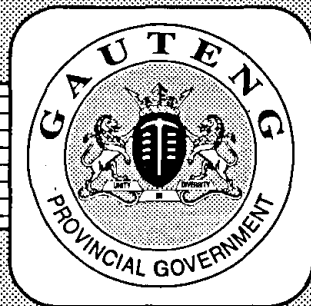


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Vol. 3

PRETORIA, 14 NOVEMBER 1997

No. 418

GENERAL NOTICE

NOTICE 3542 OF 1997

DEPARTMENT OF HOUSING AND LAND AFFAIRS

RESIDENTIAL LANDLORD AND TENANT ACT, 1997 (ACT No. 3 OF 1997)

REGULATIONS ON THE MANAGEMENT AND CONTROL OF ACCOMMODATION IN HOSTELS

Notice is hereby given in terms of section 14 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997), that the Member of the Executive Council for Housing and Land Affairs intends to promulgate hostel regulations in the form set out in the Schedule.

Any person or organisation wishing to comment on these proposed regulations may lodge written comments or representations on or before **12 December 1997** by posting, faxing or handing them in at the following address:

**Office of the M.E.C.
Department of Housing and Land Affairs
Bank of Lisbon, 23rd Floor
37 Sauer Street
Private Bag X79
MARSHALLTOWN
2107
FAX: (011) 838-2116/7562
TEL: (011) 355-4000/4002**

SCHEDULE

Definitions

1. In these regulations, unless the context indicates otherwise-

"accommodation" means the provision of a bed and the making available of facilities in a hostel;

"Act" means the Residential Landlord and Tenant Act, 1997

"authority" means the Gauteng Provincial Government or a local authority or other owner of a hostel to which these regulations have been made applicable by publication of a notice in the Provincial Gazette;

"hostel" means a building designed for human occupation owned by the Provincial Government or a local authority and which offers communal residence in rooms or suites and which may include communal cooking, sanitary, ablution, laundry and other facilities, to which these regulations are made applicable by a notice published in the Official Gazette by the Member of the Executive Committee for Housing.

"Landlord Tenant Dispute Resolution Board" means the Board established by section 2 of the Act.

"resident's certificate" means a resident's certificate which has been issued in terms of these regulations;

"visitor's certificate" means a certificate which has been issued in terms of these regulations allows temporary entry and accommodation in a hostel for a period not exceeding seven days, but which may be renewable.

Appointment of Hostel Manager

2. The authority

(1) shall appoint a hostel manager for a particular hostel and the lands on which it is situated who shall make the hostel facilities available accordance with these regulations, and to carry out any instructions given by that authority.

(2) The authority or a person authorized thereto by it may appoint a person as deputy to a hostel manager.

Duties of Hostel Manager

3. The hostel manager is responsible for the management, control and good order of the hostel and must-

(1) seek to promote the reasonable comfort and welfare of its residents;

(2) whenever so required by the authority, give a written report on the conditions of the management and control of the hostel;

(3) ensure that a copy of these regulations together with the current rent tariff is displayed on an official notice board in a conspicuous place of the hostel for the information of residents and of the public generally;

(4) allocate a number to each bed in a bedroom or suite in the hostel and ensure that this number is written legibly in a conspicuous place;

(5) allocate a number to each bedroom or suite in the hostel and ensure that it is written legibly in a conspicuous place at the door of the bedroom or suite;

(6) ensure that the hostel and the land on which it is situated are kept in a clean and tidy condition;

(7) ascertain that all occupants who qualify accommodation are duly registered as residents, and serve notice to vacate on those who do not qualify;

(8) make and keep a register of all the residents in which must contain the full names and identity number of each resident and the names of their next of kin or any person to be contacted in the event of death or urgent matters;

(9) issue to each registered resident a resident's certificate, which draws attention to the binding force of these regulations on residents;

(10) keep a waiting list of persons desiring to be accommodated in the hostel, and make it available for inspection on request;

(11) perform all other duties entrusted to him or her under these regulations; and

(12) encourage and facilitate the establishment and operation of a residents' committee, and consult regularly with it.

Provision of Accommodation

4.(1) Within one month after adoption by an authority of these regulations the hostel manager shall conduct a census of all occupants of the hostel, and shall register as residents and allocate beds to such persons as are, in his or her opinion, suitable to live in the hostel and for whom beds are available, on condition that the currently prescribed rent is paid for at least one month in advance.

(2) Since the residents' committee cannot be elected until after such registration has been effected, the hostel manager shall undertake such census, registration and allocation in consultation with such committee or committees as he may regard as being representative of some or all of the occupants.

(3) A person who wishes to be accommodated in a hostel or who wishes another person to be accommodated therein shall apply to the hostel manager for such accommodation, and the hostel manager may, after satisfying himself or herself that-

(a) the person in respect of whom the application has been made is in his or her opinion suitable to live in the hostel;

(b) there is no person on the waiting list who has a better claim to be accommodated; and

(c) a bed is available therein

make accommodation available to and register such person as a resident on prepayment of one month's rent.

Management Measures

5.(1) Subject to the transitional measures contained in regulation 4(1) no person other than a registered resident may reside in a hostel and, no person other than the holder of a visitor's certificate may reside therein temporarily.

(2) The hostel manager or the deputy or other duly authorized representative may-

(a) institute a system to limit access to the hostel or any part thereof by non-residents;

(b) in the performance of his or her duties, enter any room or place in the hostel for the purpose of an investigation or any other action that he or she may deem necessary;

(c) require any person found in the hostel to furnish proof (such as a valid resident's certificate and a current receipt for rent) or a current visitors' certificate of his or her right to reside in the hostel, and on the refusal or failure of any person to produce such proof may require such person to supply his name, identity number and address and/or to vacate the premises forthwith.

Occupancy Terms and Rent

6.(1) The provision of accommodation shall be on the terms contained herein for an indefinite period; terminable on one calendar month's written notice given by either party to the other.

(2) The rent and any charges payable for services provided and for visitors' certificates shall be determined by the authority and may be amended by it on one month's notice after consultation with the residents' committee and particulars of the rent and charges payable from time to time shall be displayed with a copy of these regulations as provided in regulation 3.(3) hereof.

(3) Rent and service charges shall be payable monthly in advance by not later than the seventh day of each month at the hostel manager's office or at such other place as he or she may in writing direct and charges, if any, for metered electricity usage shall be payable monthly in arrears.

(4) Whenever an occupant is registered as a resident, it shall be assumed that the bed and the room or suite allocated are in a sufficiently good condition.

(5) Immediately after a new resident has been given occupation in the hostel he or she must-

a) Ascertain whether the bed and the room or suite allocated are in good condition; and

b) within seven days report to the hostel manager any fault found in respect thereof.

(6) A resident shall not without prior written consent of the hostel manager-

(a) cede, assign or make over to any other person any right of occupation which he or she might have or any rights related thereto;

(b) cede, sublet or assign the bed, room or suite or any portion thereof, or permit any other person to reside on the premises;

(c) use a bed other than one allocated to him or her;

(d) make any alterations or additions to the room or suite;

(e) use for sleeping any portion of the premises other than that shown for such purpose on the plan of his or her room.

(7) No person shall carry on any trade, business or industrial activity on the premises and/or erect any shacks, shelters or other structures on the premises except with the written consent of the township manager on such terms and subject to the payment of such fees and charges as may be required by the authority, after consultation with the residents' committee.

(8) If a resident is absent from the hostel or does not use the bed allocated to him or her in the hostel for a period of thirty consecutive days without prior notice to the hostel manager of his intention to do so, the hostel manager may cancel his or her right and make the accommodation available to another person; provided that such cancellation will require the approval of the residents committee if such resident has not fallen in arrear with his or her rent.

Responsibility for Premises. Good Conduct

7.(1) The authority shall be responsible for keeping in good order, condition and repair the common facilities, installations and equipment and the exterior of the hostel premises.

(2) Each resident or occupant shall be responsible to the authority for making good any damage to his or her bed or to any other fixtures, fittings or furniture in respect thereof, unless he or she can provide a reasonable explanation (to the satisfaction of the hostel manager and after consultation with the residents' committee) of how the damage was caused by some occurrence over which he or she had no control or by the wilful act or negligence of some other person.

(3) All residents or occupants of the same room or suite shall be jointly and severally responsible to the authority for making good any damage caused by the wilful act or negligence of any of them to any property of the authority therein.

(4) A residents or occupant shall at all times keep his or her bedroom or suite in a clean and tidy condition.

(5) No resident, occupant or other person shall-

(a) create a nuisance or disturbance in a room or suite or in any part of the hostel premises;

(b) threaten, abuse, intimidate or assault any resident, member or staff or other person;

(c) use any means of cooking or heating other than those provided by the authority or approved in advance in writing by the hostel manager;

(d) alter or interfere with the electrical or other installations on the premises nor effect any alterations or additions to the fittings or structures therein;

(e) keep any animal, birds or motor vehicles anywhere on the hostel premises without the prior written permission of the hostel manager;

(f) place any ash, rubbish, dirt, derelict articles or waste anywhere in the hostel or on the land on which the hostel is situated other than in a container provided for that purpose, nor leave any derelict motor vehicles there;

(g) use the communal kitchen or sanitary, ablution, laundry, recreational or other facilities in the hostel for any purpose other than those for which they are made available;

Residents' Property

8.(1) Neither the authority, not its staff acting within the reasonable scope of their authority, shall be responsible for any loss of property suffered by residents or other persons for any reason whatsoever.

(2) Any property which belongs to a former resident or occupant and which is found in room previously occupied by him or her, or elsewhere on the premises, shall be stored in a safe place by the local authority. If it is not claimed within a period of three months after the bed in question was allocated to another person it shall be sold by public auction or tender within the hostel.

(3) After recovery of any amount owed by the former resident or occupant for rent or service charges or any other cause and the cost of the sale, the balance shall be disposed of in accordance with the provisions of the laws governing the administration and distribution of estates.

(4) If the hostel manager considers that it will not be possible to realize any amount from the sale of such property he or she may cause it to be removed from the hostel premises or destroyed.

(5) The hostel manager shall maintain a register in which shall be recorded particulars of all property or personal effects kept and/or disposed of in terms hereof.

Residents' Committee

9.(1) A meeting of residents shall be convened annually in proper form to elect a residents' committee with a chairperson and secretary, to represent their general interests in matters pertaining to hostel conditions.

(2) The residents' committee and the hostel manager shall meet and liaise regularly in a joint management committee on matters of mutual concern

(3) Special meetings of residents may be convened on not less than seven days' notice (or at shorter notice cases of stated emergency)

(a) by the hostel manager, or

(b) by the residents' committee, at times and venues to be arranged beforehand with the hostel manager.

(4) Notice of meetings of residents shall be given by placing notices prominently on the official notice board and at entrances to the hostel, and in such other ways as the hostel manager or the Residents Committee may deem to be appropriate.

Consequences of the Breaches of Regulations

(1) If a resident or occupant fail to pay any amount owing by him or her on the due date, the hostel manager may give such person not less than seven days' notice in writing that payment.

(2) If, after notice may be served, payment is not forthcoming, the hostel manager may cancel that person's right and require him or her to vacate the premises forthwith.

(3) Such notice may be served on the resident or occupant personally, or may be affixed to the door of his or her room or suite.

(4) If a resident or occupant or the holder of a visitors' permit fail to carry out or perform any obligation imposed hereunder or commit any breach of these regulations or hamper or hinder the hostel manager or his or her authorized representative in the execution of his or her duties; or in the opinion of the hostel manager be guilty of conduct which is detrimental to the maintenance of good order in the hostel; the hostel manager may-

(a) serve a notice on such resident or occupant requiring him or her to rectify the matter stated in the notice within a period of seven days or (in extreme cases) to do so forthwith, and failing compliance with such request to vacate the premises forthwith; or

(b) serve a notice on such holder of a visitors' permit requiring him or her to rectify the matter stated in the notice within a period of twenty - four hours or (in extreme cases) to do so forthwith, and failing compliance with such request to vacate the premises forthwith.

Appeals and Complaints

11.(1) Every person (including a member of the residents' committee) shall have the right of appeal to the chief executive officer of the authority against any action or decision of the hostel manager or other official of the authority charged with the administration of these regulations.

(2) Such appeal must be lodged within seven days after the action complained of by notice given to the chief executive officer and to the hostel manager, and shall be duly prosecuted within fourteen days after such action, failing which it shall lapse.

(3) The chief executive officer or an official duly appointed must hear the appeal expeditiously and the hostel manager or other official concerned is entitled to be heard at the enquiry and may submit evidence in support of the action.

(4) The chief executive officer or official presiding must make such order as may in his or her discretion be appropriate in the circumstances.

(5) A complaint may be lodged with the Landlord Tenant Dispute Resolution Board for consideration in terms of the provisions of the Act.

(6) A complaint may be lodged-

(a) by a tenant or group of tenants, i.e. by any resident or resident's committee after an order shall have been made in terms of section 11.3 hereof, or if the hearing or order are unduly delayed; or

(b) by any landlord or group of landlords, i.e. any authority or group of authorities.

(7) The residents committee and the authority may each nominate a person to act as an assessor to advise and assist the Board in considering an appeal or complaint involving hostel circumstances. Such assessors shall be subject to the discipline of the chairperson, shall have not vote and shall not be entitled to any remuneration from the Board.

Commencement

12.(1) In respect of the hostels identified in Schedule I, these regulations shall take effect on the first day of the month following the date of publication of this notice.

(2) In respect of other hostels, these regulations shall take effect on the dates specified in Official Gazette notices pertaining thereto.

SCHEDULE 1

Precedent

(AUTHORITY)

(hostel name)

HOSTEL RESIDENT'S CERTIFICATE

issued to the person mentioned hereunder subject to the terms and conditions contained in the hostel regulations published in Premier's Notice No. 12 in the Gazette of 25 April 1997 and to regular payment of rent and charges

Resident's name

Identity number

Room or suite number

Bed number

Hostel Manager

Date

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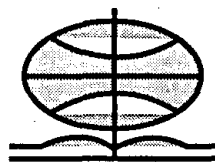
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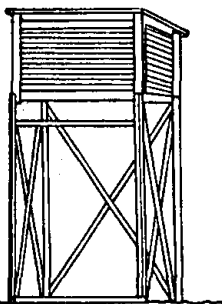
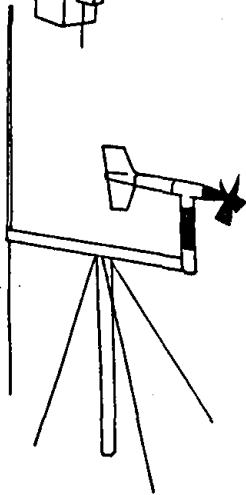
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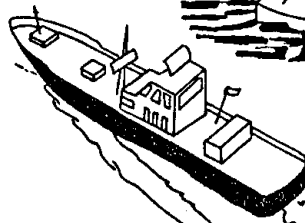
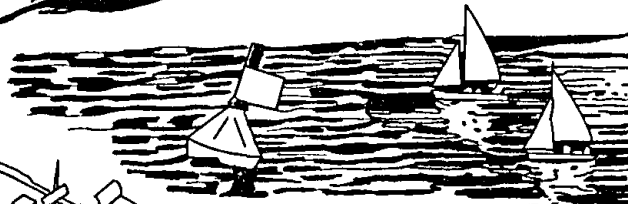
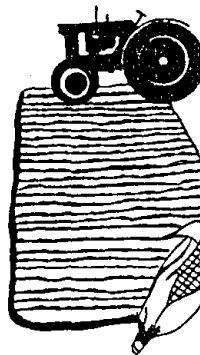
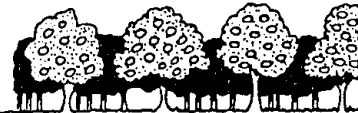
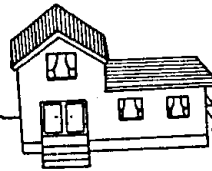
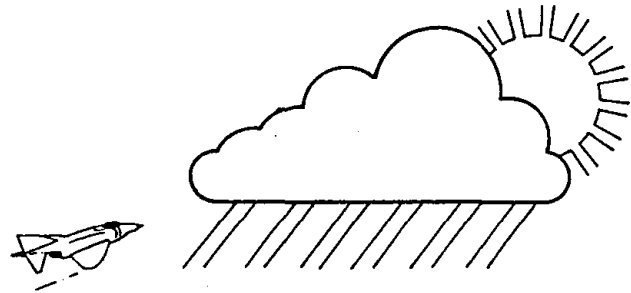
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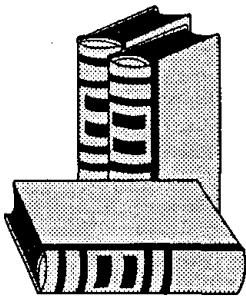
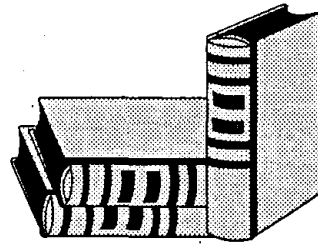
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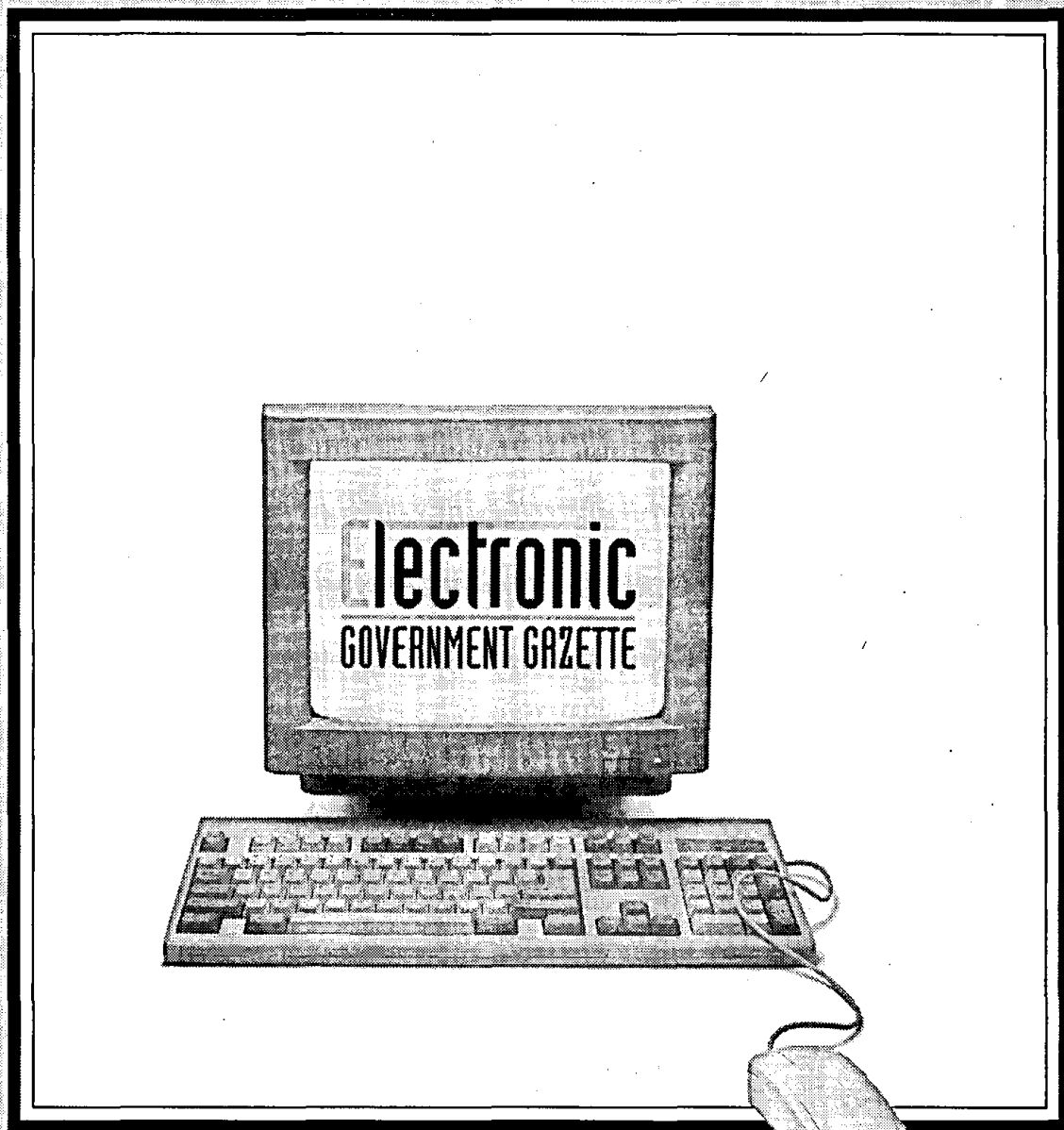
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