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?
5. Can a landlord go to court instead of using the Tribunal?
6. How can LegalWise assist you?

## 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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