

**RENTAL HOUSING ACT
NO. 50 OF 1999**

[View Regulation]

[ASSENTED TO 9 DECEMBER, 1999]
[DATE OF COMMENCEMENT: 1 AUGUST, 2000]

(English text signed by the President)

This Act has been updated to *Government Gazette* 38184 dated 5 November, 2014.

as amended by

Rental Housing Amendment Act, No. 43 of 2007

pending amendment by

Rental Housing Amendment Act, No. 35 of 2014
(provisions not yet proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "local authority" and "landlord", wherever they occur, of the expressions "local municipality" and "landowner", respectively.

ACT

To define the responsibility of Government in respect of rental housing property; to create mechanisms to promote the provision of rental housing property; to promote access to adequate housing through creating mechanisms to ensure the proper functioning of the rental housing market; to make provision for the establishment of Rental Housing Tribunals; to define the functions, powers and duties of such Tribunals; to lay down general principles governing conflict resolution in the rental housing sector; to provide for the facilitation of sound relations between tenants and landlords and for this purpose to lay down general requirements relating to leases; to repeal the Rent Control Act, 1976; and to provide for matters connected therewith.

To define the responsibility of Government in respect of rental housing property; to create mechanisms to promote the provision of rental housing property; to promote access to adequate housing through creating mechanisms to ensure the proper functioning of the rental housing market; to make provision for the establishment of Rental Housing Tribunals; to define the functions, powers and duties of such Tribunals; to lay down general principles governing conflict resolution in the rental housing sector; to provide for the facilitation of sound relations between tenants and landowners and for this purpose to lay down general requirements relating to leases; to repeal the Rent Control Act, 1976; and to provide for matters connected therewith.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

Preamble.—WHEREAS in terms of section 26 of the Constitution of the Republic of South Africa, 1996 everyone has the right to have access to adequate housing;

AND WHEREAS the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right;

AND WHEREAS no one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances;

AND WHEREAS no legislation may permit arbitrary evictions;

AND WHEREAS rental housing is a key component of the housing sector;

AND WHEREAS there is a need to promote the provision of rental housing;

AND WHEREAS there is a need to balance the rights of tenants and landlords and to create mechanisms to protect both tenants and landlords against unfair practices and exploitation;

AND WHEREAS there is a need to balance the rights of tenants and landowners and to create mechanisms to protect both tenants and landowners against unfair practices and exploitation;

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

AND WHEREAS there is a need to introduce mechanisms through which conflicts between tenants and landlords can be resolved speedily at minimum cost to the parties;

AND WHEREAS there is a need to introduce mechanisms through which conflicts between tenants and landowners can be resolved speedily at minimum cost to the parties;

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

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EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

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CHAPTER 1
INTRODUCTORY PROVISIONS

1. Definitions.—In this Act, unless the context otherwise indicates—

“dwelling”, includes any house, hostel room, hut, shack, flat, apartment, room, outbuilding, garage or similar structure which is leased, as well as any store-room, outbuilding, garage or demarcated parking space which is leased as part of the lease;

“financial institution” means a bank as defined in the Banks Act, 1990 (Act No. 94 of 1990);

“habitability” refers to a dwelling that is safe and suitable for living in and includes—

- (a) adequate space;
- (b) protection from the elements and other threats to health;
- (c) physical safety of the tenant, the tenant’s household and visitors; and
- (d) a structurally sound building,

and ‘habitable’ has a corresponding meaning;

(Pending amendment: Definition of “habitability” to be inserted by s. 1 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

“head of department” means the officer in charge of a department of the provincial government responsible for housing in the province;

“head of department” means the officer in charge of a department of the provincial government responsible for human settlements in the province;

(Pending amendment: Definition of “head of department” to be substituted by s. 1 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

“House Rules” means the rules in relation to the control, management, administration, use and enjoyment of the rental housing property;

“landlord” means the owner of a dwelling which is leased and includes his or her duly authorised agent or a person who is in lawful possession of a dwelling and has the right to lease or sub-lease it;

“landowner” means the owner of a dwelling which is leased and includes his or her duly authorised agent or a person who is in lawful possession of a dwelling and has the right to lease or sub-lease it;

EDITOR’S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to “landlord”, wherever it occurs, of the expression “landowner”.

"lease" means an agreement of lease concluded between a tenant and a landlord in respect of a dwelling for housing purposes;

"lease" means an agreement of lease concluded between a tenant and a landowner in respect of a dwelling for housing purposes;

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

"local municipality" means a municipality as defined in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

(Pending amendment: Definition of "local municipality" to be inserted by s. 1 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

"maintenance" includes such repairs and upkeep as may be required to ensure that a dwelling is in a habitable condition, and 'maintain' has a corresponding meaning;

(Pending amendment: Definition of "maintenance" to be inserted by s. 1 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

"MEC" means the member of the Executive Council of a province responsible for housing matters;

"Minister" means the Minister of Housing;

"Minister" means the Minister of Human Settlements;

(Pending amendment: Definition of "minister" to be substituted by s. 1 (d) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

"periodic lease" means a lease for an undetermined period, subject to notice of termination by either party;

"prescribed" means prescribed by regulation by the MEC, by notice in the *Gazette*;

"prescribed" means prescribed by regulation by the Minister;

(Pending amendment: Definition of "prescribed" to be substituted by s. 1 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

"regulation" means a regulation made in terms of section 15;

"rental housing property" includes one or more dwellings;

"Rental Housing Information Office" means an office established by a local authority in terms of section 14 (1);

"Rental Housing Information Office" means an office established by a local municipality in terms of section 14 (1);

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "local authority" wherever it occurs, of the expression "local municipality".

"tenant" means the lessee of a dwelling which is leased by a landlord;

"tenant" means the lessee of a dwelling which is leased by a landowner;

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

"this Act" includes any regulation;

"Tribunal" means a Rental Housing Tribunal established under section 7;

"unfair practice" means—

- (a) any act or omission by a landlord or tenant in contravention of this Act; or
- (b) a practice prescribed as a practice unreasonably prejudicing the rights or interests of a tenant or a landlord.

[Definition of "unfair practice" substituted by s. 1 of Act No. 43 of 2007.]

"unfair practice" means—

- (a) any act or omission by a landowner or tenant in contravention of this Act; or
- (b) a practice prescribed as a practice unreasonably prejudicing the rights or interests of a tenant or a landowner.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

1A. Objectives of Act.—The objectives of this Act are to—

- (a) create mechanisms to promote the provision of rental housing property;
- (b) promote access to adequate housing through creating mechanisms to ensure the proper functioning of the rental housing market;
- (c) lay down general principles governing conflict resolution in the rental housing sector;
- (d) provide for the facilitation of sound relations between tenants and landlords; and
- (e) provide for legal mechanisms to protect the rights of tenants and landowners against illegal actions by the other party by affording speedy means of redress at minimum cost to the parties.

(Pending amendment: S. 1A to be inserted by s. 2 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

CHAPTER 2
PROMOTION OF RENTAL HOUSING PROPERTY

2. Responsibility of Government to promote rental housing.—(1) Government must—

- (a) promote a stable and growing market that progressively meets the latent demand for affordable rental housing among persons historically disadvantaged by unfair discrimination and poor persons, by the introduction of incentives, mechanisms and other measures that—
 - (i) improve conditions in the rental housing market;
 - (ii) encourage investment in urban and rural areas that are in need of revitalisation and

resuscitation; and

(iii) correct distorted patterns of residential settlement by initiating, promoting and facilitating new development in or the redevelopment of affected areas;

(b) facilitate the provision of rental housing in partnership with the private sector.

(2) Measures introduced in terms of subsection (1) must—

(a) optimise the use of existing urban and rural municipal and transport infrastructure;

(b) redress and inhibit urban fragmentation or sprawl;

(c) promote higher residential densities in existing urban areas as well as in areas of new or consolidated urban growth; and

(d) mobilise and enhance existing public and private capacity and expertise in the administration or management of rental housing.

(3) National Government must introduce a policy framework, including norms and standards, on rental housing to give effect to subsection (1).

(4) Provincial and local governments must pursue the objects of subsection (1) within the national policy framework on rental housing referred to in subsection (3), and within the context of broader national housing policy in a balanced and equitable manner and must accord rental housing particular attention in the execution of functions, the exercise of powers and the performance of duties and responsibilities in relation to housing development.

(5) The Minister must—

(a) monitor and assess—

(i) the impact of the application of this Act on landowners and tenants, and more specifically the impact on poor and vulnerable tenants; and

(ii) the performance of Tribunals and Rental Housing Information Offices;

(b) develop such relief measures and other social programmes as part of the policy framework on rental housing referred to in subsection (3) as he or she deems necessary to alleviate hardships that may be suffered by tenants;

(c) develop programmes, directives and guidelines or amend or augment the policy framework on rental housing referred to in subsection (3) in such a manner as he or she sees fit, to facilitate effective performance by Tribunals and Rental Housing Information Offices; and

(d) annually report to Parliament on the promotion of rental housing property as envisaged in sections 2 and 3.

(Pending amendment: Sub-s. (5) to be added by s. 3 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(6) For purposes of subsection (5), the Minister may define criteria based on age, income or other form or degree of vulnerability that apply to such tenants or group of tenants and amend or augment the policy framework on rental housing, referred to in subsection (3) in such a manner as he or she sees fit.

(Pending amendment: Sub-s. (6) to be added by s. 3 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

3. Measures to increase provision of rental housing property.—(1) The Minister may introduce a rental subsidy housing programme, as a national housing programme, as contemplated in section 3 (4) (g) of the Housing Act, 1997 (Act No. 107 of 1997), or other assistance measures, to stimulate the supply of rental housing property

for low income persons.

(2) Parliament may annually appropriate to the South African Housing Fund an amount to finance such a programme.

(3) A separate account of income and expenditure in respect of such programme must be kept.

(4) Section 12 (1) (b) of the Housing Act, 1997 (Act No. 107 of 1997), does not apply to any amount appropriated by Parliament for purposes of such programme.

(5) National Government must develop and fund programmes to train members of the Tribunals and officials appointed in terms of section 14 (2).
(Pending amendment: Sub-s. (5) to be added by s. 4 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(6) Provincial Government must assist local municipalities not yet on level three accreditation, in establishing Rental Housing Information Offices as contemplated in section 14.
(Pending amendment: Sub-s. (6) to be inserted by s. 4 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

CHAPTER 3
RELATIONS BETWEEN TENANTS AND LANDLORDS

CHAPTER 3
RIGHTS AND OBLIGATIONS OF TENANTS AND LANDOWNERS
(Pending amendment: Ch. 3, heading to be substituted by s. 5 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

4. General provisions.—(1) In advertising a dwelling for purposes of leasing it, or in negotiating a lease with a prospective tenant, or during the term of a lease, a landlord may not unfairly discriminate against such prospective tenant or tenants, or the members of such tenant's household or the visitors of such tenant, on one or more grounds, including race, gender, sex, pregnancy, marital status, sexual orientation, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth.

[Sub-s. 1 substituted by s. 2 (a) of Act No. 43 of 2007.]

(1) In advertising a dwelling for purposes of leasing it, or in negotiating a lease with a prospective tenant, or during the term of a lease, a landowner may not unfairly discriminate against such prospective tenant or tenants, or the members of such tenant's household or the visitors of such tenant, on one or more grounds, including race, gender, sex, pregnancy, marital status, sexual orientation, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(2) A tenant has the right, during the lease period, to privacy, and the landlord may only exercise his or her right of inspection in a reasonable manner after reasonable notice to the tenant.

(2).
(Pending amendment: Sub-s. (2) to be deleted by s. 6 of Act No. 35 of 2014

and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(3) The tenant's rights as against the landlord include his or her right not to have—

- (a) his or her person or home searched;
- (b) his or her property searched;
- (c) his or her possessions seized, except in terms of a law of general application and having first obtained a ruling by a Tribunal or an order of court; or
[Para. (c) substituted by s. 2 (b) of Act No. 43 of 2007.]
- (d) the privacy of his or her communications infringed.

(3)

(Pending amendment: Sub-s. (3) to be deleted by s. 6 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(4) The rights set out in subsection (3) apply equally to members of the tenant's household and to visitors of the tenant.

[Sub-s. (4) substituted by s. 2 (c) of Act No. 43 of 2007.]

(4)

(Pending amendment: Sub-s. (4) to be deleted by s. 6 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(5) The landlord's rights against the tenant include his or her right to—

- (a) prompt and regular payment of a rental or any charges that may be payable in terms of a lease;
- (b) recover unpaid rental or any other amount that is due and payable after obtaining a ruling by the Tribunal or an order of a court of law;
- (c) terminate the lease in respect of rental housing property on grounds that do not constitute an unfair practice and are specified in the lease;
- (d) on termination of a lease to—
 - (i) receive the rental housing property in a good state of repair, save for fair wear and tear; and
 - (ii) repossess rental housing property having first obtained an order of court; and
- (e) claim compensation for damage to the rental housing property or any other improvements on the land on which the dwelling is situated, if any, caused by the tenant, a member of the tenant's household or a visitor of the tenant.

(5)

(Pending amendment: Sub-s. (5) to be deleted by s. 6 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

4A. Rights and obligations of tenants.—(1) A tenant has the right to receive a written receipt from the landowner for all payments received by the landowner from the tenant, which receipt must—

- (a) be dated;
- (b) clearly indicate the address, including the street number and further description, if necessary, of a dwelling in respect of which payment is made;

(c) indicate whether payment has been made for rental, arrears, deposit or otherwise; and

(d) specify the period for which payment is made.

(2) A tenant may request the landowner during the period of the lease to provide him or her with written proof in respect of interest accrued on the deposit paid.

(3) Subject to section 4B (3), on the expiration of a lease, a tenant has the right to receive payment of the deposit plus any interest accrued to such deposit without any deduction or set-off, within seven days of expiration of the lease.

(4) The tenant must, on request by the landowner, make himself or herself available to conduct a joint inspection of the dwelling at a time convenient for the landowner and tenant, with a view to ascertaining if there is any damage caused to the dwelling during the tenant's occupation, as contemplated in section 4B (5).

(5) A tenant has the right, during the lease period, to privacy, and should the landowner wish to exercise his or her right of inspection, the inspection must be done in a reasonable manner after reasonable notice to the tenant.

(6) The tenant's rights as against the landowner include his or her right not to have—

(a) his or her person or dwelling searched;

(b) his or her possessions searched and seized, except in terms of a law of general application and having first obtained a ruling by a Tribunal or an order of court; or

(c) the privacy of his or her communications infringed.

(7) The rights set out in subsection (6) apply equally to members of the tenant's household and to visitors of the tenant.

(8) A tenant is liable for rental and other costs agreed upon in the lease upon the due date, but for costs other than those agreed to in the lease, the tenant is only liable upon proof of factual expenditure by the landowner.

(9) A tenant may not sublet a dwelling without the consent of the landowner, which consent may not be unreasonably withheld.

(Pending amendment: S. 4A to be inserted by s. 7 of Act No. 35 of and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

4B. Rights and obligations of landowners.—(1) A landowner may require a tenant, before moving into the dwelling, to pay a deposit which—

(a) may not exceed an amount equivalent to an amount specified in the lease or otherwise agreed upon between the parties;

(b) must be invested by the landowner in an interest-bearing account with a financial institution: Provided that the rate applicable to such account may not be less than the rate applicable to a savings account with that financial institution;

(c) must, subject to subsections (3) or (6), be repaid to the tenant together with any interest accrued to such account on the expiration of the lease; and

(d) shall, together with any interest accrued to it, not form part of the assets of the insolvent or deceased estate of the landowner in the event of the insolvency or death of the landowner.

(2) Upon request from the tenant during the period of the lease, the landowner must provide him or her with written proof in respect of interest accrued on the deposit referred to in subsection (1): Provided that where the landowner is a registered estate agent as provided for in the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976), the deposit and any interest thereon shall be dealt with in accordance with the provisions of that Act.

(3) On the expiration of the lease, the landowner—

- (a) must, where no amounts are due and owing to the landowner in terms of the lease, refund the deposit together with the accrued interest in respect thereof, to the tenant, without any deduction or set-off, within seven days of expiration of the lease; or
- (b) may apply such deposit and interest towards the payment of all amounts for which the tenant is liable under the said lease, including the reasonable cost of repairing damage to the dwelling during the lease period and the cost of replacing lost keys, if any, and the balance of the deposit and interest, if any, must then be refunded by the landowner to the tenant not later than 14 days of restoration of the dwelling to the landowner; and
- (c) must make available to the tenant for inspection the relevant receipts which indicate the costs which the landowner incurred as contemplated in paragraph (b).

(4) The tenant and the landowner must jointly, before the tenant moves into the dwelling, inspect the dwelling to ascertain the existence of any defects or damage, with a view to determining the landowner's responsibility for rectifying any defects or damage or with a view to registering any such defects or damage.

(5) At the expiration of the lease, the landowner must arrange a joint inspection of the dwelling at a mutually convenient time to take place within a period of three days prior to such expiration, with a view to ascertaining if there is any damage caused to the dwelling during the tenant's occupation: Provided that—

- (a) failure by the landowner to inspect the dwelling in the presence of the tenant as contemplated in this subsection, is deemed to be an acknowledgement by the landowner that the dwelling is in a good and proper state of repair and the landowner will have no further claim against the tenant; or

- (b) should the tenant fail to respond to the landowner's request for an inspection as contemplated in this subsection, the landowner must, within seven days from the expiration of the lease, inspect the dwelling in order to assess any damages or loss which occurred during the tenancy.

(6) The landowner, in the circumstances contemplated in—

- (a) subsection (5) (a), must refund the full deposit plus interest to the tenant;
- (b) subsection (5) (b), without detracting from any other right or remedy—
 - (i) may deduct from the tenant's deposit the reasonable cost of repairing damage to the dwelling and the cost of replacing lost keys, if any;
 - (ii) must refund the balance of the deposit and interest, if any, after deduction of the amounts contemplated in subparagraph (i), to the tenant not later than 21 days after expiration of the lease; and
 - (iii) must make available the relevant receipts which indicate the costs which the landowner incurred, as contemplated in subparagraph (i), to the tenant for inspection.

(7) Should the tenant vacate the dwelling before expiration of the lease, without notice to the landowner, the lease is deemed to have expired on the date that the landowner established that the tenant had vacated the dwelling, in such event the landowner retains all his or her rights arising from the tenant's breach of the lease.

(8) A landowner may inspect the dwelling during the course of the lease, but in doing so must respect the tenant's right to privacy during the lease period and may only exercise his or her right of inspection in a reasonable manner after giving reasonable notice to the tenant.

(9) Landowners' rights against tenants include his or her right to—

- (a) prompt and regular payment of rental or any charges that may be

payable in terms of a lease;

- (b) recover unpaid rental or any other amount that is due and payable where the tenant fails or refuses to make payment on demand, after obtaining a ruling by the Tribunal or an order of a court of law;
- (c) terminate the lease in respect of a dwelling or rental housing property on grounds that do not constitute an unfair practice and are specified in the lease;
- (d) on termination of the lease—
 - (i) have the tenant vacate the dwelling or rental housing property immediately upon expiration of the lease and to receive such dwelling or rental housing property in a good state of repair, except for fair wear and tear; and
 - (ii) where the tenant fails or refuses to vacate the dwelling, evict the tenant from such dwelling or rental housing property after having obtained an order of court in accordance with the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998); and

- (e) claim compensation for damage to the dwelling or rental housing property and damage to any other improvements on the land on which the dwelling is situated, if any, caused by the tenant, a member of the tenant's household or a visitor of the tenant.

(10) Landowners must ensure that the provisions of sections 5 (6), (7) and (8) regarding the lease are complied with.

(11) A landowner must provide a tenant with a dwelling that is in a habitable condition, as well as maintain the existing structure of the dwelling and where possible facilitate the provision of basic services to the dwelling.

(Pending amendment: S. 4B to be inserted by s. 7 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

5. Provisions pertaining to leases.—(1) A lease between a tenant and a landlord, subject to subsection (2), need not be in writing or be subject to the provisions of the Formalities in Respect of Leases of Land Act, 1969 (Act No. 18 of 1969).

(1) The Landowner must reduce the lease entered into between himself or herself and the tenant to writing: Provided that the lease will not be subject to the provisions of the Formalities in Respect of Leases of Land Act, 1969 (Act No. 18 of 1969).

(Pending amendment: Sub-s. (1) to be substituted by s. 8 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(2) A landlord must, if requested thereto by a tenant, reduce the lease to writing.

(2) The lease must contain the information set out in subsection (6).
(Pending amendment: Sub-s. (2) to be substituted by s. 8 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (3) A lease will be deemed to include terms, enforceable in a competent court, to the effect that—
- (a) the landlord must furnish the tenant with a written receipt for all payments received by the landlord from the tenant;
 - (b) such receipt must be dated and clearly indicate the address, including the street number and further description, if necessary, of a dwelling in respect of which payment is made, and whether payment has been made for rental, arrears, deposit or otherwise, and specify the period for which payment is made: Provided that a Tribunal may, in exceptional cases, and on application by a landlord, exempt the landlord from providing the information contemplated in this paragraph;
[Para. (b) substituted by s. 3 (a) of Act No. 43 of 2007.]
 - (c) the landlord may require a tenant, before moving into the dwelling, to pay a deposit which, at the time, may not exceed an amount equivalent to an amount specified in the agreement or otherwise agreed to between the parties;
 - (d) the deposit contemplated in paragraph (c) must be invested by the landlord in an interest-bearing account with a financial institution and the landlord must subject to paragraph (g) pay the tenant such interest at the rate applicable to such account which may not be less than the rate applicable to a savings account with that financial institution, and the tenant may during the period of the lease request the landlord to provide him or her with written proof in respect of interest accrued on such deposit, and the landlord must provide such proof on request: Provided that where the landlord is a registered estate agent as provided for in the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976), the deposit and any interest thereon shall be dealt with in accordance with the provisions of that Act;
[Para. (d) amended by s. 3 (b) of Act No. 43 of 2007.]
 - (e) the tenant and the landlord must jointly, before the tenant moves into the dwelling, inspect the dwelling to ascertain the existence or not of any defects or damage therein with a view to determining the landlord's responsibility for rectifying any defects or damage or with a view to registering such defects or damage, as provided for in subsection (7);
 - (f) at the expiration of the lease the landlord and tenant must arrange a joint inspection of the dwelling at a mutually convenient time to take place within a period of three days prior to such expiration with a view to ascertaining if there was any damage caused to the dwelling during the tenant's occupation thereof;
 - (g) on the expiration of the lease, the landlord may apply such deposit and interest towards the payment of all amounts for which the tenant is liable under the said lease, including the reasonable cost of repairing damage to the dwelling during the lease period and the cost of replacing lost keys and the balance of the deposit and interest, if any, must then be refunded to the tenant by the landlord not later than 14 days of restoration of the dwelling to the landlord;
 - (h) the relevant receipts which indicate the costs which the landlord incurred, as contemplated in paragraph (g), must be available to the tenant for inspection as proof of such costs incurred by the landlord;
 - (i) should no amounts be due and owing to the landlord in terms of the lease, the deposit, together with the accrued interest in respect thereof, must be refunded by the landlord to the tenant, without any deduction or set-off, within seven days of expiration of the lease;
 - (j) failure by the landlord to inspect the dwelling in the presence of the tenant as contemplated in paragraphs (e) or (f) is deemed to be an acknowledgement by the landlord that the dwelling is in a good and proper state of repair, and the landlord will have no further claim against the tenant who must then be refunded, in terms of this subsection, the full deposit plus interest by the landlord;
 - (k) should the tenant fail to respond to the landlord's request for an inspection as contemplated in paragraph (f), the landlord must, on expiration of the lease, inspect the dwelling within seven days from such expiration in order to assess any damages or loss which occurred during the tenancy;
 - (l) the landlord may in the circumstances contemplated in paragraph (k), without detracting from any other right or remedy of the landlord, deduct from the tenant's deposit and interest the reasonable cost of repairing damage to the dwelling and the cost of replacing lost keys;
 - (m) the balance of the deposit and interest, if any, after deduction of the amounts contemplated in paragraph (l), must be refunded to the tenant by the landlord not later than 21 days after expiration of the lease;
 - (n) the relevant receipts which indicate the costs which the landlord incurred, as contemplated in paragraph (l), must be available to the tenant for inspection as proof of such costs incurred by the landlord;
 - (o) should the tenant vacate the dwelling before expiration of the lease, without notice to the landlord, the lease is deemed to have expired on the date that the landlord established that the tenant had vacated the dwelling but in such event the landlord retains all his or her rights arising from the tenant's breach of the lease; and
 - (p) any costs in relation to contract of lease shall only be payable by the tenant upon proof of factual

expenditure by the landlord.

[Para. (p) added by s. 3 (c) of Act No. 43 of 2007.]

(3) A lease will be enforceable in a Tribunal or competent court.
(Pending amendment: Sub-s. (3) to be substituted by s. 8 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(4) The standard provisions referred to in subsection (3) may not be waived by the tenant or the landlord.

(4) The standard provisions referred to in subsection (3) may not be waived by the tenant or the landowner.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(5) If on the expiration of the lease the tenant remains in the dwelling with the express or tacit consent of the landlord, the parties are deemed, in the absence of a further written lease, to have entered into a periodic lease, on the same terms and conditions as the expired lease, except that at least one month's written notice must be given of the intention by either party to terminate the lease.

(5) If on the expiration of the lease the tenant remains in the dwelling with the express or tacit consent of the landowner, the parties are deemed, in the absence of a further written lease, to have entered into a periodic lease, on the same terms and conditions as the expired lease, except that at least one month's written notice must be given of the intention by either party to terminate the lease.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(6) A lease contemplated in subsection (2) must include the following information:

(6) A lease contemplated in subsection (1) must include the following information:

(Pending amendment: Sub-s. (6) to be amended by s. 8 (d) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(a) The names of the tenant and the landlord and their addresses in the Republic for purposes of formal communication;

(a) The names of the tenant and the landowner and their addresses in the Republic for purposes of formal communication;

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(b) the description of the dwelling which is the subject of the lease;

(b) the description of the dwelling which is the subject of the lease:
Provided that a street address will be sufficient;

(Pending amendment: Para. (b) to be substituted by s. 8 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(c) the amount of rental of the dwelling and reasonable escalation, if any, to be paid in terms of the lease;

- (d) if rentals are not paid on a monthly basis, then the frequency of rental payments;
- (e) the amount of the deposit, if any;
- (f) the lease period, or, if there is no lease period determined, the notice period requested for termination of the lease;

(fA) information relating to the rights and obligations of the tenant and the landowner as set out in sections 4A and 4B;

(Pending amendment: Para. (fA) to be inserted by s. 8 (f) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

- (g) obligations of the tenant and the landlord, which must not detract from the provisions of subsection (3) or the regulations relating to unfair practice;

(g) any other obligations of the tenant and the landowner, not set out in sections 4A, 4B or the regulations relating to unfair practice;

(Pending amendment: Para. (g) to be substituted by s. 8 (g) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

- (h) the amount of the rental, and any other charges payable in addition to the rental in respect of the property.

(h) the amount of any other charges payable in addition to the rental in respect of the dwelling or rental housing property, which other charges must be identified in the lease.

(Pending amendment: Para. (h) to be substituted by s. 8 (h) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(6A) The Minister must develop a pro-forma lease agreement in all 11 official languages, containing the minimum requirements set out in this Act, which may be used as a guideline by the tenants and the landowners.

(Pending amendment: Sub-s. (6A) to be inserted by s. 8 (i) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

- (7) A list of defects registered in terms of subsection (3) (e) must be attached as an annexure to the lease as contemplated in subsection (2).

(7) A list of defects registered in terms of sections 4A (4) and 4B (4) must be attached as an annexure to the lease.

(Pending amendment: Sub-s. (7) to be substituted by s. 8 (j) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(8) A copy of any House Rules applicable to a dwelling must be attached as an annexure to the lease.

(9) A landlord must ensure that the provisions of subsections (6), (7) and (8) are complied with.

(9)

(Pending amendment: Sub-s. (9) to be deleted by s. 8 (k) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

CHAPTER 4
RENTAL HOUSING TRIBUNAL

6. Application of Chapter.—Unless a province has, before or after the commencement of this Act, enacted legislation providing for matters dealt with in this Chapter, this Chapter will apply to such province.

6. Application of Chapter.—This Chapter applies to all provinces in the Republic of South Africa.

(Pending amendment: S. 6 to be substituted by s. 9 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

7. Establishment of Rental Housing Tribunals.—The MEC may by notice in the *Gazette* establish a tribunal in the Province to be known as the Rental Housing Tribunal.

7. Establishment of Rental Housing Tribunals.—Every MEC must within the first financial year following the commencement of the Rental Housing Amendment Act, 2014, by notice in the *Gazette*, establish a tribunal in the Province to be known as the Rental Housing Tribunal.

(Pending amendment: S. 7 to be substituted by s. 10 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

8. Functions of Tribunal.—The Tribunal must fulfil the duties imposed upon it in terms of this Chapter, and must do all things necessary to ensure that the objectives of this Chapter are achieved.

9. Composition of Tribunal.—(1) The Tribunal consists of not less than three and not more than five members, who are fit and proper persons appointed by the MEC, and must comprise—

- (a) a chairperson, who is suitably qualified and has the necessary expertise and exposure to rental housing matters;
- (b) not less than two and not more than four members, of whom—
 - (i) at least one and not more than two shall be persons with expertise in property management or housing development matters; and
 - (ii) at least one and not more than two shall be persons with expertise in consumer matters pertaining to rental housing or housing development matters.

(c)

[Para. (c) deleted by s. 4 (a) of Act No. 43 of 2007.]

(1) The Tribunal consists of four to seven members, who are fit and proper persons appointed by the MEC, and must comprise—

- (a) a chairperson, who is suitably qualified and has the necessary expertise and exposure to rental housing matters;
- (b) not less than three and not more than six members, of whom—

- (i) at least one and not more than two shall be persons with expertise in rental housing property management or housing development matters;
- (ii) at least one and not more than two shall be persons with expertise in consumer matters pertaining to rental housing or housing development matters; and
- (iii) at least one and not more than two shall be persons with legal qualifications and legal expertise.

(Pending amendment: Sub-s. (1) to be substituted by s. 11 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (1A) The MEC must appoint a deputy chairperson from the members referred to in subsection (1) (b).
[Sub-s. (1A) inserted by s. 4 (b) of Act No. 43 of 2007.]

(1B) The members of the Tribunal must be broadly representative in terms of language, gender, race and disability.

(Pending amendment: Sub-s. (1B) to be inserted by s. 11 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(1C) The Tribunal may function as two committees, each with three members with the expertise set out in subsection (1) (b) and with one committee being chaired by the chairperson and the other by the deputy chairperson, as the chairperson may determine: Provided that a decision taken by a committee is deemed to be a competent decision of the Tribunal.

(Pending amendment: Sub-s. (1C) to be inserted by s. 11 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (2) The chairperson and members of the Tribunal must be appointed only after—

- (a) the MEC has through the media and by notice in the *Gazette* invited nominations of persons as candidates for the respective positions on the Tribunal; and
- (b) the MEC has consulted with the relevant standing or portfolio committee of the Provincial Legislature which is responsible for housing matters in the province.

(b) the MEC has consulted with the relevant standing or portfolio committee of the Provincial Legislature which is responsible for human settlements matters in the province.

(Pending amendment: Sub-para. (b) to be substituted by s. 11 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (3) The MEC may appoint two persons to serve as alternate members of the Tribunal in the absence of any member referred to in paragraph (b) of subsection (1) but such persons must have the relevant expertise contemplated in paragraph (b) of subsection (1).

(3) The MEC may appoint up to six persons to serve as alternate members of the Tribunal in the absence of any member referred to in paragraph (b) of subsection (1), but such persons must have the relevant expertise contemplated in paragraph (b) of subsection (1) and must serve as alternate for a member with similar expertise.

(Pending amendment: Sub-s. (3) to be substituted by s. 11 (d) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (4) Any appointment in terms of subsection (1) or (3) must be for a period not exceeding three years but a

person whose term of office as a member has expired may be re-appointed by the MEC for an additional period not exceeding three years.

(4A) A person appointed in terms of subsection (4) may not serve for more than two consecutive terms.

(Pending amendment: Sub-s. (4A) to be inserted by s. 11 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(4B) Succession plans must be adopted and must provide for replacement of members in such a manner that, for the sake of continuity, all members are not replaced at the same time.

(Pending amendment: Sub-s. (4B) to be inserted by s. 11 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(4C) Members already appointed at the time of commencement of the Rental Housing Amendment Act, 2014 and who have already served two consecutive terms may be reappointed for an additional term of not more than 18 months, to ensure continuity.

(Pending amendment: Sub-s. (4C) to be inserted by s. 11 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(5) (a) Any vacancy in the office of a member of the Tribunal must, within three months of such vacancy occurring, be filled by the MEC appointing another member under subsection (1) or (3).

[Para. (a) substituted by s. 4 (c) of Act No. 43 of 2007.]

(b) Any member so appointed holds office for the unexpired portion of the predecessor's term of office.

(6) The MEC may at any time for reasons which are just and fair remove from office any member appointed under subsection (1) or (3) and appoint another person to the vacancy resulting therefrom in accordance with subsection (5).

(7) A member or an alternate member of the Tribunal other than a person who is in the full-time employment of the State or an organ of state, must be appointed on the conditions of service determined by the MEC with the approval of the Member of the Executive Council responsible for provincial expenditure in the relevant province.

(8) Conditions of service so determined may differ according to whether the person concerned is appointed on a full-time or part-time basis.

(9) Members of the Tribunal must be reimbursed by the head of department out of funds appropriated in terms of section 12 (1) in respect of reasonable expenditure incurred in the exercise of their duties under this Act.

10. Meetings of Tribunal.—(1) The Tribunal will sit on such days and during such hours and at such place as the chairperson of the Tribunal may determine.

(1) The Tribunal must meet on such days and during such hours and at such place as the chairperson of the Tribunal may determine after consultation with other members of the Tribunal.

(Pending amendment: Sub-s. (1) to be substituted by s. 12 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(1A) The Tribunal may, subject to subsection (5), arrange two separate meetings in dealing with matters contemplated in subsection (4) (a), for purposes of effective functioning: Provided that such meetings shall happen simultaneously.

(Pending amendment: Sub-s. (1A) to be inserted by s. 12 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(2) Meetings of the Tribunal must be held or resumed at such times and places throughout the area of a Province as the chairperson may at any time determine.

(2A) The Chairperson presides at all meetings of the Tribunal.

[Sub-s. (2A) inserted by s. 5 of Act No. 43 of 2007.]

(2B) Where the Chairperson is not present at a meeting, the Deputy Chairperson presides or, if the Deputy Chairperson is not present, the members of the Tribunal present must appoint from amongst themselves a member to preside at such a meeting.

[Sub-s. (2B) inserted by s. 5 of Act No. 43 of 2007.]

(3) A local authority may, at the request and at no cost to the Tribunal, make a venue available for meetings of the Tribunal.

(3) A local municipality may, at the request and at no cost to the Tribunal, make a venue available for meetings of the Tribunal.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "local authority" wherever it occurs, of the expression "local municipality".

(4) Meetings of the Tribunal must be convened for the consideration of—

(a) any complaint referred to the Tribunal in terms of section 13;

(b) any other matter which the Tribunal may or must consider in terms of this Act.

(5) The quorum of any meeting of the Tribunal is three members, of which at least two members must be appointed in terms of section 9 (1) (b) (i) and (ii), respectively.

(5) The quorum of any meeting of the Tribunal is three members, of which one must be a member appointed in terms of section 9 (1) (b) (iii).

(Pending amendment: Sub-s. (5) to be substituted by s. 12 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(6) All decisions of the Tribunal, subject to subsection (7), must be taken by consensus.

(7) Where consensus cannot be reached by the Tribunal, the decision of a majority of the members of the Tribunal must be the decision of the Tribunal.

(8) In the event of an equality of votes on any matter, the person presiding at the meeting of the Tribunal will have a casting vote in addition to that person's deliberative vote.

(9) A member or any alternate member of the Tribunal must not attend or take part in the discussions or decision-making on any matter before the Tribunal in which he or she or his or her spouse, or his or her relative within the second degree of affinity, or his or her partner or his or her employer, other than the State, or the partner or the employer of his or her spouse, has any direct or indirect pecuniary interest.

(10) Minutes of the proceedings of the Tribunal must be kept and retained at the offices of the Tribunal.

(11) No decision taken by the Tribunal will be invalid merely by reason of a vacancy in the Tribunal or of the fact that any person not entitled to sit as a member of the Tribunal, sat as such a member at the time when the decision was taken, if the decision was taken by the majority of the members of the Tribunal present at the time and who were entitled to sit as members of the Tribunal.

(12) Any person may, in the prescribed manner, obtain copies of minutes contemplated in subsection (10) against payment of a prescribed fee.

11. Staff.—(1) The staff required for the proper performance of the Tribunal's functions and the administration of this Act, must be appointed subject to the laws governing the Public Service.

(2) The staff contemplated in subsection (1) may include inspectors, technical advisers, mediators and administrative support staff.

(3) Any person appointed in terms of subsection (1) must be provided with a certificate of appointment signed by or on behalf of the head of department.

(4) The Tribunal may, subject to such conditions as it may determine, delegate any powers conferred on it other than a power under section 13 (2) (d), (3), (4) and (5) to a member of the Tribunal or a person appointed in terms of subsection (1) but any such delegation will not preclude the Tribunal from exercising any such delegated powers itself, and the Tribunal may set aside or amend any decision of the delegate made in the exercise of such powers.

12. Funding of and reporting on activities of Tribunal.—(1) The activities of the Tribunal must be funded from moneys appropriated by the Provincial Legislature.

(2) The head of department is the accounting officer in respect of moneys appropriated in terms of subsection (1).

(3) An annual report on the activities of the Tribunal must be submitted by the chairperson of the Tribunal to the MEC as soon as possible after, but within four months of, 31 March in each year.

(4) The MEC may require the Tribunal to submit additional reports to him or her as the MEC may require from time to time.

(5) Any report referred to in subsection (3) must be tabled in the Provincial Legislature within 30 days after receipt thereof by the MEC if the Provincial Legislature is in ordinary session, or if the Provincial Legislature is then not in ordinary session, within 30 days of the commencement of the next ensuing ordinary session.

13. Complaints.—(1) Any tenant or landlord or group of tenants or landlords or interest group may in the prescribed manner lodge a complaint with the Tribunal concerning an unfair practice.

(1) Any tenant or landowner or group of tenants or landowners or interest group may in the prescribed manner lodge a complaint with the Tribunal concerning an unfair practice.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(2) Once a complaint has been lodged with the Tribunal, the Tribunal must, if it appears that there is a dispute in respect of a matter which may constitute an unfair practice—

- (a) list particulars of the dwelling to which the complaint refers in the register referred to in subsection (8);
- (b) through its staff conduct such preliminary investigations as may be necessary to determine whether the complaint relates to a dispute in respect of a matter which may constitute an unfair practice;
- (c) where the Tribunal is of the view that there is a dispute contemplated in paragraph (b) and that such dispute may be resolved through mediation, appoint a mediator, which may be a member of the Tribunal, a member of staff or any person deemed fit and proper by the Tribunal, with a view to resolving the dispute;
- (d) where the Tribunal is of the view that the dispute is of such a nature that it cannot be resolved through mediation or where a mediator contemplated in paragraph (c) has issued a certificate to the effect that the parties are unable to resolve the dispute through mediation, conduct a hearing and, subject to this section, make such a ruling as it may consider just and fair in the circumstances.

(3) For purposes of a hearing contemplated in paragraph (d) of subsection (2), the Tribunal may—

- (a) require any Rental Housing Information Office to submit reports concerning inquiries and complaints received, as well as on any other matters concerning the administration of this Act within the area of jurisdiction of that office;
- (b) require any inspector to appear before the Tribunal to give evidence, to provide information, or to produce any report or other document concerning inspections conducted which may have a bearing on any complaint received by the Tribunal;
- (c) require any Rental Housing Information Office to advise the Tribunal on any matter concerning a dwelling or concerning a complaint received from any landlord or any tenant within the area of jurisdiction of that office;

- (c) require any Rental Housing Information Office to advise the Tribunal on any matter concerning a dwelling or concerning a complaint received from any landowner or any tenant within the area of jurisdiction of that office;

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

- (d) summon any tenant or landlord or any other person who, in the Tribunal's opinion may be able to give evidence relevant to a complaint, to appear before the Tribunal;

- (d) summon any tenant or landowner or any other person who, in the Tribunal's opinion may be able to give evidence relevant to a

complaint, to appear before the Tribunal;

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(e) summon any person who may reasonably be able to give information of material importance concerning a complaint or who has in such person's possession or custody or under such person's control any book, document or object to attend its proceedings and to produce any book, document, or object in his or her possession or custody or under his or her control, to give evidence or to provide information under his or her control;

(f) call upon and administer an oath to, or accept an affirmation from, any person present at the meeting in terms of paragraph (a), (b) or (c), or who has been summoned in terms of paragraph (d) or (e).

(4) Where a Tribunal, at the conclusion of a hearing in terms of paragraph (d) of subsection (2) is of the view that an unfair practice exists, it may—

(a) rule that any person must comply with a provision of this Act;
[Para. (a) substituted by s. 6 (a) of Act No. 43 of 2007.]

(b) where it would appear that the provisions of any law have been or are being contravened, refer such matter for an investigation to the relevant competent body or local authority;

(b) where it would appear that the provisions of any law have been or are being contravened, refer such matter for an investigation to the relevant competent body or local municipality;

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "local authority" wherever it occurs, of the expression "local municipality".

(c) make any other ruling that is just and fair to terminate any unfair practice, including, without detracting from the generality of the foregoing, a ruling to discontinue—

(c) make any other ruling that is just and fair to terminate any unfair practice, including, without detracting from the generality of the foregoing, a ruling to discontinue amongst others, but not limited to—

(Pending amendment: Para. (c) to be amended by s. 13 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* - date not determined.)

(Date of commencement to be proclaimed)

(i) overcrowding;

(ii) unacceptable living conditions;

(iii) exploitative rentals; or

(iv) lack of maintenance.

(5) A ruling contemplated in subsection (4) may include a determination regarding the amount of rental payable by a tenant, but such determination must be made in a manner that is just and equitable to both tenant and landlord and takes due cognisance of—

(5) A ruling contemplated in subsection (4) may include a determination regarding the amount of rental payable by a tenant, but such determination must be made in a manner that is just and equitable to both tenant and landowner and takes due cognisance of—

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(a) prevailing economic conditions of supply and demand;

(a) prevailing economic conditions;
(Pending amendment: Para. (a) to be substituted by s. 13 (b) of Act No. 35

of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (b) the need for a realistic return on investment for investors in rental housing; and
- (c) incentives, mechanisms, norms and standards and other measures introduced by the Minister in terms of the policy framework on rental housing referred to in section 2 (3).

(6) When acting in terms of subsection (4), the Tribunal must have regard to—

- (a) the regulations in respect of unfair practices;
- (b) the common law to the extent that any particular matter is not specifically addressed in the regulations or a lease;
- (c) the provisions of any lease to the extent that it does not constitute an unfair practice;
- (d) national housing policy and national housing programmes; and
- (e) the need to resolve matters in a practicable and equitable manner.

(7) As from the date of any complaint having been lodged with the Tribunal, until the Tribunal has made a ruling on the matter or a period of three months has elapsed, whichever is the earlier—

- (a) the landlord may not evict any tenant, subject to paragraph (b);

(a) the landowner may not evict any tenant, subject to paragraph (b);

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

- (b) the tenant must continue to pay the rental payable in respect of that dwelling as applicable prior to the complaint or, if there has been an escalation prior to such complaint, the amount payable immediately prior to such escalation; and

- (c) the landlord must effect necessary maintenance.

(c) the landowner must effect necessary maintenance.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(8) The Tribunal must keep a register of complaints received and complaints resolved with such details as may be prescribed and quarterly provide the local authority in whose jurisdictions dwellings are situated in respect of which complaints have been received with a list of complaints received and complaints resolved in such format as may be prescribed.

(8) The Tribunal must keep a register of complaints received and complaints resolved with such details as may be prescribed and quarterly provide the local municipality in whose jurisdictions dwellings are situated in respect of which complaints have been received with a list of complaints received and complaints resolved in such format as may be prescribed.

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "local authority" wherever it occurs, of the expression "local municipality".

(9) As from the date of the establishment of a Tribunal as contemplated in section 7, any dispute in respect of an unfair practice, must be determined by the Tribunal unless proceedings have already been instituted in any other court.

(10) Nothing herein contained precludes any person from approaching a competent court for urgent relief under circumstances where he or she would have been able to do so were it not for this Act, or to institute proceedings for the normal recovery of arrear rental, or for eviction in the absence of a dispute regarding an unfair practice.

(11) A magistrate's court may, where proceedings before the court relate to a dispute regarding an unfair practice as contemplated in this Act, at any time refer such matter to the Tribunal.

(11) The Tribunal must within 30 days of receipt of a complaint, refer any matter that relates to evictions to a competent court.

(Pending amendment: Sub-s. (11) to be substituted by s. 13 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(12) The Tribunal may—

- (a) make a ruling as to costs as may be just and equitable;
- (b) where a mediation agreement has been concluded pursuant to section 13 (2) (c), make such an agreement a ruling of the Tribunal; and

(b) where a mediation agreement has been concluded pursuant to section 13 (2) (c), make such an agreement a ruling of the Tribunal;

(Pending amendment: Para. (b) to be amended by s. 13 (d) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(c) issue spoliation and attachment orders and grant interdicts.

[Para. (c) added by s. 6 (b) of Act No. 43 of 2007.]

(d) make a ruling to compel payment of rent as specified in a lease, and arrear rentals, if any; and

(Pending amendment: Para. (d) to be inserted by s. 13 (d) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(e) in respect of any matter over which it has jurisdiction, make any order that is necessary to give effect to this Act.

(Pending amendment: Para. (e) to be inserted by s. 13 (d) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(12A) The Tribunal may on its own accord and at the request of one of its members or on application by any affected person, rescind or vary any of its rulings if such rulings—

(a) were erroneously sought or granted in the absence of the person affected by it;

(b) contain an ambiguity or patent error or omission, but only to the extent of clarifying that ambiguity or correcting that error or omission; or

(c) were granted as a result of a mistake common to all parties to the proceedings.

(Pending amendment: Sub-s. (12A) to be inserted by s. 13 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(12B) The Tribunal may act on its own accord when supplementing or amending accessory or consequential matters, including—

(a) costs orders;

(b) altering an order for costs where it was made without hearing the parties;

- (c) interest on ruling debts;
- (d) clarification of a ruling so as to give effect to the Tribunal's true intention; and
- (e) correcting clerical, arithmetical or other errors in its ruling:

Provided that any substantive change to the ruling must be made within 14 days of the ruling being made.

(Pending amendment: Sub-s. (12B) to be inserted by s. 13 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(12C) An application for rescission or variation must be brought within 14 days of the ruling being received by the affected person.

(Pending amendment: Sub-s. (12C) to be inserted by s. 13 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(13) A ruling by the Tribunal is deemed to be an order of a magistrate's court in terms of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and is enforced in terms of that Act.

[Sub-s. (13) substituted by s. 6 (c) of Act No. 43 of 2007.]

(14) The Tribunal does not have jurisdiction to hear applications for eviction orders.

[Sub-s. (14) added by s. 6 (d) of Act No. 43 of 2007.]

14. Information Offices.—(1) A local authority may establish a Rental Housing Information Office to advise tenants and landlords in regard to their rights and obligations in relation to dwellings within the area of such local authority's area of jurisdiction.

(1) Every local municipality must establish a Rental Housing Information Office to advise tenants and landowners with regard to their rights and obligations in relation to dwellings within its area of jurisdiction: Provided that local municipalities may combine the functions of the Rental Housing Information Office with an existing office.

(Pending amendment: Sub-s. (1) to be substituted by s. 14 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(2) A local authority may, subject to the laws governing the appointment of local government officials, appoint officials to carry out any duties pertaining to such Rental Housing Information Office.

(2) Every local municipality may, subject to the laws governing the appointment of local government officials, appoint or designate officials to carry out any duties pertaining to such Rental Housing Information Office.

(Pending amendment: Sub-s. (2) to be substituted by s. 14 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(3) The functions of a Rental Housing Information Office are to—

(a) educate, provide information and advise tenants and landlords with regard to their rights and obligations in relation to dwellings within its area of jurisdiction;

(a) educate, provide information and advise tenants and landowners with regard to their rights and obligations in relation to dwellings within its area of jurisdiction;

(Pending amendment: Sub-s. (1) to be substituted by s. 14 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

- (b) provide advice to disputing parties on reaching solutions to problems relating to dwellings;
- (c) refer parties to the Tribunal;
- (d) comply with any request of the Tribunal in terms of section 13; and
- (e) keep records of enquiries received by the office and to submit reports in relation thereto to the Tribunal on a quarterly basis.

15. Regulations.—(1) The Minister must, after consultation with the standing or portfolio on housing and every MEC, by notice in the *Gazette*, make regulations relating to—

(1) The Minister may make regulations, after consultation with the relevant parliamentary committees and every MEC, by notice in the *Gazette*, relating to—

(Pending amendment: Sub-s. (1) to be amended by s. 15 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (a) anything which may or must be prescribed under Chapter 4;

(a) anything which may or must be prescribed under this Act;
(Pending amendment: Para. (a) to be substituted by s. 15 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (b) the procedures and manner in which the proceedings of the Tribunal must be conducted;

(b) the procedures and manner in which the proceedings of the Tribunal must be conducted, including circumstances and process for submitting an appeal;

(Pending amendment: Para. (b) to be substituted by s. 15 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (c) the forms and certificates to be used;
- (d) the notices to be given by the Tribunal in the performance of its functions, powers and duties;
- (e) the functions, powers and duties of inspectors for the purpose of carrying out the provisions of this Act;
- (f) unfair practices, which, amongst other things may relate to—
 - (i) the changing of locks;
 - (ii) deposits;
 - (iii) damage to property;
 - (iv) demolitions and conversions;
 - (v)
[Sub-para. (v) deleted by s. 7 (b) of Act No. 43 of 2007.]
 - (vi) forced entry and obstruction of entry;
 - (vii) House Rules, subject to the provisions of the Sectional Titles Act, 1986 (Act No. 95 of 1986),

where applicable;

- (viii) intimidation;
- (ix) issuing of receipts;
- (x) tenants committees;
- (xi) municipal services;
- (xii) nuisances;
- (xiii) overcrowding and health matters;
- (xiv) tenant activities;
- (xv) maintenance;

(xv) maintenance; and

(Pending amendment: Sub-para. (xv) to be amended by s. 15 (d) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (xvi) reconstruction or refurbishment work; or

(xvi) reconstruction or refurbishment work;

(Pending amendment: Sub-para. (xvi) to be amended by s. 15 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(fA) norms and standards that are aligned to the policy framework set out in section 2 (3), in relation to—

- (i) terms and conditions of the lease;
- (ii) safety, health and hygiene;
- (iii) basic living conditions including access to basic services;
- (iv) size;
- (v) overcrowding; and
- (vi) affordability;

(Pending amendment: Para. (fA) to be inserted by s. 15 (f) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(fB) the calculation method for escalation of rental amounts and the maximum rate of deposits which may be payable in respect of a dwelling and which may be set per geographical area to avoid unfair practices particular to that area; and

(Pending amendment: Para. (fB) to be inserted by s. 15 (f) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (g) anything which is necessary to prescribe in order to achieve the purposes of this Act.
[Sub-s. (1) amended by s. 7 (a) of Act No. 43 of 2007.]

(2) At least one month prior to the publication of any regulations contemplated in subsection (1), the Minister must by notice in the *Gazette* set out the Minister's intention to publish regulations in the form of a Schedule forming part of such notice setting out the proposed regulations, and inviting interested persons to comment on the said regulations or make any representations which they may wish to make in regard thereto.

[Sub-s. (2) substituted by s. 7 (c) of Act No. 43 of 2007.]

(3) The Minister must issue the regulations contemplated in section 1 (b), (f) and (fA) within 12 months of the commencement of the Rental Housing Amendment Act, 2014.

(Pending amendment: Sub-s. (3) to be inserted by s. 15 (g) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

15.

(Pending amendment: S. 15 to be removed by s. 16 of Act No. 35 of 2014 with and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

CHAPTER 5
GENERAL PROVISIONS

15. Regulations.—(1) The Minister must, after consultation with the standing or portfolio on housing and every MEC, by notice in the *Gazette*, make regulations relating to—

(1) The Minister may make regulations, after consultation with the relevant parliamentary committees and every MEC, by notice in the *Gazette*, relating to—

(Pending amendment: Sub-s. (1) to be amended by s. 15 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(a) anything which may or must be prescribed under this Act;
(Pending amendment: Para. (a) to be substituted by s. 15 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(b) the procedures and manner in which the proceedings of the Tribunal must be conducted, including circumstances and process for submitting an appeal;

(Pending amendment: Para. (b) to be substituted by s. 15 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

- (c) the forms and certificates to be used;
- (d) the notices to be given by the Tribunal in the performance of its functions, powers and duties;
- (e) the functions, powers and duties of inspectors for the purpose of carrying out the provisions of this Act;
- (f) unfair practices, which, amongst other things may relate to—
 - (i) the changing of locks;
 - (ii) deposits;
 - (iii) damage to property;
 - (iv) demolitions and conversions;
 - (v)
[Sub-para. (v) deleted by s. 7 (b) of Act No. 43 of 2007.]

entry;

- (vii) House Rules, subject to the provisions of the Sectional Titles Act, 1986 (Act No. 95 of 1986), where applicable;
- (viii) intimidation;
- (ix) issuing of receipts;
- (x) tenants committees;
- (xi) municipal services;
- (xii) nuisances;
- (xiii) overcrowding and health matters;
- (xiv) tenant activities;

(xv) maintenance; and

(Pending amendment: Sub-para. (xv) to be amended by s. 15 (d) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(xvi) reconstruction or refurbishment work;

(Pending amendment: Sub-para. (xvi) to be amended by s. 15 (e) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(fA) norms and standards that are aligned to the policy framework set out in section 2 (3), in relation to—

- (i) terms and conditions of the lease;
- (ii) safety, health and hygiene;
- (iii) basic living conditions including access to basic services;
- (iv) size;
- (v) overcrowding; and
- (vi) affordability;

(Pending amendment: Para. (fA) to be inserted by s. 15 (f) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(fB) the calculation method for escalation of rental amounts and the maximum rate of deposits which may be payable in respect of a dwelling and which may be set per geographical area to avoid unfair practices particular to that area; and

(Pending amendment: Para. (fB) to be inserted by s. 15 (f) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(g) anything which is necessary to prescribe in order to achieve the purposes of this Act.

[Sub-s. (1) amended by s. 7 (a) of Act No. 43 of 2007.]

JD:"Act 50 of 1999 s 15(2)">(2) At least one month prior to the publication of any regulations contemplated in subsection (1), the Minister must by notice in the *Gazette* set out the Minister's intention to publish regulations in the form of a Schedule forming part of such notice setting out the proposed regulations, and inviting interested persons to comment on the said regulations or make any representations which they may wish to make in regard thereto.

[Sub-s. (2) substituted by s. 7 (c) of Act No. 43 of 2007.]

(3) The Minister must issue the regulations contemplated in section 1 (b),

(f) and (fA) within 12 months of the commencement of the Rental Housing Amendment Act, 2014.

(Pending amendment: A. 15 to be moved from Ch. 4 and inserted under Ch. 5 by s. 16 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined. Sub-s. (3) to be inserted by s. 15 (g) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

16. Offences and penalties.—Any person who—

(a) fails to comply with sections 4 or 5 (2) or (9);

(a) fails to comply with sections 4 or 5 (1);
(Pending amendment: Para. (a) to be substituted by s. 17 (a) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(aA) interferes with the rights of the tenant and landowner set out in sections 4A and 4B;

(Pending amendment: Para. (aA) to be inserted by s. 17 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(aB) fails to fulfil his or her obligations as landowner in terms of sections 4B (1) (c) and (11) respectively;

(Pending amendment: Para. (aB) to be inserted by s. 17 (b) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

EDITOR'S NOTE

S. 20 of Act No. 35 of 2014 substitutes all references in this Act to "landlord", wherever it occurs, of the expression "landowner".

(b) has been duly summonsed under section 13 and who fails, without sufficient cause—

(i) to attend at the time and place specified in the summons; or

(ii) to remain in attendance until excused by the Tribunal from further attendance;

(c) has been called upon, in terms of section 13 (3) (f) and who refuses to be sworn or to make an affirmation as a witness;

(d) fails, without sufficient cause—

(i) to answer fully and satisfactorily any question lawfully put to any such person in terms of section 13 (3);

(ii) to produce any book, document or object in any such person's possession or custody or under any such person's control which any such person was required to produce in terms of section 13 (3) (e);

(e) with intent to deceive the Tribunal, produces before the Tribunal any false, untrue, fabricated or falsified book or document;

(f) wilfully furnishes the Tribunal with information, or makes a statement before the Tribunal, which is false or misleading;

(g) fails to comply with any ruling of the Tribunal in terms of section 13 (4);

(g) fails to comply with any ruling of the Tribunal;
(Pending amendment: Para. (g) to be substituted by s. 17 (c) of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

(h) fails to comply with a request of the Tribunal in terms of section 13 (3) (a), (b) or (c);

(hA) unlawfully locks out a tenant or shuts off the utilities to the rental housing property; or
[Para. (hA) inserted by s. 8 of Act No. 43 of 2007.]

(i) contravenes any regulation,

will be guilty of an offence and liable on conviction to a fine or imprisonment not exceeding two years or to both such fine and such imprisonment.

17. Review.—Without prejudice to the constitutional right of any person to gain access to a court of law, the proceedings of a Tribunal may be brought under review before the High Court within its area of jurisdiction.

17. Review.—Without prejudice to the constitutional right of any person to gain access to a court of law, the proceedings of a Tribunal, including an appeal in terms of section 17A, may be brought under review before the High Court within its area of jurisdiction.

(Pending amendment: S. 17 to be substituted by s. 18 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

17A. Appeals.—(1) Any person who feels aggrieved by the decision of the Tribunal may, in writing and within 14 days of receipt of the decision, file an appeal against that decision with the MEC.

(2) The Minister must prescribe the circumstances under which an application for appeal may be submitted, including the procedure for filing and hearing of an appeal.

(3) The MEC must select a panel of adjudicators who possess legal qualifications and expertise in rental housing matters or consumer matters pertaining to rental housing matters.

(4) When appeals are lodged in terms of this section, the MEC must within one day of receipt of the appeal, appoint one or two adjudicators from the panel on a rotation basis to consider the appeals and must so refer the appeals for hearing.

(5) When an appeal has been lodged, the operation and execution of the order in question shall be suspended, pending the decision of the appeal.

(6) The appeal must be finalised within 30 days of referral by the MEC.

(7) The adjudicators may refer the matter back to the Tribunal or confirm, set aside or amend the decision.

(Pending amendment: S. 17A to be inserted by s. 19 of Act No. 35 of 2014 and comes into operation on a date determined by the President by Proclamation in the *Gazette* – date not determined.)

(Date of commencement to be proclaimed)

18. Repeal and amendment of laws.—The laws specified in the Schedule are repealed or amended to the extent indicated in that Schedule.

19.

[S. 19 repealed by s. 9 of Act No. 43 of 2007.]

20. Short title and commencement.—(1) This Act is called the Rental Housing Act, 1999, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

(2) In applying subsection (1) different sections of the Act may come into effect on different dates and different dates may be determined for different provinces.

Schedule
LAWS REPEALED OR AMENDED BY SECTION 18

<i>No. and year of law</i>	<i>Short title</i>	<i>Extent of amendment or repeal</i>
Act No. 80 of 1976	Rent Control Act, 1976	The whole
Act No. 23 of 1989	Rent Control Amendment Act, 1989	The whole
Act No. 132 of 1993	General Law Fourth Amendment Act, 1993	Section 26
Act No. 95 of 1986	Sectional Titles Act, 1986	Section 53
Act No. 95 of 1986	Sectional Titles Act, 1986	Section 10 (1) by the deletion of the words: "or, in the case of a unit which is controlled premises referred to in the Rent Control Act, 1976 (Act No. 80 of 1976), and is subject to the provisions of that Act, within a period of 365 days, of the date of offer, or has, on the expiration of any such applicable period, not accepted the offer".