



Western Cape
Government

Human Settlements



Annual Report 2017/2018

Rental Housing Tribunal

ANNUAL REPORT

1 APRIL 2017 - 31 MARCH 2018

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FOREWORD BY THE CHAIRPERSON

It is with pleasure that I submit this annual report, for the period 1 April 2017 to 31 March 2018, to the Western Cape Government MEC of Human Settlements, Bonginkosi Madikizela and to the Western Cape Provincial Legislature.

During the aforesaid financial year, the Western Cape Rental Housing Tribunal ("WCRHT") functioned with 5 members and 2 alternate members.


The WCRHT recorded two thousand seven hundred and nineteen (**2 719**) complaints on the database for the 2017/2018 financial year compared to the three thousand one hundred and ten (**3 110**) complaints in the 2016/2017 financial year. The Tribunal also has a satellite office in George from where it serves the Eden District. From the 2719 complaints, a total of 141 complaints were received from the Eden District Municipality. A separate report on the activities of WCRHT in the Eden District is attached hereto as an Addendum.

During the year under review, the complaints lodged with the WCRHT, in terms of section 13 of the Rental Housing Act, 50 of 1999, as amended ("The Act") concerning an unfair practice, consisted inter alia 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.

The Tribunal has also been consistent in its approach to apply the powers conferred on it by section 13(12)(c) of the Act and issued spoliation orders on the same day when complaints of unlawful evictions and disconnection of utilities (water and electricity supply) were received. In this manner, a mechanism is provided to protect vulnerable tenants against unfair practices and exploitation. These orders compelled landlords to restore possession of rental properties to tenants and ordered them to reconnect water and electricity supplies.

In conclusion, I would like to express my sincere thanks and appreciation to all the members and officials in the Western Cape Provincial Department of Human Settlements (Support to the WCRHT) for their continuous dedication, commitment and support in rendering an invaluable service to the public.



Thomas Cloete

Chairperson: Western Cape Rental Housing Tribunal

PART ONE: GENERAL INFORMATION

1.1 Introduction

The Western Cape Rental Housing Tribunal was established in 2001 and consists of five members (including a chair- and deputy chairperson) appointed by the Western Cape Government Minister of Human Settlements. These individuals have extensive expertise in property management, housing development and consumer matters pertaining to rental housing. The Tribunal is assisted by the support component of 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 (HOD) functions as the Accounting Officer in respect of appropriated funds.

1.2 Legislative framework

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)
- Precedent case law

The functions of the Tribunal are to harmonize relationships between landlords and tenants in the rental housing sector; resolve disputes and unfair practices; inform

landlords and tenants about their rights and obligations in terms of the Act; and to make recommendations to relevant stakeholders pertaining to issues related to the rental housing sector.

1.3 Vision

The Western Cape Rental Housing Tribunal seeks to harmonise relationships between landlords and tenants in the rental housing sector.

1.4 Mission statement

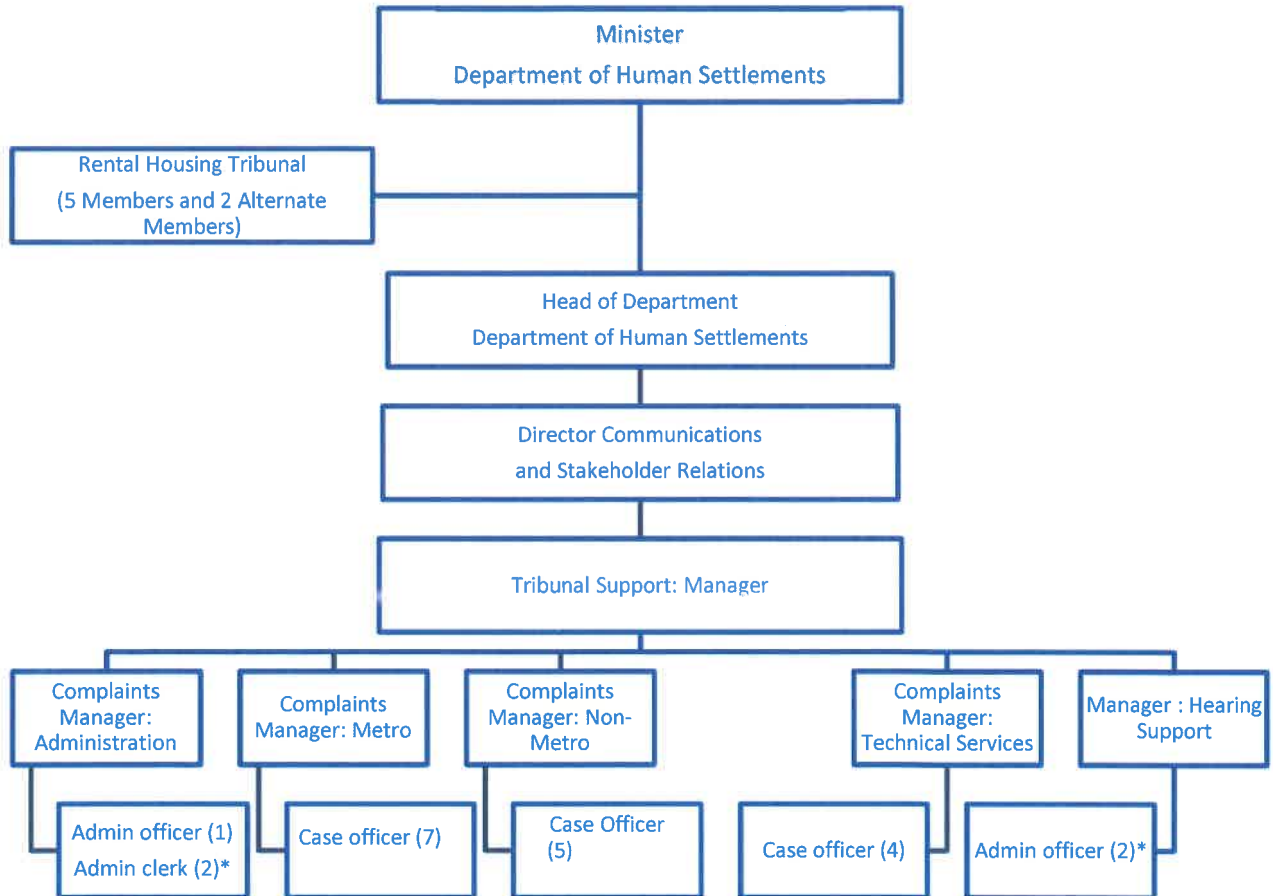
The Western Cape Rental Housing Tribunal seeks to promote stability in the rental housing sector by facilitating the process of resolving disputes and advising landlords and tenants.

1.5 Key functions

- To promote stability in the rental housing sector;
- To provide mechanisms to deal with disputes in this sector;
- To promote the provision of rental housing property;
- To facilitate, investigate, mediate and conduct hearings to resolve disputes between landlords and tenants;
- To inform landlords and tenants of their rights and obligations should unfair practices arise; and
- To make recommendations to relevant stakeholders regarding issues to be addressed in the rental housing field.

PART TWO: HUMAN RESOURCE MANAGEMENT

2.1 Structure



Total staff complement of 27 officials

* 2 Vacancies (1 Admin clerk, 1 Admin Officer)

The Rental Housing Tribunal is incorporated into the Communications and Stakeholder Relations component of the Department of Human Settlements. This provides the opportunity to leverage expertise within the component to educate, market and empower citizens with respect to the Rental Housing Act [50 of 1999].

2.2 Personnel arrangements

The Rental Housing Tribunal is an independent body established by the Rental Housing Act [50 of 1999] and is provided with administrative and technical support by the Western Cape Government Department of Human Settlements.

2.3 Personnel and related information

The Tribunal Members are appointed by the Western Cape Government Minister for Human Settlements. In terms of the Rental Housing Act [50 of 1999], 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;

Table 1

| Name | Capacity | Profession | Term as a Member |
|-----------------|---------------------|-------------------------------------|--|
| Mr T Cloete | Chairperson | Attorney | 01 October 2016 [Term 1] until 30 September 2019 |
| Ms S Morara | Deputy Chairperson | Attorney | 01 April 2017 [Term1] until 31 March 2020 |
| Mr N van Stade | Member | Property | 01 April 2017 [Term1] until 31 March 2020 |
| Ms T Broekmann | Member | Attorney: Consumer Protection | 01 April 2017 [Term1] until 31 March 2020 |
| Mr A du Plessis | Member | Attorney | 01 April 2017 [Term1] until 31 March 2020 |
| Ms M Sinuka | Alternate Member | Estate Agent | 01 April 2016 until 31 March 2019 |
| Ms M Wannenberg | Alternate | Estate Agent | 01 April 2016 until 31 March |

| | | | |
|--|--------|--|------|
| | Member | | 2019 |
|--|--------|--|------|

PART THREE: PERFORMANCE OF THE TRIBUNAL

3. REVIEW OF ACTIVITIES

3.1 Expenditure

Table 1

| Description | Expenses 2017/2018 | Expenses 2016/2017 |
|----------------------------------|----------------------|----------------------|
| | | |
| Compensation | R | R |
| Compensation of Employees | 10 748 295.00 | 9 550 000.00 |
| Members Payments | 2 849 795.00 | 1 952 000.00 |
| Total Compensation | 13 598 090.00 | 11 502 000.00 |
| | | |
| Goods and Services | R | R |
| Travel Agency Fees | 380.00 | 1 000.00 |
| Advertisements [Members] | 44504.00 | 75 000.00 |
| Airtime & Data | 16 998.00 | 13 000.00 |
| Telecom [Telephone & Fax] | 0 | 8 000.00 |
| Medical Service | 0 | 10 000.00 |
| Outsourced Services | 193 416.00 | 435 000.00 |
| Government Printing | 0 | 1 000.00 |
| Operating Leases | 12 990.00 | 40 000.00 |
| Property Deeds Searches | 353.00 | 1 000.00 |
| Travel and Accommodation | 113 469.00 | 228 000.00 |
| Training: Employees | 0 | - |
| Insurance | 3 375.00 | 18 000.00 |
| Printing & Publication Services | 15 184.00 | 20 000.00 |
| Total Goods and Services | 400 669.00 | 850 000.00 |
| | | |
| Totals | 13 998 795.00 | 12 352 000.00 |
| | | |

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

3.2 Complaints received

3.2.1 Call Centre

The Call Centre is the main entry point of access for clients to lodge complaints or enquire of the services of the Western Cape Rental Housing Support Staff. The function was outsourced by the Department of the Premier to SA Commercial*. This contract was terminated in June 2018 and the function was in-sourced by the Department of the Premier. The service provider records incoming calls for quality control purposes as well as submit monthly reports for scrutiny and input for planning purposes. **Table 2** is a comparison of calls received by the Call Centre as from the **2014/2015** to **2017/2018** financial years.

* Situated at 22 Long Street Cape Town

Table.2

| Call Centre Report | | | | |
|---|------------------|------------------|------------------|------------------|
| Number of calls received per month | | | | |
| MONTH | 2014/2015 | 2015/2016 | 2016/2017 | 2017/2018 |
| April | 718 | 431 | 857 | 679 |
| May | 777 | 650 | 851 | 888 |
| June | 750 | 771 | 853 | 759 |
| July | 733 | 814 | 786 | 849 |
| August | 944 | 821 | 968 | 661 |
| September | 828 | 974 | 941 | 665 |
| October | 822 | 856 | 903 | 778 |
| November | 650 | 828 | 1043 | 793 |
| December | 540 | 724 | 647 | 556 |
| January | 555 | 876 | 937 | 907 |
| February | 589 | 1092 | 907 | 740 |
| March | 516 | 926 | 938 | 670 |

| | | | | |
|--|--------|-------|--------|-------|
| | 12 806 | 9 763 | 10 631 | 8 945 |
|--|--------|-------|--------|-------|

3.2.2 Department Helpdesk

In this financial year **(2017/2018)**, the Department of Human Settlements' Helpdesk attended to three thousand six hundred and six **(3 606)** queries from the public, as compared to three thousand and two hundred and sixty-six **(3 266)** queries in the **2016/2017** financial year. All of these queries consisted of people who came to the Department of Human Settlements' Helpdesk office at **27 Wale Street in 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

| Departmental Help Desk Report RHT enquiries attended to per month | | | | |
|--|------------------|------------------|------------------|------------------|
| MONTH | 2014/2015 | 2015/2016 | 2016/2017 | 2017/2018 |
| April | 287 | 270 | 404 | 288 |
| May | 263 | 333 | 273 | 324 |
| June | 276 | 349 | 271 | 324 |
| July | 291 | 333 | 203 | 317 |
| August | 298 | 386 | 203 | 364 |
| September | 331 | 414 | 219 | 298 |
| October | 354 | 269 | 234 | 386 |
| November | 296 | 321 | 332 | 280 |
| December | 295 | 278 | 179 | 191 |
| January | 361 | 421 | 370 | 218 |
| February | 414 | 507 | 283 | 321 |
| March | 376 | 338 | 295 | 295 |

| | | | | |
|--------------|--------------|--------------|--------------|--------------|
| Total | 3 842 | 4 219 | 3 266 | 3 606 |
|--------------|--------------|--------------|--------------|--------------|

The aforementioned table reflects the number of people who enquired at the Department Helpdesk for rental enquiries.

3.2.4 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
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

3.3 Case Management

3.3.1 Captured Cases

This financial year **(2017/2018)** saw a decrease of three hundred and ninety-one **(391)** reported cases as compared to the previous financial year **(2016/2017)**. Reported cases decreased from three thousand one hundred and ten **(3 110)** to two thousand seven hundred and nineteen **(2 719)**.

Table 6

| | NUMBER OF REPORTED CASES PER YEAR 2012 – 2018 | | | | | |
|------------------------|--|-----------|-----------|-----------|-----------|-----------|
| Year | 2012/2013 | 2013/2014 | 2014/2015 | 2015/2016 | 2016/2017 | 2017/2018 |
| Number reported | 3053 | 3264 | 3282 | 3617 | 3110 | 2719 |

| | | | | | | |
|-------------------|------|-----|------|------|------|--------|
| Percentage | +20% | +7% | 0.5% | +10% | -14% | -12.5% |
|-------------------|------|-----|------|------|------|--------|

The abovementioned decrease can be attribute to the implementation of a pre-screening component within the reporting period. The purpose of this component is to, as per Chapter 7 of the Western Cape Rental Housing Tribunal Procedural and Staff Duties Regulations, primarily determine jurisdiction and advise complainants on their rights and responsibilities.

3.3.2 Case Management Performance

| Indicator | 2017/2018 | 2016/2017 |
|------------------------------------|------------|------------|
| Number of cases captured | 2 719 | 3 110 |
| Number of Complaints received | 3 279 | n/a |
| Number of cases closed | 2 149 | n/a |
| Number of cases open | 1 148 | n/a |
| Backlog [cases older than 90 days] | 531 | 273 |

The backlog can be attributed to factors such as limited Tribunal hearings and limited case allocation to staff.

3.4 Hearings conducted

The performance data for the hearings are as follows:

3.4.1 General Hearings

| Indicator | 2017/2018 | 2016/2017 |
|---|-----------|-----------|
| Number of hearings scheduled: | 525 | 429 |
| Number of postponed cases: | 115 | 118 |
| Number of cases settled by parties before hearing | 39 | 66 |
| Number of cases struck off/ closed the roll | 23 | 18 |
| Number of Rulings issued | 236 | 191 |
| Number of Default rulings | 9 | 14 |
| Number of cases withdrawn | 35 | 17 |

3.4.2 Spoliations

| Indicator | 2017/2018 | 2016/2017 |
|-----------------------------------|-----------|-----------|
| Number of Hearings: | 24 | n/a |
| Number of interim rulings issued: | 8 | n/a |
| Number of final rulings issued: | 14 | n/a |
| Number of applications withdrawn | 2 | n/a |

[Reporting on this indicator only available from this reporting period onward]

3.5 Warrants of Execution

| Indicator | 2017/2018 | 2016/2017 |
|---------------------------|-------------|-------------|
| Number of Warrants issued | 53 | 52 |
| Value of Warrants issued | R833 334.17 | R879 143.57 |

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 review application is commonly referred to as an appeal application.

1 review application was received during this reporting period.

Special Report: Rental Housing Tribunal Garden Route District Office

1. Background

The Eden District Office is a Tribunal satellite office which is situated in the heart of George Central Business District ("CBD") at York Park Building, Corner of Progress and York Street, George. This office covers all complaints received from the 7 local municipalities falling under the Eden District Municipality as listed below:

- George;
- Mossel Bay;
- Knysna;
- Bitou;
- Oudtshoorn;
- Hessequa; and
- Kannaland.

2. Complaints Management

There are two officials (Case Officers) based in the Garden Route District Office namely Mrs Avril Fillies-Mopp and Ms Lynette Avenant who report to a Complaints Manager, Mr Sithembele Tyutula, who is stationed in Cape Town.

3. Number of complaints reported

During the period under review, there were 141 cases reported from the areas falling under the Garden Route District Municipality. There has been an increase in the number of cases reported compared to previous years when less than 100 cases were reported.

The abovementioned increase can be attributed to an increased awareness of the services rendered by the Tribunal. To this end, rental housing Tribunal information, regarding the services of the Western Cape Rental Housing Tribunal was displayed at certain local government offices and public institutions such as libraries, Eden District police stations and Thusong Centres.

4. Hearings

During the period concerned, there were two hearing sessions scheduled and matters heard as per table below:

| Month | Hearings | Rulings issued | Postponements | Withdrawn | Struck off the Roll |
|----------------------------------|-----------------|-----------------------|----------------------|------------------|----------------------------|
| 29 May 2017 to 3 June 2017 | 19 | 17 | 1 | 1 | 0 |
| 5 Dec 2017 To 7 Dec 2017 | 14 | 12 | 1 | 0 | 1 |

To obtain additional copies of this document, please contact:

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Contact Centre 086 0106 166
E-mail: Roy.Stewart@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 3005
Fax: 021-483 3313
E-mail: Roy.Stewart@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:
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Afrikaans and Xhosa available on request.



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