Yeyiphi inkqubo elandelwayo xa isikhalazo sifakiwe?

- Izikhalazo kufuneka zifakwe ngefomu yezikhalazo elungiselelwe ukwenjenjalo yiMimmiselo yeeNkqubo (Procedural Regulations), efumaneka kwiNkundla yaMatyala eziNdlu, kwiWebhusayiti yeCape Gateway, kwiDesika yoNcedo yeSebe okanye kwiZiko loQhagamshelwano.
- INkundla yaMatyala eziNdlu iza kuqhuba uphando lokuqala ukuze iqinisekise ukuba ngaba isikhalazo eso siyahambelana na nembambano ebhekisele kumba ongathathwa njengesenzo esingafanelekanga.
- Ukuba ngaba isikhalazo siyahambelana na nembambano leyo, iNkundla yeziNdlu iza kuzama ukuwusombulula loo mba ngolamlo olusesikweni nokuba lolungekho sesikweni.
- Ukuba la maqela akakwazi kufikelela kwisivumelwano esithile, ityala elo liya kudluliselwa kwintlanganiso esemthethweni yokuxoxwa kwamatyala.

Ngubani omele ukufaka isikhalazo?

Nawuphi na umqeshi okanye umnini-mhlaba okanye iqela labaqeshi okanye elabanini-zindlu nokuba liliphi na iqela elichaphazelekayo eNtshona Koloni lingasifaka isimangalo kwiNkundla yokuXoxwa kwaMatyala eZindlu eziRentwayo kwiNtshona Koloni.

Ngawaphi Amalungelo Abanini-zindlu nawaBaqeshi?

Umqeshi unelungelo kwezi zinto:

- Lokuba angasetshwa yena okanye ipropati yakhe.
- Lokuba zingathathwa iimpahla zakhe ngaphandle komyalelo weNkundla.
- Unelungelo kunxibelelwano olulolwakhe.

Umnini-ndlu/zindlu unelungelo kwezi zinto:

- Ukufumana intlawulo rhoqo ngexesha elifanelekileyo
- Ukufunyanwa kwetyala ebelingahlawulwanga kwakhona emva kokufumana umyalelo weNkundla
- Ukurhoxisa uqeshiso xa kukho okungahambi kakuhle nangokwesivumelwano eso sokuqeshiselana
- Sakuba sirhoxisiwe isivumelwano sokuqeshisa, ayifumane indawo yakhe isekwimo eyiyo aze ayihluthe ipropati emva kokufumana umyalelo weNkundla
- Ukwenza ibango lembuyekezo kwizinto ezonakeleyo kwanophuculo lwendlu

Kwenzeka ntoni xa aMaqela achaphazelekayo engalubambi ulawulo lweNkundla yaMatyala eziNdlu?

ISigqibo esithatyathwa yiNkundla yaMatyala eziNdlu sithathwa njengomyalelo weNkundla kaMantyi owenziwe ngokwemiqathango yomthetho oyiMagistrates' Court Act, 1994.

Nawuphi na umntu osilelayo ukusebenza ngokumalunga neCandelo 16, (ongakwaziyo ukuya ezingxoxweni ngaphandle kwesizathu esivakalayo, owalayo ukwenza isifungo , okanye ongavumiyo ukukhupha nawaphi na amaxwebhu afunekayo okanye anawo, ojonge ukungcatsha iNkundla yaMatyala eziNdlu okanye enze iingxelo zobuxoki ezingcolisa nezaphula nawuphi na uMmiselo), iCandelo 16 (Section16) uthi lo mntu woyisekayo ukuhamba ngokweli candelo lichatshazelweyo ngasentla apha uza uya kuba netyala aze ajongane nesohlwayo nokugwetywa. Abaphuli-mthetho baza kohlwaywa okanye bavalelwe isithuba esingedlulanga kwiminyaka emibini, okanye azifumane zombini ezo zohlwayo.

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Western Cape Government
Human Settlements
BETTER TOGETHER.

Rental Housing Tribunal

Making renting in the Western Cape BETTER TOGETHER.

Objectives of the Tribunal

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

Formation of the Tribunal

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

Responsibilities of the Tribunal

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

What is the process when a complaint is lodged?

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

Who may lodge a complaint?

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

What are the rights of landlords and tenants?

A tenant has the right:

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

A landlord has the right to:

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

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

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

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

Iinjongo zeNkundla yaMatyala eZindlu

- Kukukhuthaza uzinzo kwicandelo lokurenta izindlu kwiNtshona Koloni;
- Kukwenza kubekho iintshukumo zokuhlangabezana nokumelana nembambano kwicandelo lokurenta izindlu;
- Kukuququzelela , ukuphanda, ukulamla nokubamba iingxoxo zokusombulula impikiswano;
- Kukwazisa abanini -zindlu kwanabaqeshi ngamalungelo kwaneemfanelo zabo xa kunokwenzeka ukuba kubekho iimpatho ezingafanelekanga nezingekho mthethweni ezinokuvela.

Ukwakhiwa kweNkundla yeZindlu

Inkundla yeZindlu liziko elingenamkhethe elamiswa nguMphathiswa weZindlu ngokwezivumelwano zoMthetho wama-50 ka- 1999 weNtlawulo yeRente yeZindlu (Rental Housing Act, 50 of 1999).

Iimfanelo zeNkundla yeZindlu

Inkundla yeZindlu eziRentwayo ibonelela ngenkonzo yasimahla kubaqeshi kwanakubanini-zindlu kwiPhondo lonke leNtshona Koloni. Iingxoxo nolamlo ziqhutywa ngokubhekise ngqo kanye kwisikhalazo eso.