PROPERTY LAW

Rental Housing Tribunal: Resolving Landlord And Tenant Complaints

What are the functions of the Rental Housing Tribunal and which complaints may be lodged? Learn more about your rights surrounding the Rental Housing Tribunal by reading this QuickLaw guide.

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For all your Rental Housing Tribunal answers, simply follow our guide below:

1. What type of complaints may be lodged with the Rental Housing Tribunal (“Tribunal”)?
2. What are the functions of the Tribunal?
3. How can a complaint be lodged at the Tribunal?
4. What happens after a complaint has been lodged with the Tribunal?
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1. What type of complaints may be lodged with the Rental Housing Tribunal (“Tribunal”)?

- A complaint about unfair practice may be lodged by a tenant or a landlord of a property (for example, a house, room or flat), for the following reasons:
    - Unacceptable living conditions, such as overcrowding or hygienic issues.
    - Insufficient maintenance or repairs of a property.
    - Not paying rent to the landlord.
    - Not refunding a deposit of the tenant.
    - Damage to a property (for example, a door of the landlord or a table of the tenant).
    - Eviction without a court order.
    - Disconnection of services (such as electricity) without a court order.

- Non-compliance with the Rental Housing Act.
- Not issuing a receipt or statements to a tenant in respect of payments made.
- Discrimination by a landlord on the grounds of race, sex and so on, of a tenant.

2. What are the functions of the Tribunal?

- The Tribunal's functions include the following:
  - to receive and investigate complaints of landlords or tenants;
  - to resolve disputes between landlords and tenants through mediation and arbitration; and
  - to give advice and provide education to landlords and tenants about their rights and obligations.
- The Tribunal's services are free.

3. How can a complaint be lodged at the Tribunal?

- Complete the prescribed forms available from the Tribunal.
- Lodge the completed forms and the documents in support of the complaint with the Tribunal. This may be done in person, by post, by fax or by e-mail.
- The documents in support of the claim may include: copies of the landlord or tenant's identity document; written lease agreement, or the terms of the verbal lease agreement; proof of payment, if any; addresses of the tenant and the landlord; and contact details of the tenant and the landlord.
- After a complaint has been lodged with the Tribunal and until the date of the Tribunal's ruling the:

- landlord may not evict the tenant;
- tenant must continue to pay the rent; and
- landlord must continue to maintain and/or repair the property.

4. What happens after a complaint has been lodged with the Tribunal?

- The Tribunal will:

    - Investigate the complaint to establish whether there is a dispute between the landlord and tenant.
    - Try to resolve the dispute through mediation. The landlord and the tenant will be notified in writing of the mediation date and time. Where a mediation agreement was concluded, such mediation agreement must be made a ruling of the Tribunal. If the dispute cannot be resolved through mediation, it should be referred to arbitration (also referred to as a hearing).
    - Conduct an arbitration hearing; the landlord and tenant will be summoned to appear at the Tribunal on a certain date and time.
    - Decide on a just and fair ruling. The ruling of the Tribunal is binding on both the tenant and the landlord.

- If the landlord or tenant fails to comply with a ruling of the Tribunal, s/he may be convicted of an offence and sentenced to pay a fine, be imprisoned, or both.
- A ruling of the Tribunal is deemed to be an order of the Magistrate's Court and may be taken on review to the High Court.

5. Can a landlord go to court instead of using the Tribunal?

- Yes, a landlord can go to court in order to claim arrear rent, but only if there is no unfair practice present. The court may refer a dispute back to the Tribunal, if it finds evidence of unfair practice.
- A landlord can also go to court for an eviction order; the Tribunal cannot make an order to evict a tenant.

6. How can LegalWise assist you?

Should you require an explanation of your rights on this topic, please contact your nearest LegalWise Branch , call, e-mail or WhatsApp us. For more information about our membership options visit our legal services page or visit our join now page.

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