by means of quarterly reports that are submitted to Minister Simmers and quarterly meetings between the Tribunal and the Minister.

The Tribunal is still, since November 2019, operating from temporary accommodation, while its offices at 27 Wale Street are being refurbished. The refurbishment is planned to be completed by October 2021.

For the first quarter of the financial year under review the Tribunal operated with only the Chairperson, Deputy Chairperson and two members. The new members have been appointed from 1 July 2020 and the Tribunal is now functioning with a full complement of five members and two alternate members. Further details of the members are provided later in this report.

The staff complement of the Tribunal operated without a Tribunal Manager for longer than a year. Mr Nkosana Vaveki, who was the Manager for Technical Services at the Tribunal, was promoted to this position from 1 November 2020.

In conclusion 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 serve the community through this important intervention.

 31/08/2021  
**Lionel Esterhuizen**

**Chairperson: Western Cape Rental Housing Tribunal**

## 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.

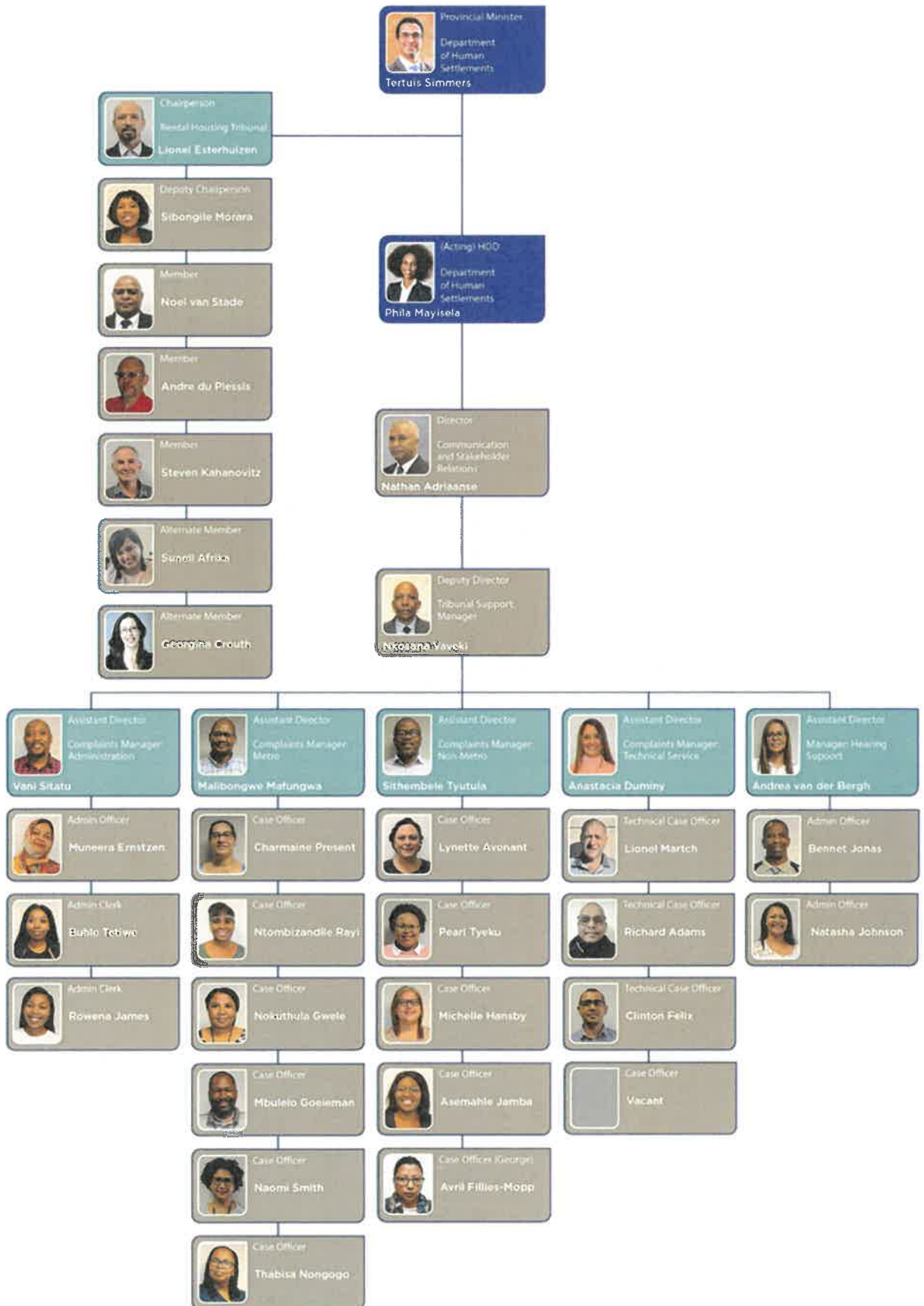
### 1.4 Mission

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 the people in the Western Cape; 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





## **The Tribunal has a support staff complement of 27 officials.**

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

### **2.2 Staff 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.

### **2.3 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

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

## PART THREE: PERFORMANCE OF THE TRIBUNAL

### 3. Review of Activities

#### 3.1 Expenditure

Table 1:

DESCRIPTION	2018/2019	2019/2020	2020/2021
<b>Compensation</b>	<b>R</b>	<b>R</b>	<b>R</b>
Compensation of Employees	5 436 433	6 045 804	5,638,474
Members Payments	3 119 870	3 022 103	2,449,459
<b>Total Compensation</b>	<b>8 556 303</b>	<b>9 067 907</b>	<b>8,087,932</b>
<b>Goods and Services</b>	<b>R</b>	<b>R</b>	
Administrative Fees	-	1 611	-
Advertisements [Members]	-	1 029	-
Communication Services [Cell phone]	19 016	21 072	26,839
Computer Services	-	95 834	
Operating Leases	1 003		10,933
Operating Payments (printing and publications)	23 374		10,353
Training & Development	-	34 100	
Travel and Accommodation	144 679	179 326	76,777
<b>Total Goods and Services</b>	<b>188 072</b>	<b>332 972</b>	<b>124,902</b>
Households: Leave Gratuity	<b>1 582</b>	<b>910</b>	<b>5,139</b>
<b>Totals</b>	<b>8 744 957</b>	<b>9 401 789</b>	<b>8,217,973</b>

**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 **2018/2019** to **2020/2021** financial years.

##### 3.2.2 Impact of COVID-19 on the operations of the Call Centre

During the level 5 and level 4 restrictions of South Africa's lockdown, the call centre continued to provide essential services to the relevant departments like Department of Social Development, Health and Human Settlements (especially the RHT enquiries) so that they could continue operating and provide at least telephonic information and assistance.

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

Call Centre Report			
MONTH	2018/2019	2019/2020	2020/2021
April	648	779	125
May	837	821	61
June	699	796	98
July	864	1022	95
August	950	1003	117
September	896	894	112
October	867	1145	122
November	821	942	120
December	550	519	106
January	853	855	157
February	728	790	131
March	562	801	148
<b>Total</b>	<b>9311</b>	<b>10367</b>	<b>1392</b>

### 3.2.3 Departmental Helpdesk

In this financial year (**2020/2021**), the Department of Human Settlements' Helpdesk attended to one thousand five hundred and sixteen (**1 516**) queries from the public, as compared to three thousand two hundred and twenty-six (**3 226**) queries in the (**2019/2020**) financial year. All these queries are from people who came to the Department of Human Settlements' Helpdesk office at **6<sup>th</sup> Floor Norton Rose Building, 8 Riebeek Street, Cape Town** for information and made enquiries on RHT related matters.

These Helpdesk enquiries ranged from:

- ❖ People who came to lodge an official RHT complaint.
- ❖ People who came to get 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	2018/2019	2019/2020	2020/2021
April	312	297	5
May	288	254	19
June	307	248	41
July	679	354	48
August	386	306	41
September	330	278	199
October	379	305	258
November	356	257	203
December	215	181	121
January	391	289	180
February	370	274	197
March	279	183	204
<b>Total</b>	<b>4292</b>	<b>3226</b>	<b>1516</b>

The table reflects the number of people who enquired at the Department Helpdesk for rental enquiries. The decrease of 1710 in the number of enquiries recorded in this financial year under review is largely attributed to the impact of the COVID-19 pandemic.

### 3.3 Case Management

#### 3.3.1 Captured Cases

This financial year (**2020/2021**) saw a decrease of one thousand two hundred and

thirty-six **(1236)** captured cases as compared to the previous financial year **(2019/2020)**. Captured cases decreased from three thousand six hundred and thirty **(3180)** to one thousand nine hundred and forty-four **(1944)**.

**Table 4: Number of captured cases**

NUMBER OF CAPTURED CASES PER YEAR 2018 – 2021		
2018/2019	2019/2020	2020/2021
3630	3180	1944
+33.50%	-12,4%	-38.8%

### 3.3.2 Case Management Performance

**Table 5: Case Management**

INDICATOR	2018/2019	2019/2020	2020/2021
Number of Complaints captured [as of 31 March]	3 630	3 180	1944
Number of cases open [as of 31 March]	2 873	2 597	1325
Backlog [cases older than 90 days as of 31 March]	1 470	1 903	898



### 3.4 Hearings conducted

The performance data for the hearings are as follows:

#### 3.4.1 General Hearings

**Table 6:**

INDICATOR	2018/2019	2019/2020	2020/2021
<b>Number of hearings scheduled:</b>	536	535	635
<b>Number of postponed cases:</b>	118	154	195
<b>Number of cases settled by parties before hearing</b>	46	24	22
<b>Number of cases struck off/ closed the roll</b>	31	51	47
<b>Number of Rulings issued</b>	275	289	329
<b>Number of Default rulings</b>	12	10	16
<b>Number of cases withdrawn</b>	39	7	12

#### 3.4.2 Spoliations

**Table 7:**

INDICATOR	2018/2019	2019/2020	2020/2021
<b>Number of Hearings:</b>	29	48	41
<b>Number of interim rulings issued:</b>	11	3	2
<b>Number of final rulings issued:</b>	19	34	32
<b>Number of applications withdrawn</b>	5	11	7

Notwithstanding the pandemic, the number of spoliation applications set down for hearings remained constant (41 applications per annum) which can be attributed to the support staff's commitment and dedication to providing urgent and speedy relief to tenants in distress and the Tribunal Members availing themselves to hearing spoliation applications earlier in the morning or conducting the hearings virtually.

### 3.5 Warrants of Execution

Table 8:

Indicator	2019/2020	2018/2019	2020/2021
<b>Number of Warrants issued</b>	44	55	37
<b>Value of Warrants issued</b>	R1 074 421.58	R1 555 513.85	R1 357 408.21

### 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.

Table 9:

COMPLAINANT	RESPONDENT	STATUS
<b>Viljoen</b>	Van Der Westhuizen	<b>Settled</b>
<b>Van Der Merwe</b>	Paxogystix	<b>Pending</b>



**The services of the Rental Housing Tribunal can be accessed through either:**

- ❖ The Call Centre 0860 106 166
- ❖ RHT Office Landlines 021 483 6495/5020/3283
- ❖ 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
- ❖ Please call me 079 769 1207
- ❖ SMS Help to 31022
- ❖ WCG eService Portal <https://westerncapegov.custhelp.com/>)