

# Understanding the role of the Rental Housing Tribunal



By [Adrian Goslett](#)

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Established during 2001, the Rental Housing Tribunal (RHT) assists in resolving disputes that arise between landlords and tenants. Made up of members with housing management, development and rental housing experience, who have been appointed by the provincial minister of housing, the RHT is also tasked with implementing the Rental Housing Act.



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The primary function of the Rental Housing Tribunal is to mediate and settle disputes that tenants and landlords cannot resolve themselves in an amicable manner. Ideally, the RHT's aim is to ensure that there is stability and harmony in the rental housing sector of the market. The RHT will inform landlords and tenants of both their rights and obligations with regard to the Rental Housing Act, and will then investigate and mediate the situation at hand to reach a resolution by making recommendations to the relevant parties.

## Mutually acceptable solution

Mediation is an informal, confidential meeting where the landlord and tenant will meet to discuss their issues in the presence of a trained, experienced mediator. The mediator will remain impartial and will assist the parties to come to a mutually acceptable solution to their problem. The landlord and tenant will be the ones who make the final decision with regards to mediation agreement – not the mediator. Once the parties have reached an agreement, it is possible for the agreement to be made an order of the court.

The RHT deals with all aspects relating to a tenancy, such as verbal or written lease agreement disputes, the rights and duties of each party, deposit refunds, rental defaults, damage to the rental property, utilities, eviction and house rules, to name a few.

Anyone who has a vested interest in a rental property may lodge a complaint with the RHT. The service that the RHT provides is free to landlords and tenants and the parties may represent themselves in the matter, so there is no need to incur legal costs.

## Complaint in writing

To lodge a complaint, the petitioner must make contact with the relevant RHT office that has authority in the area in which

the home is situated. Legislation dictates that the complaint must be in writing. The provincial offices each have different complaint forms on which the complaints can be lodged. The complaints can be lodged by either registered mail or fax. It is advisable that once the complaint has been submitted, the complainant follows up to ensure that it reached the right person.

A case is opened, and a reference number will be allocated to the matter before a preliminary investigation is conducted. The investigation will be to determine whether the complaint relates to a dispute in respect of a matter which may constitute an unfair practice, which must be determined within 30 days of receiving the complaint. To define this, the RHT may require additional information from either the complainant or respondent. In certain instances, an inspector may be appointed to inspect the property in question and compile a report on the complaint.

Once the investigation has concluded, and the does relate to such a dispute, all parties will be informed in writing that the case has been opened and a date and time has been set for mediation. If no agreement is reached at the informal mediation, the matter will be referred to a formal hearing for the ruling.

## ABOUT ADRIAN GOSLETT

Adrian Goslett is CEO and regional director of RE/MAX Southern Africa. He joined RE/MAX Southern Africa in 2005 as a franchise development consultant, supporting various regions and offices. Throughout his career at RE/MAX he has held various positions. In 2010, after successfully leading 160 offices and over 1500 agents in six countries through the worst years real estate has ever seen in South Africa in 30 years, Goslett was appointed as CEO of RE/MAX Southern Africa.  
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