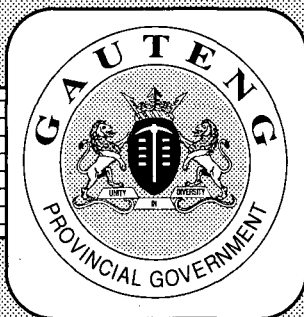


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Selling price • Verkoopprys: **R2,50**
Other countries • Buitelands: **R3,25**

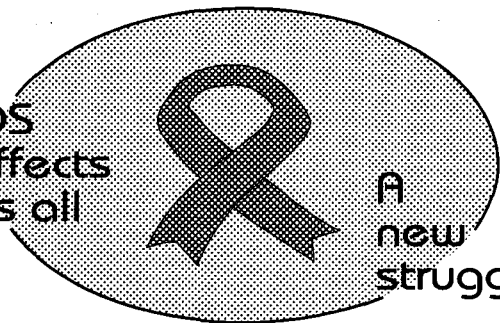
Vol. 7

PRETORIA, 6 APRIL 2001

No. 52

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

CONTENTS • INHOUD

No.	Page No.	Gazette No.
GENERAL NOTICES		
2130 Rental Housing Act (50/1999): Unfair Practices Regulations, 2001	3	52
2131 do.: Rental Housing Procedural Regulations, 2001	58	52
2132 do.: Management and Control of Buildings Regulations, 2001	148	52
2133 do.: Regulations on the Management and Control of Accommodation in Hostels	177	52
ALGEMENE KENNISGEWINGS		
2130 Verhuringswet op Behuising (50/1999): Regulasies oor Onregverdige Praktyke, 2001	17	52
2131 do.: Regulasies met betrekking tot die Verhuringprosedures vir Behuising, 2001	81	52
2132 do.: Regulasies vir die Bestuur en Beheer van Geboue, 2001	155	52
2133 do.: Regulasies vir die Bestuur en Beheer van Verblyf in Hostelle	188	52

**GENERAL NOTICES
ALGEMENE KENNISGEWINGS**

NOTICE 2130 OF 2001

GAUTENG DEPARTMENT OF HOUSING

RENTAL HOUSING ACT, 1999 (ACT NO. 50 of 1999)

**REGULATIONS ON THE MANAGEMENT AND CONTROL OF
ACCOMMODATION IN HOSTELS, UNFAIR PRACTICE REGULATIONS,
RENTAL HOUSING PROCEDURAL REGULATIONS, AND MANAGEMENT
AND CONTROL OF BUILDINGS REGULATIONS,**

Notice is hereby given in terms of section 15(1) of the Rental Housing Act, 1999 (Act No. 50 of 1999), that the Member of the Executive Committee responsible for Housing intends to promulgate the Unfair Practices Regulations, 2001, Regulations on the Management and Control of Accommodation in Hostels, 2001, Rental Housing Procedural Regulations, 2001, and Management and Control of Buildings Regulations, 2001 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 the 4th of May 2001 by posting, faxing or handing them in at the following address:

**Office of the M.E.C
Department of Housing
Bank of Lisbon, 9th Floor
37 Sauer Street
Private Bag X79
MARSHALLTOWN
2107**

**FAX: (011) 838 2116/7562
TEL: (011) 355 4000/4002**

DRAFT REGULATIONS

RENTAL HOUSING ACT, 1999

UNFAIR PRACTICES REGULATIONS 2001

The Member of the Executive Council responsible for Housing in the Province of Gauteng has under section 15(1) (f) of the Rental Housing Act, 1999 (Act No. 50 of 1999), made the regulations in the schedule.

SCHEDULE

Definitions

1. In these regulations, any expression or word to which a meaning has been assigned in the Act, shall have meaning so assigned unless the context otherwise indicates –

"common property" in relation to a multi-tenanted dwelling means-

- (a) the land on which the dwelling is situated; and
- (b) those parts of the dwelling not reserved for exclusive use of any person;

"services" means the provision of water, electricity, gas services and refuse removal;

"the Act" means the Rental Housing Act, 1999 (Act No.50 of 1999);

Unfair practice

2. Any person who contravenes any provision of these regulations commits an unfair practice.

Leases

3. (1) The rights and duties of a landlord and a tenant set out in these regulations apply to a landlord and a tenant even if the lease agreement between them has not been reduced to writing.
- (2) A landlord and a tenant may include in a lease agreement terms and conditions not prohibited by these regulations, the Act or any other law, including rent, term of the lease, and other provisions governing the rights and obligations of the parties.
- (3) A lease agreement shall exclude any provision which-
 - (a) imposes penalty for late payment of rent whether or not the penalty takes the form of administrative charge or any other form other than interest;
 - (b) excludes liability of either party for failing to comply with a duty under the lease, these regulations, the Act or any other law;
 - (c) except where provided for in these regulations, the Act, or any other law, limits or prevents either party from using the normal rights of recourse against the other because of the other's failure to comply with any duty under the lease, the Act, these regulations or any other law; or
 - (d) precludes either party from being a member of a landlords' or tenants' association.

Effect of unsigned or undelivered lease agreement

4. (1) If a landlord does not sign and deliver a written lease agreement, signed and delivered to a landlord by the tenant, acceptance of rent by the landlord gives the lease agreement the same effect as if it had been signed and delivered by a landlord.
- (2) If a tenant does not sign and deliver a written lease agreement, signed and delivered to the tenant by a landlord, acceptance of possession of the dwelling and payment of rent gives

the lease agreement the same effect as if it had been signed and delivered by a tenant.

Disclosure

5. (1) A landlord shall disclose to the tenant in writing at or before the commencement of the tenancy the name and address of the landlord, or if the landlord is a juristic person the registered office address for service of court process and receipt of notices or demands.
- (2) The information required to be furnished by subregulation (1) must be updated and this subregulation extends to and is enforceable against any successor landlord.
- (3) A person authorised to enter into a lease agreement on behalf of a landlord who fails to comply with subregulation (1) with regard to a lease agreement entered into on behalf of the landlord becomes an agent of the landlord for the purpose of that lease agreement for-
 - (a) service of process and receipt of notices and demands; and
 - (b) performing the obligations of the landlord under the lease agreement, the Act, these regulations, or any other law. These obligations shall extend to making available all records relating to rentals collected and utility service charges, whether such records are in the possession and/or control of the landlord.

Rentals

6. (1) A tenant shall pay rental due to the landlord under the lease.
- (2) Rent is payable without demand or notice at the time and place agreed upon. Unless the tenant is otherwise notified in writing, rent is payable at the dwelling on the first of each month.
- (3) Unless the lease agreement fixes a definite period the tenancy shall be for month to month.

- (4) A landlord must give a tenant at least 2 (two) months written notice of an intention to increase rental.

Conditions, Obligations and Maintenance

7. (1) A landlord shall –

- (a) If the lease has been reduced to writing, stamp the lease and furnish the tenant with a copy thereof within 21 (twenty one) days of the signature by both landlord and tenant : provided that a landlord may by agreement with the tenant recover costs of the stamp duty from the tenant;
- (b) let a dwelling which at the commencement of the lease –
 - (i) in a condition reasonable fit for human habitation, and in so doing ensure that windows, doors, cupboards, stoves, taps, general plumbing, carpets, tiles, electrical fittings, and other similar fittings are in good order and repair; and
 - (ii) in a condition which does not contravene the provisions of these regulations, the Act or any other law.
- (c) keep and maintain the dwelling in accordance with these regulations, the Act or any other law;
- (d) take reasonable steps to ensure that a tenant enjoys undisturbed use of the dwelling and that no tenant or other person conducts an activity within a dwelling which is expressly prohibited under these regulations, the Act or any other law;
- (e) maintain the common property, if any, in good order and repair;
- (f) maintain the outside of the dwelling, including the walls and roof in good order and repair;

- (g) maintain electrical, plumbing, sanitary, heating, ventilation, air conditioning systems and elevator system in good order and repair;
- (h) repair any damage to the dwelling or common area caused by fair wear and tear;
- (i) provide and maintain appropriate container and places for the removal of ashes, garbage, rubbish, and other waste incidental to the dwelling and arrange for its removal;
- (j) provide all services agreed to in the lease;
- (k) effect repairs for which the landlord is responsible for under the lease and as identified during inspections by the landlord or on receipt of a notice from a tenant to do such repairs: provided that unless the lease provides to the contrary, the landlord shall not be liable for repairs if the tenant, his or her household or visitors brought about the state of disrepair; and
- (l) effect repairs for which a landlord is responsible for under the lease and as identified during inspections by a landlord or on receipt of a written notice from a tenant to do such repairs, within fourteen (14) days or such further periods as may be agreed between a landlord and tenant.

(2) A tenant shall-

- (a) use the dwelling in a proper manner and for the purpose which it is let, and in a manner which does not contravene these regulations, the Act or any other law;
- (b) dispose from the dwelling all ashes, garbage, rubbish, and other waste in a reasonably clean and safe manner;
- (c) maintain the dwelling in a clean, tidy and safe state of repair;

- (d) use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances including elevators on the premises;
- (e) refrain from intentionally or negligently damaging, defacing, impairing, or removing any part of the dwelling or common property or knowingly permitting any person to do so, who is on the premises with the tenant's permission or allowed access to the premises by the tenant. The tenant shall be liable for the repair of such damage, fair wear and tear excluded, at the tenant's own cost;
- (f) return the dwelling in the same condition as the tenant received it, fair wear and tear excluded;
- (g) during the period of lease be liable to maintain, replace and/or repair electrical globes, fittings and switches. The tenant shall also be liable for the maintenance, repair and/or making good all water-borne taps, stoves, locks, handles, and windows where such damage has not been due to natural causes;
- (h) maintain the garden, if any, and keep the same in a neat and tidy condition;
- (i) comply with the house-rules, if any, which are enforceable pursuant to these regulations;
- (j) maintain the swimming pool, including but not limited to, all pumps, hoses and accessories, in good order and repair subject to fair wear and tear;

Reconstruction, refurbishment, conversion or demolition

- 8. (1) A landlord may only –
 - (a) request a tenant to vacate the dwelling if any repairs, conversions or refurbishment are necessary and

cannot be properly done while the tenant remains in occupation;

- (b) cancel the lease and repossess the dwelling, without being liable for damages in terms of the lease, these regulations, the Act or any other law, in circumstances where the dwelling is in a uninhabitable condition.
- (2) In the circumstances contemplated in paragraph (a) of subregulation (1), the landlord must-
- (a) allow the tenant remission of rental for the period during which the tenant is not in occupation;
 - (b) effect the repairs, conversion or refurbishment within a reasonable time so as to cause the tenant as little inconvenience as possible; and
 - (c) ensure that the tenant is able to return to the dwelling as soon as possible after the completion of the repairs, conversion or refurbishment.
- (3) Where the landlord must make necessary repairs, conversions or refurbishment only to a part of the dwelling and the tenant continues to occupy the remaining part, the tenant shall be entitled to a remission in rental, the amount of which shall be proportionate to actual area from which the tenant has been deprived.
- (4) If a tenant, having been requested to vacate the dwelling, does not do so, the tenant shall have no claim against the landlord for injuries suffered while the dwelling is being repaired, converted or refurbished.

Eviction and Changing of Locks

9. (1) A tenant shall not be evicted from dwelling without an order of court.
- (2) A tenant evicted from the whole or part of the dwelling by a third person shall, subject to the common law, have a claim for damages against the landlord.

- (3) A landlord shall not lock-out a tenant without an order of court.
- (4) A landlord or tenant shall not change locks or doors providing access to the dwelling-
 - (a) unless it is necessary to replace the locks or doors due to fair wear and tear or other reasonable causes;
 - (b) without reasonable notice of the proposed change to the other; and
 - (c) unless duplicate keys are provided to the other immediately upon such change of locks.
- (5) If a tenant breaches the lease and in order to deprive a tenant access to or full use of a dwelling, landlord shall first-
 - (a) give a tenant seven (7) days notice in which to remedy the breach, save that where a tenant is in default of rental payment and remains in default for a period of seven (7) days of due date then such notice shall be dispensed with; and
 - (b) obtain a valid court order to evict a tenant.

Entry

- 10. (1) A landlord may only enter a dwelling on reasonable notice –
 - (a) to inspect the dwelling;
 - (b) to make repairs to the dwelling;
 - (c) to show the dwelling to a prospective tenant, purchaser, mortgagee or its agents;
 - (d) to inspect the dwelling for damages as contemplated in section 5 (3) (e) and (f) of the Act or upon notification by the landlord or the tenant of the intention to terminate the lease;
 - (e) if the dwelling appears to be abandoned by the tenant; or
 - (f) pursuant to an order of court.

- (2) A tenant shall allow a landlord to enter a dwelling for the purposes set out under subregulation (1) provided that such entry is carried out at reasonable times.

House Rules

11. (1) A landlord may make house rules in relation to the control, management, administration, use and enjoyment of the dwelling. A house rule is enforceable against a tenant only if-
- (a) its purpose is to promote the convenience, safety, health, or welfare of the tenants in the premises, preserve the landlord's property from abuse, or make a fair distribution of services and facilities held out for the tenants generally;
 - (b) it is reasonably related to the purpose for which it is adopted;
 - (c) it applies to all tenants in the premises in a fair manner;
 - (d) it is sufficiently explicit in its prohibition, direction, or limitation of the tenant's conduct, to fairly inform the tenant of what the tenant must or must not do to comply;
 - (e) it is not for the purpose of evading the obligations of the landlord; and
 - (f) the tenant has notice of the house rule at the time the tenant enters into the lease agreement.

Receipts

12. (1) A landlord shall furnish a tenant with a written receipt for all payments made by the tenant to the landlord, in the manner prescribed in sections 5(3) (a) and (b) of the Act.
- (2) If the landlord has authorised the payment of rental and other expenses into a certain specified bank account of the landlord's and if the tenant pays the rental or other expenses into such bank account, the deposit slip shall constitute the tenant's receipt and the landlord will be exempted from complying with the provisions of subregulation (1).

Municipal Services

13. (1) A landlord who is obliged by law or in terms of the express or implied terms of the lease to provide water, electricity or gas services to a tenant, shall –
 - (a) provide such services;
 - (b) not cause the non-supply or interrupted supply of a services to a dwelling without a court order, except –
 - (i) in an emergency; or
 - (ii) after reasonable notice to the tenant to do maintenance, repairs or renovations; provided that the services are resumed as soon as reasonably possible after such emergency, maintenance, repairs or renovations;
 - (c) ensure that a tenant is no exposed to the risk of interruption or loss of services, by withholding payment to the service provider when such payment becomes due: Provided that the tenant has made payment to the landlord in respect of the amounts due for such services;
 - (d) charge a tenant the exact amount for services consumed in the tenant's dwelling if such dwelling is separately metered ; and
 - (e) comply with any law or obligation regarding the amount to be charged to a tenant for services, if any, if a dwelling is not separately metered for services;
 - (f) in multi-tenanted building not recover collectively, from the tenants for services provided in excess of the amounts totally charged by the utility service provider and a landlord shall without requesting payment of any fee be obliged to a provide tenant with copies of the account of the aforesaid service provider and copies of accounts rendered to the tenants with regard to such services.
- (2) If a dwelling is separately metered for services and payment must be made directly to the landlord, the landlord must

provide the tenant with a monthly statement which must contain at least the following information-

- (a) the names of both the landlord and the tenant, as well as the physical address of the dwelling;
- (b) the name, address and telephone number of each service provider;
- (c) the previous and current month's meter readings;
- (d) the actual consumption for each service and the amounts charged therefor;
- (e) the total payment due;
- (f) the date of the next meter reading for each service; and
- (g) the amount of any arrears.

General provisions

14. (1) A landlord shall not –

- (a) intimidate, discriminate or retaliate against a tenant for exercising any right under these regulations, the Act or any other law;
- (b) preclude a tenant from establishing or being a member of a tenants committee or any similar body;
- (c) make a false representation regarding the official nature of any document or refuse to accept any notice lawfully presented or sent by a tenant ;
- (d) engage in oppressive or unconscionable conduct;
- (e) fail to comply with the Tribunal complaint procedures or any agreement concluded with the Tribunal or with the tenant through the Tribunal's complaint procedures;
- (f) conduct any activity which unreasonable interferes with or limits the rights of the tenant or which is expressly

prohibited under the lease, these regulations, the Act or any other law; and

- (g) induce a person to waive his or her rights under these regulations, the Act or any other law, or to withdraw from proceedings before the Tribunal.

(2) A tenant shall not –

- (a) cede his or her rights, assign his or her obligations or sublet the dwelling or any part thereof to any other person without the written consent of a landlord, which in the case of a subletting shall not be unreasonably withheld;
- (b) allow more than the maximum number of persons specified by the landlord to reside in the dwelling;
- (c) intimidate, discriminate or retaliate against a landlord for exercising any right under these regulations, the Act or any other law;
- (d) make a false representation regarding the official nature of any document or refuse to accept any notice lawfully presented or sent by a landlord;
- (e) engage in oppressive or unconscionable conduct;
- (f) fail to comply with the Tribunal complaint procedures or any agreement concluded with the Tribunal or with the landlord through the Tribunal's complaint procedures;
- (g) conduct any activity which unreasonable interferes with or limits the rights of other tenants or which is expressly prohibited under the lease, these regulations, the Act or any other law;
- (h) cause or permit any nuisance upon the dwelling; and
- (i) induce a person to waive his or her rights under these regulations, the Act or any other law, or to withdraw from proceedings before the Tribunal.

- (3) Every obligation under these regulations, the Act, or any other law, and every act which must be performed as a condition precedent to the exercise of a right or remedy, imposes an obligation of good faith in its performance or enforcement.
- (4) The Tribunal shall be entitled to serve any document, notice or process upon a person collecting or receiving rent for and/ or on behalf of a landlord.
- (5) Any person who commits an unfair practice shall be guilty of an offence and liable on conviction to a fine or imprisonment not exceeding two years or to both such fine and such imprisonment.

Short title and commencement

- 17. These regulations are called the Unfair Practices Regulations, 2001.

KENNISGEWING 2130 VAN 2001

FINALE KONSEP

KONSEPREGULASIES

VERHURINGSWET VIR BEHUISING, 1999

REGULASIES OOR ONREGVERDIGE PRAKTYKE 2001

Die Lid van die Uitvoerende Raad verantwoordelik vir Behuising in die Gauteng-provinsie het die regulasies in die skedule opgestel kragtens artikel 15(1)(f) van die Verhuringswet vir Behuising, 1999 (Wet 50 van 1999).

SKEDULE

Definisies

1. In die regulasies beteken enige uitdrukking wat in die Wet omskryf word dieselfde as die betekenis wat die Wet daaraan toeskryf, tensy dit uit die konteks duidelik anders blyk -

"gemeenskaplike eiendom" ten opsigte van 'n multi-huurderswoonplek beteken -

- (a) die grond waarop die woonplek opgerig is; en
- (b) die dele van die woonplek wat nie gereserveer is vir die eksklusiewe tydelike gebruik van enige persoon nie;

"dienste" beteken die voorsiening van water, elektrisiteit, gasdienste en vullisverwydering;

"die Wet" beteken die Verhuringswet vir Behuising, 1999 (Wet 50 van 1999);

Onregverdige praktyk

1. Enige persoon wat enige van die voorwaardes van die regulasies oortree en so 'n onregverdige praktyk bedryf.

Huurooreenkoms

- 3 (1) Die regte en pligte van 'n eienaar en huurder wat in die regulasies uiteengesit word, is van toepassing op 'n eienaar en huurder, selfs al is die huurooreenkoms tussen hulle nie skriftelik uiteengesit nie.
- (2) 'n Eienaar en huurder kan bepalinge en voorwaardes wat nie deur die regulasies, die Wet of enige ander wetgewing beperk word nie, insluit in 'n huurooreenkoms. Die bepalinge en voorwaardes wat so ingesluit mag word behels die huurbedrag, huurtermyn en ander voorwaardes wat die regte en verpligtinge van die partye bepaal.
- (3) 'n Huurooreenkoms moet enige voorwaarde uitsluit wat:
- (a) 'n boete hef op laat huurbetalings hetsy die boete gehef word in die vorm van 'n administratiewe bedrag of enige ander vorm van rente;
 - (b) die aanspreeklikheid uitsluit van enige party wat versuim om te voldoen aan 'n verpligting kragtens die ooreenkoms, die Wet, die regulasies, of enige ander wetgewing;
 - (c) enige van die partye keer of verhoed om hom/haar te wend tot die gewone regresreg wat mag geld teen die ander party omdat die ander party versuim het om te voldoen aan enige verpligting kragtens die huurooreenkoms, die Wet, die regulasies of enige ander wetgewing, tensy daar spesifiek voorsiening gemaak word daarvoor in die regulasies, die Wet of enige ander wetgewing; of
 - (d) enige van die partye verhoed om 'n lid te wees van 'n eenaars- of huurdersvereniging.

Uitwerking van 'n huurooreenkoms wat nie onderteken is of nie afgelewer is nie

1. (1) As 'n eienaar huurgeld aanvaar nadat die eienaar nie 'n skriftelike huurooreenkoms onderteken en aflewer wat deur die

huurder onderteken en by die eienaar afgelewer is nie, het dit dieselfde uitwerking asof die huurooreenkoms deur die eienaar onderteken en afgelewer is.

2. (2) As 'n huurder intrek in die woning en huur betaal, maar nie 'n skriftelike huurooreenkoms onderteken en aflewer by die eienaar nie, het dit dieselfde uitwerking asof die huurooreenkoms deur die huurder onderteken en afgelewer is.

Blootlegging

3. (1) 'n Eienaar moet skriftelik met of voor die aanvang van die verhuringsooreenkoms die naam en adres van die eienaar verskaf, of in geval van 'n eienaar wat 'n juristiese persoon is, die geregistreerde kantooradres waar hofprosesstukke, kennisgewings en aanmanings beteken en ontvang kan word.

(2) Die inligting wat verskaf moet word kragtens subregulasie (1) moet soos nodig aangepas word en die subregulasie is ook van krag op en afdwingbaar ten opsigte van enige volgende eienaar van die eiendom.

(3) 'n Persoon wat die gesag het om 'n huurooreenkoms aan te gaan namens die eienaar en versuim om te voldoen aan subregulasie (1) ten opsigte van die huurooreenkoms wat namens die eienaar aangegaan is, word 'n agent vir die eienaar vir die doel van daardie betrokke huurooreenkoms met betrekking tot-

- (a) die betekening van prosesstukke en ontvangs van kennisgewings en aanmanings; en
- (b) die nakoming van die verpligtinge van die eienaar kragtens die huurooreenkoms, die Wet, die regulasies of enige ander wetgewing. Die verpligtinge het ook betrekking op die beskikbaar maak van rekords wat te make het met huur wat gevorder is, die koste van nutsdienste, ongeag daarvan of sodanige rekords in besit en/of beheer van die eienaar is.

Huurgeld

6. (1) 'n Huurder moet die huurbedrag wat aan die eienaar verskuldig is kragtens die huurooreenkoms betaal.

- (2) Huur is betaalbaar sonder aanmaning of kennisgewing. Op die tyd en plek waarop ooreengekom is. Tensy die huurder anders skriftelik in kennis gestel word, moet huurgeld op die eerste dag van elke maand by die woning betaal word.
- (3) Tensy die huurooreenkoms betrekking het op 'n vaste en bepaalde tydperk, geld die verhuring van maand tot maand.
- (4) 'n Eienaar moet 'n huurder ten minste 2 (twee) maande skriftelik kennis gee van enige plan om die huurgeld te verhoog.

Voorwaardes, verpligtinge en instandhouding

- 7. (1) 'n Eienaar moet –
 - (a) Die inkomsteseël op die ooreenkoms aanbring as dit 'n skriftelike ooreenkoms is en moet binne 21 (een-en-twintig) dae nadat die huurder en eienaar dit onderteken het 'n afskrif aan die huurder stuur, met dien verstande dat die eienaar per ooreenkoms die koste van die seëlregte van die huurder mag verhaal;
 - (b) Die woning in so 'n toestand verhuur dat dit met die aanvang van die ooreenkoms–
 - (i) geskik is vir menslike verblyf en in die proses verseker dat vensters, deure, kaste, stowe, krane, algemene loodgieterswerk, mate, teëls, elektriese toebehore en alle ander soortgelyke toerusting in goeie werkende toestand is; en
 - (ii) geen voorwaardes van die regulasies, die Wet of enige ander wetgewing oortree nie.
 - (c) Die woning kragtens die regulasies, die Wet of enige ander wetgewing in stand hou en sorg dat dit in stand gehou word;
 - (d) Redelike stappe doen om seker te maak dat die huurder die woning onversteurd kan benut en dat geen ander huurder of ander persoon enige iets, wat uitdruklik verbied word kragtens die regulasies, die Wet of enige ander wetgewing, doen in 'n woning nie;

- (e) Die gemeenskaplike eiendom, indien enige, in 'n goeie netjiese toestand hou;
- (f) Die buitekant van die gebou, insluitend die mure en dak, in goeie werkende en netjiese toestand hou;
- (g) Die elektriese stelsel, loodgieterswerk, riolering, ventilasie, lugversorgingstelsels en hysbakke in goeie werkende toestand hou;
- (h) Enige skade aan die woning of gemeenskaplike gedeelte, wat deur redelike slytasie veroorsaak word, herstel;
- (i) Behoorlike en toepaslike houers en plekke voorsien en in stand hou vir die verwydering van as, vullis en rommel, asook ander afval wat verband hou met die woning en reël vir die verwydering daarvan;
- (j) Alle dienste voorsien waarop ooreengekom is in die huurooreenkoms;
- (k) Sorg dat herstelwerk waarvoor die eienaar verantwoordelik is kragtens die ooreenkoms gedoen word, soos dit aangedui word tydens inspeksies deur die eienaar, of op versoek van die huurder dat sodanige herstelwerk gedoen moet word, met dien verstande dat die eienaar nie verantwoordelik is vir die herstelwerk as die huurder, sy of haar huishouding of besoekers die toestand wat herstelwerk verg veroorsaak het nie, tensy die huurooreenkoms anders voorsiening maak vir sodanige herstelwerk; en

Sorg dat herstelwerk waarvoor die eienaar verantwoordelik is kragtens die ooreenkoms gedoen word, soos dit aangedui word tydens inspeksies deur die eienaar, of op versoek van die huurder dat sodanige herstelwerk gedoen moet word, binne 14 (veertien) dae of sodanige ander tydperk waarop die huurder en eienaar ooreenkom

(2) 'n Huurder moet-

- (a) die woning op 'n behoorlike wyse gebruik vir die doel waarvoor dit verhuur word en op 'n wyse wat nie in stryd is met die regulasies, die Wet op enige ander wetgewing nie;

- (b) alle as, vullis, rommel en ander afval op 'n redelike skoon en veilige manier weggooi en verwyder;
- (c) die woning skoon, netjies en veilig hou;
- (d) alle elektriese toerusting, loodgieterswerk, riolering, verhittingstoerusting, ventilasie, lugversorging en ander fasiliteite en toestelle, insluitend hysbakke, op die perseel redelik en veilig;
- (e) nie doelbewus of nalatig enige deel van die woning of gemeenskaplike eiendom beskadig, skend, verswak of verwyder, of wetend toelaat dat enige persoon wat die perseel betree met die huurder se toestemming of deur die huurder se toedoen, dit doen nie. Die huurder sal in so 'n geval verantwoordelik gehou word vir die herstel en herstelkoste van sodanige skade, hoewel redelike slytasie uitgesluit sal word;
- (f) die woning terugbesorg in dieselfde toestand as wat dit was toe die huurder ontvangs erken het, hoewel redelike slytasie in ag geneem sal word;
- (g) gedurende die verhuringstydperk die elektriese gloeilampe, toebehore en skakelaars in stand hou, vervang en/of herstel. Die huurder is ook verantwoordelik vir die instandhouding, herstel en/of goeie werkende toestand van alle waterkrane, stowe, slotte, handvatsels en vensters as die skade daaraan nie veroorsaak is deur natuurlike oorsake nie;
- (h) die tuin, indien enige, in stand hou en dit in 'n netjiese, ordelike toestand hou;
- (i) voldoen aan die huisreëls wat afdwingbaar is kragtens die regulasies, indien enige;
- (j) die swembad, insluitend alle pompe, pype en toebehoere, in stand hou sodat dit in goeie werkende toestand is, onderhewig aan redelike slytasie.

Rekonstruksie, verbeteringe aan, verbouing of sloop van woning

8. (1) 'n Eienaar kan net –

(a) 'n huurder versoek om die woning te ontruim as enige herstelwerk, verbouing of verbetering noodsaaklik is en nie behoorlik gedoen kan word as die huurder in die woning woon nie;

(b) die huurooreenkoms kanselleer en die beheer van die woning oorneem sonder om skadevergoeding te betaal kragtens die huurooreenkoms, die regulasies, die Wet of enige ander wetgewing as omstandighede sodanig is dat die woning nie bewoonbaar is nie.

(2) As die omstandighede wat voorsien word in paragraaf (a) van subregulasie (1) ontstaan, moet die eienaar –

(a) Die huur kwytsteld vir die tydperk wat die woning nie bewoon kan word deur die huurder nie;

(b) Die herstel, verbouing of verbetering binne die kortste moontlike tyd afhandel sodat die huurder so min as moontlik verontrief word; en

(c) Seker maak dat die huurder so gou as moontlik kan terugkeer na die woning, sodra die herstelwerk, verbouings, of verbeteringe afgehandel is.

(3) As die eienaar die nodige herstelwerk, verbouing of verbetering aanbring aan 'n deel van die woning en die huurder bly aan in die res van die woning, moet 'n toegewing ten opsigte van die huur toegestaan word en die bedrag behoort proporsioneel bereken te word op grond van die gedeelte wat van die huurder ontnem word.

(4) As 'n huurder versoek is om die woning te verlaat en dit nie doen nie, het die huurder geen verhaalreg teenoor die eienaar vir beserings wat opgedoen word terwyl die woning herstel, verbou of verbeter word nie.

Uitsetting en verandering van slotte

9. (1) 'n Huurder kan nie uitgesit word uit 'n woning sonder 'n hofbevel nie.

- (2) 'n Huurder wat uit die hele of 'n gedeelte van die gebou gesit word deur 'n derde persoon, het onderhewig aan die gemene reg 'n eis om skadevergoeding teen die eienaar.
- (3) 'n Eienaar mag nie 'n huurder uitsluit sonder 'n hofbevel nie.
- (4) 'n Eienaar of huurder kan nie slotte of deure vervang wat toegang verleen tot die woning nie -
 - (a) tensy dit nodig is om die slotte of deure te vervang weens redelike slytasie of ander redelike oorsake;
 - (b) tensy redelike kennis gegee word van die voorgestelde verandering aan die ander party; en
 - (c) tensy duplikaatsleutels voorsien word aan die ander party sodra sodanige slotte verander is.
- (5) As 'n huurder die huurooreenkoms verbreek en die eienaar toegang of volle gebruik van 'n woning op grond van die kontrakbreuk wil beperk, moet die eienaar eers -
 - (a) 'n huurder 7 (sewe) dae kennis gee om die breuk te herstel, behalwe in gevalle waar die huurder nie huur betaal en vir 'n tydperk van 7 (sewe) dae na die betaaldatum versuim om die situasie reg te stel, in welke geval so 'n kennisgewing nie gegee hoef te word nie; en
 - (b) 'n geldige hofbevel kry om 'n huurder uit te sit.

TOEGANG

10. (1) 'n Eienaar mag net 'n woning betree as redelike kennis gegee is -
- (a) om die woning te inspekteer;
 - (b) om die woning te herstel;
 - (c) om die woning aan 'n voornemende huurder, koper, verbandhouer, of sy agente te wys;
 - (d) om die woning te inspekteer vir skade, soos voorsien in artikel 5(3)(e) en (f) van die Wet of na

kennisgewing van die eienaar of die huurder dat een van die partye beplan om die huurooreenkoms op te sê;

- (e) om ondersoek in te stel as dit voorkom asof die huurder die woning verlaat het; of
 - (f) om die woning te betree op grond van 'n hofbevel.
- (2) 'n Huurder moet die eienaar toelaat om die woning te betree vir die doeleindes wat uiteengesit is in subregulasie (1), met dien verstande dat sodanige betreding op redelike tye geskied.

Huisreëls

11. (1) 'n Eienaar kan huisreëls saamstel om die beheer, bestuur, administrasie, gebruik en genot van die woning te reël. 'n Huisreël is net afdwingbaar ten opsigte van 'n huurder as -
- (a) die doel daarvan is om die gemak, veiligheid, gesondheid of welsyn van die perseel se huurders te verbeter, om die eienaar se eiendom te beskerm teen misbruik, of om die dienste en fasiliteite redelik te versprei vir algemene gebruik deur al die huurders op die perseel;
 - (b) dit redelik verband hou met die doel waarvoor dit ontwikkel is;
 - (c) dit op 'n billike manier van toepassing is op alle huurders wat die perseel bewoon;
 - (d) die doel, beperking, aanwysing of beperking van die huurder se gedrag duidelik genoeg is om die huurder redelikerwys in kennis te stel van dit wat van die huurder verwag word of dit wat die huurder nie moet doen nie;
 - (e) dit nie geskep word om die verpligtinge van die eienaar te ontduik nie; en
 - (f) die huurder bewus gemaak word van die huisreël wanneer die huurder die huurooreenkoms aangaan.

Kwitansies

12. (1) 'n Eienaar moet 'n skriftelike kwitansie uitreik vir alle betalings van die huurder aan die eienaar en dit moet uitgereik word volgens die voorskrif in artikels 5(3) (a) en (b) van die Wet.

(2) As die eienaar ingestem het dat die huurbedrag en ander uitgawes in 'n bepaalde bankrekening betaal mag word en die huurder betaal die huurbedrag of ander uitgawes in daardie bankrekening, dien die deposito-strokie as kwitansie en in so 'n geval hoef die eienaar te voldoen aan subregulasie (1) nie.

Munisipale dienste

13. (1) 'n Eienaar wat wettiglik verplig word of verplig word deur die uitdruklike of geïmpliseerde bepalings van die huurooreenkoms om water, elektrisiteit, of gasdienste te voorsien aan 'n huurder moet –

- (a) sodanige dienste voorsien;
- (b) nie veroorsaak dat die dienste nie verskaf word of onderbreek word sonder 'n hofbevel nie, buiten –
 - (i) in 'n noodgeval; of
 - (ii) na redelike kennisgewing aan die huurder dat herstelwerk en instandhouding gedoen moet word, of dat verbeteringe aangebring moet word; met dien verstande dat die dienste so gou as wat redelik moontlik is herstel word na die noodgeval, instandhoudingswerk, herstelwerk of verbeteringe;
- (c) seker maak dat 'n huurder nie blootgestel word aan die onderbreking of verlies van dienste omdat betaling aan die diensverskaffer weerhou is toe dit betaal moes word nie; met dien verstande dat die huurder die betaalbare bedrag aan die eienaar betaal het vir die dienste wat so voorsien moet word;
- (d) die presiese bedrag vir dienste wat verbruik is hef, as die huurder se woning toegerus is met 'n afsonderlike meter; en
- (e) moet voldoen aan die vereistes van enige wet of verpligting met betrekking tot die bedrag wat gehef word vir dienste,

indien enige, as 'n woning nie toegerus is met 'n afsonderlike meter vir dienste nie;

- (f) nie in 'n gebou met veelvuldige huurders 'n gesamentlike bedrag van die huurders eis vir dienste wat verskaf is wat meer is as die totale bedrag wat gehef is deur die nutsmaatskappy nie en 'n eienaar moet kopieë van die rekening van die voormelde dienste op versoek en sonder om 'n bedrag te hef daarvoor, voorsien vir insae van die huurders. Dieselfde geld vir kopieë van rekening wat aan alle huurders gestuur is vir betaling van sodanige dienste.
- (2) As 'n woning toegerus is met 'n afsonderlike meter vir dienste en die bedrae direk aan die eienaar betaal moet word, moet die eienaar maandeliks 'n rekeningstaat aan die huurder stuur en die rekening moet ten minste die volgende inligting bevat -
 - (a) Die name van die eienaar en die huurder, asook die fisiese adres van die gebou;
 - (b) Die naam, adres en telefoonnommer van elke diensverskaffer;
 - (c) Die vorige en huidige maand se meterlesings;
 - (d) Die werklike verbruik vir elke diens en die bedrae wat daarvoor gehef is;
 - (e) Die totale betaalbare bedrag;
 - (f) Die datum van die volgende meterlesing vir elke diens; en
 - (g) Enige agterstallige bedrae.

Algemene voorwaardes

14. (1) 'n Eienaar mag nie –

- (a) Enige huurder intimideer, teen 'n huurder diskrimineer of teen 'n huurder optree as die huurder enige reg uitoefen kragtens die regulasies, die Wet of enige ander wetgewing nie;

- (b) 'n huurder verhoed om 'n huurderskomitee te stig of om lid te wees van 'n huurderskomitee of soortgelyke liggaam nie;
 - (c) voorgee dat enige dokument amptelik is of weier om enige kennisgewing te ontvang wat wettiglik aangebied of gestuur word deur 'n huurder nie;
 - (d) betrokke raak by onderdrukkende of onredelike gedrag nie;
 - (e) versuim om te voldoen aan die Tribunaal se klagprosedures of enige ooreenkoms wat met die Tribunaal aangegaan is of met die huurder aangegaan is kragtens die Tribunaal se klagprosedures;
 - (f) enige aktiwiteit doen wat onredelik inmeng met die huurder se regte of die huurder se regte beperk, of wat uitdruklik verbied word kragtens die huurooreenkoms, die regulasies, die Wet of enige ander wetgewing nie; en
 - (g) 'n persoon aanraai om sy of haar regte kragtens die regulasies, die Wet of enige ander wetgewing kwyd te skeld of om te onttrek van die Tribunaal se verrigtinge nie.
- (2) 'n Huurder kan nie –
- (a) sy of haar regte sedeer, sy of haar regte afstaan, of die woning of enige deel daarvan onderverhuur aan 'n ander persoon sonder die skriftelike toestemming van 'n eienaar nie, in welke geval die eienaar nie die onderverhuring op 'n onredelike wyse sal weerhou nie;
 - (b) toelaat dat meer as die maksimum getal mense wat deur die eienaar gespesifiseer is in die woning bly nie;
 - (c) die eienaar intimideer, teen die eienaar diskrimineer of teen die eienaar optree omdat hy of sy sy regte kragtens die regulasies, die Wet of enige ander wetgewing uitoefen nie;
 - (d) voorgee dat 'n dokument amptelik is of weier om enige kennisgewing wat die eienaar wettiglik aanbied of stuur te ontvang nie;

- (e) betrokke raak by onderdrukkende of onredelike gedrag nie;
 - (f) versuim om te voldoen aan die Tribunaal se klagprosedures of enige ooreenkoms wat met die Tribunaal aangegaan is of met die eienaar aangegaan is kragtens die Tribunaal se klagprosedures;
 - (g) enige aktiwiteit doen wat onredelik inmeng met die ander huurders se regte of die ander huurders se regte beperk, of wat uitdruklik verbied word kragtens die huurooreenkoms, die regulasies, die Wet of enige ander wetgewing nie;
 - (h) enige steurnis veroorsaak of toelaat in die woning nie; en
 - (i) 'n persoon aanraai om sy of haar regte kragtens die regulasies, die Wet of enige ander wetgewing kwyt te skeld of om te onttrek van die Tribunaal se verrigtinge nie
- (3) Elke verpligting kragtens die regulasies, die Wet of enige ander wetgewing en enige iets wat gedoen moet word en dien as 'n voorwaarde om 'n reg of remedie uit te oefen, plaas 'n verpligting van goedertrou in die daad of die afdwingbaarheid daarvan.
- (4) Die Tribunaal is geregtig daarop om enige dokument, kennisgwing of prosesstuk te beteken op 'n persoon wat huur invorder of ontvang vir en/of namens 'n eienaar.
- (5) Enige persoon wat 'n onregverdige praktyk bedryf is skuldig aan 'n oortreding en kan na skuldigbevinding 'n boete of tronkstraf van hoogstens twee jaar opgelê word, of 'n boete én tronkstraf.

Kort titel en aanvangsdatum

17. Die regulasies word die Regulasies met betrekking tot Onregverdige praktyke van 2001 genoem.

NOTICE 2130 OF 2001

UHLAKA LWEMITHETHO

UMTHETHO WOKURENTA IZINDLU, 1999

IMITHETHO YOKUNGENZI NGOKUFANELE 2001

Ilunga loMkhandlu oshaya iMithetho elibhekene nezezindlu esiFundazweni sase-Gauteng ngaphansi kwesigaba 15(1) (f) soMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo 50 ka 1999), lenza imithetho kusheduli.

ISHEDULI

Izincazelo

1. Kulemithetho, noma iyiphi incazelo noma igama ekuthi kulo umqondo othile unikezelwe kuMthetho, lizobe liqonde lokho elinikezelwe kona ngaphandle uma okuqondiwe kubalulwe ngenye indlela –

"indawo ehlala abantu abaningi" ngokuphathelene nendawo ehlala abahlali abaningi-

- (a) umhlaba lapho indawo yokuhlala ikhona; kanye
- (b) nalezo zingxenye zokuhlala ezingabekelwe ukuthi zisetshenziselwe okunye ngomunye umuntu;

"izinkonzo" kuqondwe ukunikezelwa kwamanzi, ugesi, igesi kanye nokuthuthwa kukadoti;

"uMthetho" kuqondwe uMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo 50 ka 1999);

Ukungenzi ngokufanele

2. Noma imuphi umuntu ophula noma isiphi isimiso salemithetho wenza okungekuhle.

Amalizi

3. (1) Amalungelo kanye nemisebenzi yomninimuzi kanye nomhlali abekwe emithethweni asebenza kumninimuzi kanye nomhlali ngisho noma ngabe isivumelwano selizi phakathi kwabo asikabhalwa phansi.
- (2) Umninimuzi kanye nomhlali bangafaka imibandela yesivumelwano selizi kanye nemibandela engavinjelwe yilemithetho, uMthetho noma ngabe imuphi omunye umthetho, kubandakanya irenti, imibandela yelizi, kanye nezinye izimiso ezilawula amalungelo kanye nezibopho zamaqembu.
- (3) Isivumelwano sizokhiphela ngaphandle noma isiphi isimiso -
 - (a) esiqukethe inhlawulo yokuphuza ukukhokha irenti noma ngabe inhlawulo iyakhokhwa noma cha ngendlela yezindleko zezokuphatha noma ngenye indlela ngaphandle kwenzalo;
 - (b) esikhiphela ngaphandle icala/isikweletu somunye umuntu sokuhluleka ukuhambisana nomsebenzi ongaphansi kwelizi, lemithetho, uMthetho , noma imuphi omunye umthetho;
 - (c) ngaphandle uma kuhlelelwe ukuthi kulemithetho, uMthetho, noma imuphi omunye umthetho, uqinda noma uvimbela noma ubani omunye ekutheni asebenzise amalungelo avamile omthetho komunye ngenxa yokunye ukuhluleka ukuhambisana nanoma imuphi umsebenzi ongaphansi kwelizi, uMthetho, lemithetho noma imuphi omunye umthetho; noma
 - (d) sikhaphela ngaphandle noma iliphi iqembu ekubeni libe ilunga lenhlangano yabaninimuzi noma abahlali.

Umphumela wesivumelwano esingasayinwangwa noma esingalethwangwa

4. (1) Uma umninimuzi engasayini futhi engalethi isivumelwano selizi esibhalwe phansi, sasayinwa futhi salethwa kumninimuzi ngumhlali, ukwemukelwa kokuba nendawo yokuhlala kanye

nokukhokhwa kwerenti kunikeza ilizi amandla afanayo nalawo okusayina bese kunikezwa umhlali.

Ukwazisa ubeke/uveze obala

5. (1) Umninini muzi kufanele aveze abeke obala kumhlali ngokuthi abhale phansi noma ngaphambi kokuqala komhlali igama kanye nekheli lakhe, noma uma umninimuzi kungumuntu wasemthethweni kube ihhovisi elibhaliswe ngokusemthethweni kwenzelwa ukusebenza kwezinhlelo zenkantolo kanye nokwamukelwa kwezaziso noma imiyalelo.
- (2) Imininingwane edingekayo ukuba ifakwe yimithethwana (1) kufanele ihlale imiswe ngomumo futhi lomthethwana uqhubekela futhi uyagxiliswa kunoma imuphi omunye umninimuzi olandelayo.
- (3) Umuntu ogunyaziwe ukuba angene esivumelwaneni selizi engenela umninimuzi ohlulekile ukuthi ahambisane nomtheshwana (1) ngokuphathelene nesivumelwane selizi ekungenwe kuso kungenelwa umninimuzi uba i-ejenti yomninimuzi enzela isivumelwano selizi ngenhloso -
 - (a) yokulungisa uhlelo kanye nokwamukela izaziso kanye nezimfuno; kanye
 - (b) nokugcina izibopho zomninimuzi ngaphansi kwesivumelwano selizi, uMthetho, lemithetho noma yimuphi omunye umthetho. Lezi zibopho kufanele ziqhubeke ekutheni zenze imininingwane yonke ephathelene nokukhokhwa kwerenta ibekhona kanye nokusetshenziswa kwenkokhelo yezinkonzo, noma ngabe lemininingwane iphethwe futhi/noma ilawulwa umninimuzi.

Irenti

6. (1) Umhlali kufanele akhokhe irenti ekufanele ayise kumninimuzi ngokusho kwelizi.
- (2) Irenti ikhokhwa ngaphandle kokufunwa ngenkani noma kwesaziso esikhathini kanye nasendaweni ekuvunyelenwe ngayo. Ngaphandle uma umhlali azisa ngokubhalwe phansi ukuthi, irenti izokhokhwa endaweni yokuhlala osukwini lokuqala kuleyo naleyo nyanga.

- (3) Ngaphandle uma isivumelwane selizi sibalula isikhathi umhlali lapho kufanele ngaphambi kwaleyo naleyo nyanga akhokhe kuyo.
- (4) Umninimuzi kufanele anikeze umhlali okungenani izinyanga ezimbili (2) ngesaziso esibhalwe phansi ngenhloso yokukhuphula imali yerenti.

Izimo, izibopho kanye nokugcina indawo isesimeni

7. (1) Umninimuzi kufanele –

- (a) Uma ilizi isibhalwe phansi, ayifake isitembu bese eyinikeza umhlali ikhophi ngemuva kwalokho zingakandluli izinsuku ezingu-21 kusayine bobabili umninimuzi kanye nomhlali: ingobo nje uma umninimuzi angathi ngesivumelwano umhlali athathe imali yezindleko ze-stamp duty kumhlali;
- (b) Qasha indawo yokuhlala ekuzothi ekuqaleni kwelizi –
 - (i) ezimeni ezifanele kuwe zikulungele ukuhlala umuntu, bese ekutheni wenze njalo uqinisekise ukuthi amafasitele, iminyango, amakhabethe, izitofu, izimpompi, ukusebenza kwamapayipi amanzi, okhaphethe, amathayizi, ukufakelwa kukagesi, kanye nokunye ukufakela okufana nalokhu ekutheni kufakelwe kahle futhi kuyasebenza futhi kulungisiwe; futhi
 - (ii) esimeni esingaphuli izimiso zalemthetho, uMthetho noma omunye umthetho.
- (c) gcina futhi ulondoloze indawo yokuhlala ngokusho kwalemithetho, uMthetho noma omunye umthetho;
- (d) thatha izinyathelo ezikahle zokuqinisekisa ukuthi umhlali uyakujabulela ukusebenzisa indawo yokuhlala ngaphandle kokuphazamiseka futhi kungabibikho mhlali noma omunye umuntu wenze noma yini ngaphakathi endaweni yokuhlala ngaphansi kwemithetho, koMthetho noma omunye umthetho;

- (e) ukugcina indawo esetshenziswa abantu bonke , uma ikhona, isesimeni esikahle futhi ilungisiwe;
- (f) gcina ingaphandle lendawo yokuhlala, kubandakanya izindonga kanye nophahla kusesimeni esikahle futhi kulungisiwe;
- (g) gcina ugesi, amapayipi, ukuthuthwa kwendle, okokushisisa, kokushayisa umoya, okokubandisa kanye nokokushisisa kanye nokubandisa umoya kanye nokokukhuphuka nokwehla kusesimeni esikahle futhi kulungisiwe;
- (h) lungisa noma imuphi umonakalo endaweni yokuhlala noma izindawo ezivamile ezibangelwe ukugudleka kanye nokudabuka;
- (i) hlinzeka futhi ugcine indawo efanele yokugcina kanye nezindawo zokukhiphela imilotha, udoti, okulahlwayo, kanye nezinye izindawo zokulahla udoti endaweni futhi uhlele ukususwa kwawo;
- (j) hlelela zonke izinkonzo ekuvunyelwano ngazo kulizi;
- (k) ukulungisa izinto umnininimuzi ngokwesivumelwano ebekufanele azilungisa ngokwesivumelwano selizi futhi ezikhonjiwe ngesikhathi sokuhlola ngomnini womuzi noma ekutholakaleni isaziso kumhlali ukuba enze lokho kulungisa: inqobo nje uma isivumelwano sihlela ngenye indlela, umnininimuzi angeke kudingeke abhekane nokulungisa uma umhlali, ahlala naye noma isivakashi sakhe kuyibona abenze ukuthi kubenesidingo sokuthi kulungiswe; futhi
- (l) ukulungisa lapho umnininimuzi kufanele alungise ngokusho kwelizi futhi njengoba kukhonjiwe ngesikhathi sokuhlola okwenziwa umnininimuzi noma ekutholeni isaziso esibhalwe phansi esivela kumhlali ukuba kwenziwe lokho kulungisa, zingakapheli izinsuku ezingu-14 noma leso sikhathi esengeziwe ekungavunyelwanwa ngakho phakathi komnininimuzi kanye nomhlali.

(2) Umhlali kufanele-

- (a) asebenzise indawo yokuhlala ngendlela efanele futhi ngenhloso eqashiselwe yona, kanye namgendlela engaphuli lemithetho, uMthetho noma omunye umthetho;
- (b) achithe/alahle endaweni yokuhlala yonke imilothe, udoti, inkunkuma, kanye nabanye odoti ngendlela ephephile futhi nehlanzekile;
- (c) agcine indawo ihlanzekile, futhi iphephile ekutheni ilungiswe;
- (d) asebenzise ngendlela ekahle zonke izinto zikagesi, zokufakelwa kwamapayipi, ukuthuthwa kwendle, ukushisisa, ukushayisa umoya, okokushisisa kanye nokokubandisa endlini kanye nezinye izinto futhi kubandakanya amakheshi emagcekeni;
- (e) agweme ukunganakini noma ukudembesa ngokwenhloso bese onakalisa, aguqule, avimbi, noma asuse noma iyiphi ingxenye yendawo yokuhlala noma indawo enabantu abaningi noma ngokwazi avumele noma imuphi umuntu ukuba enze njalo, osemagcekeni ngemvume yomhlali noma avunyelwe ngumhlali ukuba angene emagcekeni. Umhlali uzobhekana nezindleko zokulungisa umonakalo onjalo, kube kungafakwa izinto ezidlekayo kanye nezidabukayo, ngezindleko zomqashi;
- (f) abuyise indawo esesimeni esifanayo naleso umhlali ayifice ikusona, okugudlekayo kanye nokudabukayo kube kungabandakanyiwe;
- (g) ngesikhathi selizi unesibopho sokulungisa, ususe futhi/noma ulungise amaglubhu kagesi, ukufakelwa kanye nokokucisha. Umhlali kuzofanele aphinde futhi abhekane nokugcina, alungise futhi/noma enze izimpompi, izitofu, okhiye, okokubamba, kanye namafasitela lapho lomonakalo ubungekho ngengxa yezimbangela zangokwemvelo;

- (h) agcine ingadi, uma ikhona, isesimeni esikahle, futhi ayigcine ifana isesimeni esihle futhi esihlanzekile;
- (i) ahambisane nemithetho yendlu, uma ikhona, ephoqeelayo kulemithetho;
- (j) agcine indawo yokubhukuda, kubandakanya kodwa kungagcini, amaphampu, amapayipi kanye nokufakelwa kuyo, kusesimeni esihle esisebenzayo futhi kulungisiwe kube kungabandakanywa okugudlekayo kanye nokudabukayo;

Ukwakha kabusha, ukupenda kabusha, ukuguqula kanye nokubhidliza

8. (1) Umninindlu kuphela –

- (a) angacela umhlali ukuba ahambe endaweni yokuhlala uma kungukuthi noma ikuphi ukulungiswa, ukuguqulwa noma ukupendwa kabusha kuyadingeka futhi angeke kwenzeka kahle ngenkathi umhlali ekhona ehleli endlini;
 - (b) angakhansela ilizi bese eyithatha indawo, ngaphandle kokuthi abhekane nezindleko zamademeshe ngokusho kwelizi, lemithetho, uMthetho noma omunye umthetho, ezimeni lapho indawo yokuhlala isesimeni esingalungiseki.
- (2) Ezimeni ekukekwhulunywa ngazo kuparagrafu (a) yomtheshwana (1), umninidlu kufanele-
- (a) avumele umhlali ukuba agcine imali yerenti isikhathi leso umhlali engahlali kuleyo ndawo;
 - (b) alungise okonakele, ukuguqula noma ukupenda kabusha ngesikhathi esithi esamukelekile ukuze enze umhlali aphazamiseke kancane ngokungenzeka; futhi
 - (c) aqinisekise ukuthi umhlali uyakwazi ukubuyela endaweni yokuhlala ngokukhulu ukushesha

okungakhoneka ngemuva kokuphela kokulungiswa,
kokuguqulwa noma ukupendwa kabusha.

- (3) Lapho umninindlu kufanele anze izidingo ezifanelekile zokulungisa, zokuguqula noma zokupenda kabusha kungxenywe ethile kuphela yesakhiwo futhi umhlali aqhubeke ahlale engxenyeni esele yesakhiwo, umhlali uzoba nelungelo lesaphulelo kumali yerenti, inani laso kufanele lilinganiswe nendawo ngempela ngempela abekade engakwazi ukuyisebenzisa.
- (4) Uma umhlali, eseceliwe ukuba ashiye indawo yakhe yokuhlala, bese engenzi njalo, umhlali angeke akweletwe umnimumuzi ngokulimala angakuthola ngesikhathi indawo yokuhlala isalungiswa, iguqulwa noma ipedwa kabusha.

Ukukhishwa kanye nokushintshwa kwamalokha

9. (1) Umhlali angeke asuswe endaweni yokuhlala ngaphandle komyalelo wenkantolo.
- (2) Umhlali okhishiwe kuyona yonke indawoyokuhlala noma kungxenywe ngumuntu wesithathu, kufanele ngokomthetho ovamile osebenzayo, akwazi ukufuna izindleko zamademeshe kumnimumuzi.
- (3) Umnimumuzi akufanele akhiyele ngaphandle umhlali ngaphandle komyalelo wenkantolo.
- (4) Umnimumuzi noma umhlali angeke ashintshe amalokha noma iminyango yokungena endaweni yokuhlala-
 - (a) ngaphandle uma kudingeka ukuba kushintshwe amalokha noma iminyango ngengxa yokugudleka kanye nokudabuka noma ezinye izimbangela ezibonakalayo;
 - (b) ngaphandle kwesaziso esibonakalayo secala elihlongozwayo komunye; futhi
 - (c) ngaphandle uma okhiye besibili benikeziwe komunye uma kwenziwa lokho kushintshwa kwamalokha.
- (5) Uma umhlali ephula isivumelwano selizi ukuze kuvinjelwe umhlali ukuba angangeni kusakhiwo noma angakwazi

ukuyisebenzisa yonke ngokugcwele, umnikazi womuzi kufanele kuqala-

- (a) anikeze umhlali izinsuku isaziso sezinsuku ezingu-7 azolungisa ngaso lokho angakwenzanga, kunginwe lokho uma umhlali engazange ayikhokhe irent futhi uma engakhokhanga isikhathi esiyizinsuku ezingu-7 zosuku ebekufanele akhokhe ngazo lapho lesa saziso kufanele sikhishwe kanye; futhi
- (b) athole umyalelo wenkantolo wokukhipha umhlali.

Ukungena

10. (1) Umninidlu angangena endaweni yokuhlala kuphela uma enikeze isaziso esikhathi esanele -

- (a) sokuhlola indawo;
 - (b) sokulungisa indawo yokuhlala;
 - (c) sokukhombisa indawo yokuhlala kulowo ongashe abe umhlali, ngumthengi, ozoqhubeka nokukhokha ibhondi noma ama-ejenti;
 - (d) sokuhlola umonakalo endaweni yokuhlala njengoba kushiwo kusigaba 5 (3) (e) kanye no (f) soMthetho noma ngemuva kwesaziso esivela kumninimuzi noma kumhlali ngenhloso yokuqeda ilizi;
 - (e) uma indawo ibonakala ingasenamuntu ohlala kuyo; noma
 - (f) eqhuba umyalelo wenkantolo.
- (2) Umhlali kufanele avumele umninimuzi ukuba angene endaweni yokuhlala ngenhloso emiswe ngaphansi komtheshwana (1) inqobo nje uma lokho kungena kwenziwa ngesikhathi esifanelekile.

Imithetho yasendlini

11. (1) Umninidlu angenza imithetho yasendlini ngokuphathelele nokulawula, ukuphatha, ukusebenzisa kanye nokujabulela indawo yokuhlala. Umthetho wendlu uyaphoqeelwa kumhlali uma -

- (a) inhloso kungukukhuthaza ukuba kahle, ukuphepha, impilo, noma inhlalo enhle yabahlali emagcekeni, agcine indawo yomninimuzi ingasetshenziswa ngokungafanele, noma enze ukwabiwa kwezinkonzo okukahle kanye nezinto ezikhonela ukusetshenziswa abahlali bonke;
- (b) ngokubonakalayo kweyanyaniswa nenhloso okwenzelwe yona;
- (c) kusebenza kubona bonke abahlali emagcekeni ngendlela ekahle;
- (d) ngokwanele kubonakala kulokho okungavunyelwe ukuba kwenziwe, kwenziwe, noma kuvinjelwe ukuziphatha komhlali, ngokukahle kwaziswe umhlali ngokuthi yini ekufanele ayenze noma angayenzi ukuze ahambisane nokumele akwenze;
- (e) akusiyona inhloso ukubalekela izibopho zomninimuzi; futhi
- (f) umhlali unesaziso semithetho yendlu ngesikhathi umhlali engena kusivumelwano selizi.

Amarisidi

12. (1) Umninimuzi kufanele anikeze umhlali irisidi ebhalwe yonke inkokhelo eyenziwe ngumhlali kuyena, ngendlela ebhalwe phansi kuzigaba 5(3)(a) kanye no (b) woMthetho.
- (2) Uma umninimuzi egunyaze inkokhelo yerenti kanye nezinye izindleko ku-akhawunti ethile yasebhange, isiliphu sokufaka imali kufanele sibambe isikhala serisidi futhi umninimuzi uzoxolelwa ekutheni ahambisane nezimiso zomtheshwana (1).

Izinkonzo zikamasipala

13. (1) Umninimuzi ophoqeletwe ngokumthetho noma ngokusho kwemibandela eshiwo noma eqondiwe kulizi ukuba anikezele ngamanzi, ngogesi noma ngezinkonzo zegesi kumhlali, kufanele –
- (a) anikezele izinkonzo ezinjalo;

- (b) angabangeli ukunganikezelwa noma ukuphazamiseka ukunikezelwa kwezinkonzo kundawo yokuhlala ngaphandle komyalelo wenkantolo, ngaphandle –
- (i) kwasezimeni eziphuthumayo; noma
- (ii) ngemuva kwesaziso esibonakalayo kumhlali ukuba angcine kahle, alungise noma enze kabusha; inqobo nje uma kungukuthi uma izinkonzo ziqalwa ngokukhulu ukushesha okungenzeka ngemuva kwaleso simo esibucayi, ukungcina kusebenza, ukulungiswa noma ukwenziwa kabusha;
- (c) aqinisekise ukuthi umhlali akavulelekile ebucayini bokuphazamiseka noma ukungabibikho kwezinkonzo, ngokuthi abambe inkokhelo kumnikezeli wenkonzo, ngesikhathi sekufanele akhokhe: Inqobo nje uma umhlali esekhokhile kumninimuzi ngokuphathelene namanani ekufanele akhokhelwe lezo zinkonzo;
- (d) akhokhise umhlali inani elilingene lezinkonzo ezisetshenzisiwe endaweni yokuhlala umhlali uma leyo ndawo iyakwazi ukubala lokho ngokwehlukana; futhi
- (e) ahambisane nanoma imuphi umthetho noma isibopho esiphathelene nenani ekufanele libizwele izinkonzo kumhlali, uma zikhona, uma indawo yokuhlala ikwazi ukubala kokusebenza kwezinkonzo kungahlukanisiwe;
- (f) kusakhiwo esinabahlali abaningi abangakhokhi ngokuhlanganyela, kubahlali ngezinkonzo ezinikeziwe zizezeqe enanini selilonke elibiziwe umnikezeli wenkonzo futhi umninimuzi uzothi ngaphandle kokufuna inkokhelo yanoma iyiphi imali aphoqeleleke ukuba anikeze abahlali amakhophi e-akhawunti yalowomnikezeli wenkonzo oshiwo kanye namakhophi ama-akhawunti anikezwe kubahlali ngokuphathelene nalezo zinkonzo.
- (2) Uma indawo yikuhlala inemitha yayo ehlukeneyo yokubala izinkonzo futhi inkokhelo kufanele yenziwe ngqo kumninimuzi, umninimuzi kufanele anikezele umhlali ngesitetimende sanyanga zonke okungenani ekufanele sibe nalemininingwane elandelayo-

- (a) igama lomnimumuzi kanye nomhlali, kanjalo nekheli lendawo yokuhlala;
- (b) igama, ikheli kanye nenombolo yocingo komnikezeli ngamunye wezinkonzo;
- (c) imininingwane yokufundwa kwemitha yenyanga endlule kanye neyalenyanga;
- (d) inani lenkonzo ekuyiyona isetshenziswe ngempela kanye nelemali ebizwayo ngemuva kwalokho;
- (e) imali ekumele ikhokhwe isihlangene;
- (f) usuku lokufundwa kwemitha okulandelayo kunkonzo ngayinye; kanye
- (g) nenani lemali asilele ngayo.

Izimiso ngokubanzi

14. (1) Umhlali akufanele –

- (a) asabise, abandlulule noma aphindisele kumhlali ekwenzeni noma iliphi ilungelo ngaphansi kwalemithetho, uMthetho noma omunye umthetho;
- (b) avimbele umhlali ekutheni asungule noma abe ilunga lekomidi labahlali noma ngabe imuphi omunye umkhandlu ofana nalowo;
- (c) akhulume iphutha ngokuphathelene ngokubasemthethweni kwanoma imiphi imibhalo noma ale ukwamukela noma isiphi isaziso esethulwe ngokusemthethweni noma yathunyelwa umhlali;
- (d) azibandakanye ekuziphatheni okugqilazayo noma okungenawo unembeza;
- (e) ahluleke ukuhambisana nezinqubo zokufaka isikhalazo ku-Tribunal noma isiphi esinye isivumelwano ekufinyelelwe kuso ne-Tribunal noma nomhlali kulandelwa izinqubo ze-Tribunal zezikhalazo;

- (f) enze noma isiphi isenzo esingukugxambukela okungafanele noma ukunqinda amalungelo omhlali noma okuvinjelwe ngaphansi kwelizi, lemithetho, uMthetho noma omunye umthetho; kanye
 - (g) aphoqelege umuntu ukuba ayeke amalungelo akhe ngaphansi kwalemithetho, uMthetho noma imuphi omunye umthetho, noma ahoxe kuzinqubo ngaphambi kwe- Tribunal.
- (2) Umhlali akufanele –
- (a) anikezele amalungelo akhe, anikezwe wona noma izibopho noma indawo yokuhlala noma ingxanye yayo komunye umuntu ngaphandle kwesivumelwano esibhalwe phansi sikamninimuzi, ekuthi esimeni sokuqashisa okwesikhashana ekuzothi kungagcinwa uma nakungafanele;
 - (b) avumele inani elingaphezulu kwelincane elivunyelwe labantu ababekwe umninimuzi ukuthi bangahlala endaweni;
 - (c) asabise, abandlulule, noma aphindisele kumninimuzi ngokuthi enze noma iliphi ilungelo ngaphansi kwalemithetho, uMthetho noma omunye umthetho;
 - (d) aqambe amanga ngokuphathelele nokuba semthethweni kwanoma iyiphi imibhalo noma ale ukwamukela noma isiphi isaziso esesisemthethweni esethulwa kuye noma sithunyelwa kumninimuzi;
 - (e) azibandakanye ekuziphatheni okugqilazayo noma okungafanelekile;
 - (f) ahluleke ukuhambisana nezinqubo zokufaka izikhalazo ze-Tribunal noma isiphi isivumelwano okufinyelelwe kuso ne-Tribunal noma nomninimuzi kulandelwa izinqubo zokufaka izikhalazo ze-Tribunal.
 - (g) enze noma isiphi isenzo ngokungafanelekile esiphazamisana noma esinqinda amalungelo abanye abahlali noma ngokubonakalayo sivimbele ilizi, lemithetho, uMthetho noma imiphi eminye imithetho;

- (h) abangele noma avumele noma iyiphi into engalungile endaweni yokuhlala; futhi
 - (i) asabise umuntu ukuba ayeke ukusebenzisa amalungelo akhe ngaphansi kwalemithetho, uMthetho noma imiphi eminye imithetho, ukuba ahoxe kuzinqubo ze-Tribunal.
- (3) Sonke isibopho ngaphansi kwalemithetho, uMthetho, noma omunye umthetho, futhi wonke umthetho okufanele wenziwe njengombandela wokwenza ilungelo noma ukulungisa, ukufaka kanye nokubophezeleka kokwethembana okuhle ekwenzeni noma ekuxhiliseni.
- (4) I-Tribunal kufanele ibenelungelo lokuba inikezele ngemibhalo, isaziso noma uhlelo uma umuntu eqoqa noma ethola irenti futhi/noma eyiqoqela umnininimuzi.
- (5) Noma imuphi umuntu owenza okungafanelekile uzobanecala futhi angaboshwa ahlawuliswe noma afakwe ejele kodwa kungeqi eminyakeni emibili noma kokubili leyonhlawulo kanye nokuboshwa.

Isihloko esifushane kanye nokuqala ukusebenza

17. Lemithetho ibizwa ngokuthi imithetho yokwenza ngokungafanele, 2001.

**NOTICE 2130 OF 2001
MELAWANAKAKANYWA**

MOLAO WA KHIRIŠO YA DINTLO, 1999

MELAWANA YA TIRIŠO YE E SA LOKAGO 2001

Molekgotlaphethišo yoo a nago le maikarabelo a Kago ya Dintlo Profenseng ya Gauteng ka fase ga karolo 15(1) (f) ya Molao wa Khirišo ya Dintlo, 1999 (Molao. 50 wa 1999), o dirile melawana ka gare ga Šetulo ye.

ŠETULO

Ditlhalošišo

1. Ka gare ga melawana ye, tlhagišo goba lentšu le le ngwe le le ngwe leo tlhathollo ya lona e beilwego ka gare ga Molao wo, e tla ba le tlhalošo ye e beilwego ntle le ge e kamano e laetša ka tsela ye nngwe –

"thoto ye e tlwaelegilego" go ya ka bodulo bja bahiri ba bantši e ra-

- (a) Naga ye bodulo bo legogona; le
- (b) Dikarolo tša bodulo tšeo di sa beilwego tšhomišo ya motho yo mongwe le yo mongwe;

"ditirelo" di ra maemo a meetse, mohlagase, ditirelo tša gase le go tlošwa ga matlakala ;

"Molao" o ra Molao wa Khirišo ya Dintlo, 1999 (Molao 50 wa 1999);

Tirišo ye e sa lokago

2. Motho yo mongwe le yo mongwe yo a tloago taelelo ye nngwe le ye ngwe ya melawana ye o dira tirišo ye e sa lokago.

Khirišo

3. (1) Ditokelo le mešomo ya mongnaga le mohiri tšeo di ngwadilwego ka melawaneng ye di dirišwa go mongnaga le mohiri le ge e le gore tumelelano khirišo gare ga bona ga e a ngwalwa fase.
- (2) Mongnaga le mohiri ba ka akaretša ka tumelelanong ya khirišo le maemo ao a sa thibelwago ke melawana ye, Molao goba moalo wo mongwe le wo mongwe, go akaretša go hira, nako ya go hira, le ditaetšo tše dingwe tšeo di laolago ditokelo le ditlamego tša diphathi.
- (3) Tumelelano khirišo e ka se akaretše taetšo ye nngwe le ye nngwe yeo e-
 - (a) ntšhišago faene ya go lefa rente morago ga nako le ge e ka ba bjang goba bjang faene e swanetše go ba karolo ya ditshenyegelo tša taolo goba ya mokgwa wo mongwe le wo mongwe wa tswalo;
 - (b) tlogela dikoloto tša ye nngwe ya diphathi ka baka la go palelwa ke go dumelelana le mešomo ka fase ga khirišo, melawana ye, Molao goba moalo womongw le wo mongwe;
 - (c) ntle le moo go beilwego ka melawaneng ye, Molao goba molawana wo mongwe le wo mongwe, o kgaoletša goba o thibela le ge e le ye nngwe ya diphathi go šomiša ditokelo tše di tiwaelegilego tša go ithuša kgahlanong le tše dingwe ka baka la go šitwa ke go dumelelana le mošomo wo mongwe le wo mongwe ka fase ga kontraka ya khiro, Molao, melawana ye goba molao wo mongwe le wo mongwe; goba
 - (d) go thibela le ge e le phathi ye nngwe le ye nngwe goba leloko la mokgatlo wa bengnaga goba la badudi.

Ditlamorago tša tumelelano ya khirišo ya go se saenwe goba ya go se fihlišwe

4. (1) Ge mongnaga a ka se saene goba go fihliša tumelelano ya go ngwalwa ya khiro, yeo e saenilwego gomme ya fihlišwa go yena

ke mohiri, kamogelo ya rente ka mongnaga e fa tumelelano ya khiro tlhagišo ya go swana le ge e saenilwe gomme e fihlišitšwe ke mongnaga.

(2) Ge mohiri a ka se saene gomme a fihliša tumelelaano ya go hira ye e saenilwego, yeo e saenilwego gomme ya fihlišwa go mohiri ke monganaga, kamogelo ya go ba le bodulo le tefo ya rente di fatumelelano ya khiro tlhagišo ya go swana le ge e saenilwe gomme e hlagišitšwe ke mohiri.

Kutullo

5. (1) Mongnaga o tla utulla go mohiri ka go ngwala go goba pele ga go thoma go hira leina le atrese ya mongnaga, goba ge e le gore mongnaga ke mothosemolao a ngwala atrese ya ofisi yeo e ngwadišitšwgo mabapi le tshepetšo tša tirelo ya kgorotsheko le rasiti ya ditsebišo goba dinyakwa.

(2) Tshedimošetšo yeo e swanetšego go fiwa ka karolo ya molawana (1) e swanetše go mpšafatšwa gomme karolo ya molawana wo e oketšege le go maatlafatšwa kgahlanong le mohlatlami yo mongwe le yo mongwe wa mongnaga..

(3) Motho yoo a dumeletšwego go tsenela tumelelano ya khiro legatong la mongnaga e ba moemedi wa mongnaga ka mabaka a tumelelano ya khiro yeo mabapi le-

(a) tirelo ya tshepetšo le kamogelo ya ditsebišo le dinyakwa; le

(b) go phethagatša ditshwanelo tša mongnaga ka fase ga tumelelano ya khiro, Molao, melawana ye goba molao wo mongwe le wo mongwe. Ditshwanelo tše di tla katološwa go dira gore dipego ka moka tšeo di amanago le khiro le ditshenyegelo tša ditirelo tša dithušo le ge e le gore dipego tše bjalo di na le, le/goba di le ka fase ga taolo ya mongnaga di kgobokanywe.

Dikhirišo

6. (1) Mohiri o tla lefa rente yeo e kolotwago mongnaga ka fase ga khirišo.

- (2) Rente e swanetše go fefiwa ntle le taelo goba tsebišo ka nako le lefelong leo go dumelelwanego ka lona. Ntle le ge mohiri a tsebišitšwe ka go ngwalwa, rente e swanetše go lefiwa lefelong la bohoro letšatšing la mathomo la kgwedi ye nngwe le ye nngwe.
- (3) Ntle le ge tumelelano ya khirišo e bea nako ye itšego khirišo e tla ba ya kgwedi ka kgwedi.
- (4) Mongnaga o swanetše go fa mohiri dikgwedi tše ka bago tše
(2) tsebišo ya go mgwalwa maikemišetšo a go oketša rente.

Mabaka, Ditshwanelo le Tlhokomelo

7. (1) Mongnaga o tla –

- (a) ge khirišo e ngwadilwe, a tempa khirišo gomme a fa mohiri kopi ya yona ka gare ga matšatši a 21 (masomepedi) a tshaeno ya bobedi bja bona e lego mongnaga le mohori: ntle le ge mongnaga ka tulelenano le mohiri a a buša ditshenyegelo tša ditirelo tša stempe go tšwa go mohiri;
- (b) hiriša bodulo bjoo ka mathomo a khirišo–
 - (i) ika maemo ao a loketšego go dula motho, gomme ka go dira bjalo a kgonthiša gore mafesetere, mamati, dikhapoto, ditofo, dipompo, ditlabakelo tša meetse ka kakaretšo, dikhapete, dithaele, ditlhomelo tša mohlagase le tše dingwe tše di swanago le tšona di maamong a a swanetšego le go lokišwa, gomme di
 - (ii) maamong ao a sa tlolego melawana ye, Molao goba molao wo mongwe le wo mongwe.
- (c) bea le go swara bodulo go ya ka melawana ye, Molao goba molao wo mongwe le wo mongwe;
- (d) tšea magato a go kwagala go kgonthišiša gore mohiri o thabela tšhomišo ya bodulo ntle le go tshwenywa gomme ga go mohiri goba motho yo mongwe yoo a sepetšago tiro ka gare ga bodulo yeo e sa

dumelelwago ka fase ga melawana ye, Molao goba molao wo mongwe le wo mongwe;

- (e) swara gabotse thoto ya setšhaba le go dira ditokišo ge e ba di gona;
- (f) swara gabotse bokantle bja bodulo, go akaretša maboto le marulelo le go dira diktokišo;
- (g) swara gabotse peakanyo ya mohlagase; mošomo wa dipompo, wa tlhwekišo, phišo, tsenyomoya, tekanyomoya le peakanyo ya kheše le go dira ditokišo;
- (h) lekoša tshenyo ye nngwe le ye nngwe yeo e hlotšwego ke go jega goba go senyega lefelong la bodulo goba tikologong tša setšhaba;
- (i) go fa le go swara gabotse setšhelo se se lebanego le mafelo a go lahlela melora, matlakala le ditlakala tše dingwe le tše dingwe tše nyenyane ka bodulong gomme go beakanywe gore di tle di tlošwe;
- (j) go fana ka ditirelo ka moka tše go dumelelwanego ka tšona khirišong;
- (k) go dira ditokišo tše mongnaga a nago le maikarabelo a tšona ka fase ga khirišo le go ya ka moo di šupeditšwego ka nako tša tlhahlobo ke mongnaga goba ka nako ya kamogelo ya tsebišo go tšwa go mohiri go dira ditokišo tše: ntle le ge khirišo e bolela kgahlanong le seo; mongnaga a ka se brwale maikarabelo a ditokišo ge e le gore mohiri, goba baeti ba gagwe e ba bona ba dirilego ditshenyo tše bjalo; gomme
- (l) go dira ditokišo tše mongnaga a nago le maikarabelo a tšona ka fase ga tumelelano ya khirišo khirišo le go ya ka moo di šupeditšwego ka nako tša tlhahlobo ke mongnaga goba ka nako ya kamogelo ya tsebišo go tšwa go mohiri go dira ditokišo tše, ka gare ga matšatši a lesomenne (14) goba go feta sebaka se

bjalo go ya ka moo go dumelelanwego ka gona gare ga mongnaga le mohiri.

(2) Mohiri o tla-

- (a) šomisa bodulo ka mokgwa wo o lebanego le ka mabaka ao bo hirišeditšwego le ka mokgwa woo o sa bego kgahlanong le tšhomišo ya melawana ye, Molao wo goba molao wo mongwe le wo mongwe;
- (b) go lahlela molora, matlakala goba ditšhila tše dingwe le tše dingwe ka mokgwa wo o hlwekilego le go bolokega;
- (c) swara bodulo ka mokgwa wo o hlwekilego, wa bothakga le ka memo a bolokegilego a go likišwa;
- (d) šomiša ka mokgwa woo o lebanego didirišwa ka moka tša mohlagaše, mošomo wa dipompo, wa tihwekišo, phišo, tsenyomoya, tekanyomoya le peakanyo ya kheše le go dira ditokišo go aakaretša le dikheše tšeo di lego ka moagonguse;
- (e) tlogela go senya goba go tloša karolo ye nngwe le ye nngwe ya bodulo goba thoto ya setšhaba goba ka go tseba go dumelela motho yo mongwe yoo a lego ka moagong ka tumelelo ya mohiri ka boomo goba tne le šedire. Mohiri o tla rwala maikarabelo a go likiša tshenyo yeo ka ditshenyegelo tša mohiri;
- (f) bušetsa bodulo ka mokgwa woo mohiri a bo hweditšego ka bjona, go sa akaretšwe go senyega;
- (g) ka nako tša sebaka sa tumelelano ya khirišo a ba le maikarabelo a swara gabotse, go baebakeng sa le/goba go lokiša dikloupu tša mohlakase, dipeakanyo le diswitšhi. Mohiri o tla ba gape le maikarabelo a go hlokmela, go lokiša/ le go dira bgabotse dipompi tša meetse, ditofo, dinotlelo, mekgoko le mafasetere moo e lego gore tshenyo ye bjalo ga se yeo e hlotšwego ke tlhago;
- (h) hlokomela serapa ge e ba se gona, go se tlogela se le ka maemo a go swana a go hlweka le go thakga;

- (i) go kwanana le melawana ya lapa ge e ba e gona yeo e tlišwago ka tumelelano le melawana ye
- (j) hlokomela bodiba bja go thalela gona, go akaretša le gomme go sa kgaoletšwe dipompo ka moka, dihosphaephe le didirišwa tše dingwe maamong a mabotse le go di lokiša kgahlanong le go senyega;

Kagoleswa, mpšhafatšo, phetošo le phušullo

8. (1) Monganaga a ka kgona fela –

- (a) kgopela gore mohiri a tšwe ka boduoing ge e ba ditokišo tše dingwe le tše dingwe, diphetšo goba mpšhafatšo ye nngwe le ye nngwe ge e ba di a hlokega gomme di ka se kgonwe go dirwa gabotse ge mohiri a šala ka bodulong;
- (b) khansela tumelelano ya khirišo le go tšea gape bodulo, ntle le go rwala maikarabelo a ditshenyo go ya ka tumelelano ya khirišo, melawana ye, Molao goba molao wo mongwe le wo mongwe, mabakeng ao e lego gore bodulo ga bo maamong a go dulega.

(2) Maamong ao a akantšwego temaneng ya (a) ya karolo ya molawana (1), mongnaga o swanetše go-

- (a) dumelela tšhelete ya rente yeo mohiri a e rometgo ka motho yo mongwe ka nako yeo mohiri a sego gona ka bodulong;
- (b) dira ditokišo, diphetogo goba mpšhafatšo ka nako ya go kwagala gore a se tshwenye mohiri mo go kaalo; le
- (c) go kgonthišiša gore mohiri o kgona go boela ka bodulong ka pela mo go ka kgonegago ka morago ga go fetša ditokišo, diphetogo goba mpšhafatšo.

(3) Moo mongnaga a swanetšego go dira ditokišo, diphetogo goba mpšhafatšo ditokišo tša maleba karolong ya bodulo gomme mohiri a sanetšego go tšwela pele ka go dula ka karolong ye e šetšego, mohiri o tla swanelwa ke go hwetša

phokoletšo ya tšhelete ya rente, tšhelete yeo e tla lekanago le karolo yeo mohiri a e timilwego.

- (4) Ge e le gore mohiri yoo a kgopetšwego go tšwa ka bodulong ga e dire bjalo mohiri yoo a ka se be le tokelo ya go sekiša kgahlanong le mabapi le dikgobalo tšeo a di hweditšego ka nako yeo bodulo bo lokišwa, bo fetošwa goba go mpšhafatšwa.

Go rakwa le go fetoša dinotlelo

9. (1) Mohiri a ka se rakwe bodulong ntle le taelo ya kgorotsheko.
- (2) Mohiri yoo a rakilwego karolong goba ka bodulong ka moka ke phathi ya boraro, go ya ka molaotlweadi o tla ba le tshenyegelo ya ditshenyo kgahlanong le mongnaga.
- (3) Monanaga a ka se notlelele mohori ka ntle ntle le taelo ya kgorotsheko.
- (4) Mongnaga goba mohiri a ka se felole dinotlelo goba mabati ao a tsenago ka bodulong -
 - (a) ntle le ge go hlokega gore tsenywe dinotlelo goba mamati a mangwe ka baka la gosenyega goba mabaka a mangwe a go kwagala;
 - (b) ntle le tsebišo ye e kwagalago ya phetogo ye e akantšwego go ye nngwe;
 - (c) ge e le gore dinotlelo di fiwa motho yo mongwe ka bonako ka nako ya phetošo ya dinotlelo
- (5) ge mohiri a ka tlola tumelelano ya khirišo le go e le go dira gore mohiri a se kgone go tsena goba go šomiša ka botlalo bodulo, mongnaga la mathomo o atla-
 - (a) fa mohiri tsebišo ya matšatši a šupago (7) go thuša ka tlolo yeo, ge e le gore mohiri o kolota tšhelete ya rente gomme o kolota sebaka sa matšatši a šupago (7) a tšatšikgwedi la go lefa gona tsebišo yeo e tla fiwa tokollo; le

- (b) go hwetša taelo ya kgorotsheko ya kgonthe go raka mohiri

Botseno

10. (1) Mohiri a ka tsena ka bodulong fela ka tsebišo ya go kwagala—

- (a) go hlahloba bodulo;
- (b) go dira ditokiša ka bodulong;
- (c) go bontšha batho bao ba holofelago go hira, bareki, batho bao ba hweditšego peeltšo ya go reka ntlo goba dikemedi tša bona;
- (d) go hlahloba bodulo mabapi le ditshenyo go ya ka moo go akantšwego go karolo 5 (3) (e) le (f) ya Molao goba godimo ga tsebišo ke mongnaga goba mohiri ka maikemišetšo a go fediša tumelelano ya khirišo;
- (e) ge e le gore bodulo bo bonala o ka re bo tlogetšwe ke mohiri; goba
- (f) tumelelo ya taelo ya kgorotsheko.

- (2) Mohiri o tla dumelela mongnaga go tsena ka bodulong ka mabaka ao a ngwadilwego ka fase ga karolo ya melawana (1) ntle le ge e le gore go tsena go go bjalo go dirwa ka nako ye e loketšego.

Melao ya ntlo

11. (1) Mongnaga a ka dira melao ya ntlo mabapi le go laola, go sepediša, go šomiša le go ipšhina ka bodulo. Moalo wa bodulo o tlišwafela kgahlanong le mohiri ge e ba—

- (a) maikemišetšo a wona ke go tšwetšapele boiketlo, pabalelo le maphelo goba leago la badidu ka moagong, go boloka thoto ya mongnaga kgahlanong le tshenyo goba go dira ditirelo le didirišwa tšeo di fiwago bahiri ka kakaretšo di aroganywe ka go lekana;

- (b) ka go kwagala go amana le mabaka ao a tšeerwego;
- (c) go dirišwa go bahiri ka moka ka moagong ka mokgwa o mobotse;
- (d) go bonagala molaleng ka thibelo, taetšo goba magomo a maitshwaro a modudi, go tsebiša mohiri seo a swanetšego go se dira le go se se dire go dumelelana;
- (e) ga se ka mabaka a go phefa maikarabelo a mongnaga; le
- (f) mohiri a na le tsebišo ya melao ya ntlo ka nako yeo mohiri a tsenago tulelelanong ya khirišo.

Dirasiti

12. (1) Monanaga o tla fa mohiri rasiti ya go ngwalwa go ditefo ka moka tšeo mohiri a di dirilego go monganaga, ka mokgwa woo o hlalošišwaego go karolo 5(3) (a) le (b) ya Molao.

(2) Ge mongnaga a dumeletše ditefo tša rente le ditshenyegelo tše dingwe ka gare ga tšhupatlotlo ya panka ye itšego ya mongnaga le ge mohiri a lefa tšhelete ya rente le dishenyegelo tše dingwe ka tšhupatlotlong ya panka ye bjalo, setlankana sa polokelo e tla ba rasiti ya mohiri gomme monganaga o tla lokollwa mameong a beilwego a karolo ya molawana (1).

Ditirelo tša Mmasepala

13. (1) Mongnaga yo a tlemilwego ke molao goba go ya ka ditlhalošišo goba mabaka a tumelelano ya khirišo go fa mohiri ditirelo tša meetse, mohlagase goba gase; o tla—

- (a) fana ka ditirelo tše bjalo;
- (b) se hlole go se fepe goba go tshwenyana le kabo ya ditirelo go bodulo ntle le taelo ya kgorotsheko, ntle le —
 - (i) ge go na le tšhoganetšo; goba
 - (ii) ka morago ga tsebišo ya go kwagala go mohiri ya go dira hlokomelo, ditokišo goba dimpšhafatšo;

- (c) go kgonthišiša gore mohiri ga a tsene kotsing ya go tshwenyana goba tahlegelo ya ditirelo ka go ganela mothuši a ditirelo ka ditefo ge nako ya go dira ditefo tše bjalo e fihlile: Ntle le ge e le gore mohiri o dirile ditefo tše bjalo go monganaga mabapi le ditirelo ka letšatši la go lefela ditirelo tše;
- (d) go lefiša tšhelete ye e nepilego mabapi le ditirelo tše di šomišitšwego ka bodulong bja mohiri ge e le gore bodulo bjo bjalo bo na le mmitara wo o aroganego; le
- (e) go dumelelana le molao wo mongwe le wo mongwe goba tshwanelo mabapi le tšhelete eo e swanetšwego go lefiwa go ditirelo tša mohiri, ge e le gore bodulo bjo bjalo bo na le mmitara wo o aroganego malebana le ditirelo;
- (f) moagong woo go nago le bahiri ba bantši moo ditirelo go tšwa bahiring di di dirwago go ya ka moo ditirelo di šomišitšwego ka gona ke mottho yoo a fanago ka ditirelo, monganaga ntle le kgopelo ya ditefo tše dingwe le tše dingwe a gapeletšwa go fa mohiri kopi a tšhupatlotlo sa kolekwego ka nako e tee, tšhelete ya ditirelo yeo e lefiwago monganaga o tla, ntle le go kgopela ditefo tša ditshenyegelo tš mohiri ka kopi ya tšhupatlotlo ya ditirelo tše di dirilwego ke motho yoo a fanago ka ditirelo mabapi le ditirelo tše.
- (2) Ge e le gore bodulo bo na le mmitara woo aroganego malebana le ditirelo gomme ditefo di swanetše go dirwa thwii go mongnaga, monganaga o swanetše go fa mohiri statamente sa kgwedi ka kgwedi seo se swanetšego goba le tshedimošetšo ye e latelago-
 - (a) leina la mongnaga le mohiri, le aterese ya sebele ya bodulo;
 - (b) leina, atrese le nomoro ya mogala ya motho yo moongwe le yo mongwe yoo a fanago ka ditirelo;
 - (c) tlhalošišo ya mmitara ya kgwedi ya go feta le ya ya kgwedi ya bjale;
 - (d) tšhomišo ya nnete mabapi le tirelo ye nngwe le ye nngwe le tšhelete yeo e lefišwago;

- (e) tšhelete ka moka yeo e kolotwago;
- (f) tšatšikgwedi le le latelago la go bala mmitara tirelong ye nngwe le ye nngwe; le
- (g) tšhelete ye nngwe le ye nngwe yeo e šetšego morago goba yeo e kolotwago.

Meholakakaretšo

14: (1) Mongnaga a ka se –

- (a) tšhošetše, hlaole goba itefeletše kgahlangong le mohiri ka go šomiša tokelo ye nngwe le ye nngwe ka fase ga melawana ye, Molao goba molao wo mongwe le wo mongwe;
- (b) thibela mohiri go hlama goba go ba leloko la komiti ya badudi goba mokgatlo wa go swana le woo;
- (c) dira boemedi bja bofora mabapi le maemo a semoalo a tokimente ye nngwe le ye nngwe goba go gana go amogela tsebišo ye nngwe le ye nngwe yeo e hlagišwago goba e tlišwago semolao ke mohiri;
- (d) go amega maamong a kgatelelo goba a go hloka maikutlo;
- (e) go sitwa ke go dumelelana le ditshepedišo tša ngongorego tša Lekgotla goba tumelelano ye nngwe le ye nngwe yeo Lekgotla le e dirilego le mohiri ka ditshepedišo tša Lekgotla tša ngongorego;
- (f) dira tiro ye nngwe le ye nngwe yeo e tshwenyanago goba e kgaoletšago ditokelo tša mohiri goba yeo e sa dumelelwago ka fase ga tumelelano ya khirišo, melawana ye, Molao goba molao wo monwge le wo mongwe; le
- (g) go gapeletša motho yo mongwe le yo mongwe go lahlegelwa ke ditokelo tša gagwe ka fase ga tumelelano ya khirišo, melawana ye, Molao goba molao wo monwge le wo mongwe go tšwa ditshepetšong pele ga Lekgotla.

(2) Mohiri a ka se –

- (a) gafele ditokelo tša gagwe, go fa motho yo mongwe mešomo ya gagwe goba a hirišetša motho yo mongwe bodulo goba karolo ya bjonantle le tumelelo ya go ngwalwa ya monganaga, yeo ka baka la go hiriša go tla bego go thibelwa;
- (b) dumelele palo ya batho ba go feta bao go laeditšwego ke mongnaga go dula ka bodulong;
- (c) tšhošetše, hlaole goba itefeletše kgahlangong le mohiri ka go šomiša tokelo ye nngwe le ye nngwe ka fase ga melawana ye, Molao goba molao wo mongwe le wo mongwe;
- (d) dire boemedi bja bofora mabapi le maemo a semoalo a tokimente ye nngwe le ye nngwe goba go gana go amogela tsebišo ye nngwe le ye nngwe yeo e hlagišwago goba e tlišwago semolao ke mongnaga;
- (e) amege maamong a kgatelelo goba a go hloka maikutlo;
- (f) šitwe ke go dumelelana le ditshepedišo tša ngongorego tša Lekgotla goba tumelelano ye nngwe le ye nngwe yeo Lekgotla le e dirilego le mohiri ka ditshepedišo tša Lekgotla tša ngongorego;
- (g) dire tiro ye nngwe le ye nngwe yeo e tshwenyanago goba e kgaoletšago ditokelo tša mohiri goba yeo e sa dumelelwago ka fase ga tumelelano ya khirišo, melawana ye, Molao goba molao wo monwge le wo mongwe;
- (h) hlole goba go dumelele letshwenyo le lengwe le le lengwe ka bodulong; le
- (i) go gapeletša motho yo mongwe le yo mongwe go lahlegelwa ke ditokelo tša gagwe ka fase ga tumelelano ya khirišo, melawana ye, Molao goba molao wo monwge le wo mongwe go tšwa ditshepetšong pele ga Lekgotla.

- (3) Tshwanelo ye nngwe le ye nngwe ka fase ga melwana ye, Moalo goba molao wo mongwe le wo mongwe le molao wo monwge le wo mongwe woo o swanetšego go phethagatšwa ka mabaka a mohlalatlamo a tirišo ya tokelo goba thušo ya go dira ka moya wa go loka goba tiišetšo.
- (4) Lekgotla le tla lenbanwa ke go aba tokumente ye nngwe le ye nngwe ka morago ga gore motho a tliše goba a amogele tšhelete ya rente le/goba bakeng sa mongnaga.
- (5) Motho yo mongwe le yo mongwe yoo a senyago ka tirišo ye e sa lokago o tla bonwa molaoto gomme a lenanwa kotlo ya go ke go ahlolelwa faene goba kgolego yeo e sa fetego mengwaga ye mebedi goba bobedi e lego faene le kgolego ye bjalo.

Thaetlele le kopana le nako ya go thoma

17. Melawana ye e tla bitšwa Melawana ya Tirišo ye e sa lokago, 2001.

NOTICE 2131 OF 2001**DRAFT RULES****RENTAL HOUSING ACT, 1999****RENTAL HOUSING PROCEDURAL REGULATIONS 2001**

The Member of the Executive Council responsible for Housing in the Province of Gauteng has under section 15 (1) of the Rental Housing Act, 1999 (Act No. 50 of 1999), made these procedural regulations in the schedule.

SCHEDULE**Definitions**

1. In these rules, any expression that is defined in the Act has the same meaning, unless the context otherwise indicates –

"complainant" means a person who lodges a complaint with the Tribunal, and such a complaint falls within the jurisdiction of the Tribunal;

"mediation" means a voluntary process in terms of which a Tribunal member, a member of staff, or a nominee of the Tribunal assists parties to resolve a dispute;

"party" means a person who is participating in mediation or any other dispute resolution mechanism provided by the Tribunal;

"register" means the register contemplated in section 13 (8) of the Act;

"respondent" means a person against whom a complaint has been lodged with the Tribunal;

" the Act" means the Rental Housing Act, 1999 (Act No. 50 of 1999);

"Tribunal" means a Rental Housing Tribunal established in terms of section 7 of the Act; and

"unfair practices regulations" means the unfair practices regulations made under section 15 (1) (f) of the Act.

Lodging complaints

2. (1) A tenant or landlord or group of landlords or tenants or interest group may lodge a complaint with the Tribunal concerning contravention of the provision of the Act or an unfair practice as contemplated in the Unfair Practices Regulations, by lodging a written complaint on the form appearing in Schedule 1.
- (2) Complaints must be lodged –
 - (a) by mail;
 - (b) at the relevant Rental Housing Information Office within the jurisdiction of the local authority in which the dwelling is situated;
 - (c) at the office of the Tribunal; or
 - (d) by facsimile, confirmation of successful transmission is proof of receipt of complaint.
- (3) A complaint shall be deemed to be lodged on the date upon which the complaint is received by the Tribunal.

Jurisdiction

3. (1) A complaint will be considered to be within the Tribunal's jurisdiction-
 - (a) if it concerns a dwelling situated in the Gauteng Province;
 - (b) if the complaint constitutes an unfair practice; and

- (c) if the complaint involves the contravention or violation of the Act and/or the Unfair Practice Regulations.
- (2) If the complaint is not within the jurisdiction of the Tribunal, the complainant shall be-
- (a) notified in writing within thirty (30) days of the receipt of the complaint that the Tribunal cannot act on the matter;
 - (b) advised that he or she may within thirty (30) days of the date of such notification make a request for the Tribunal to review the decision on Jurisdiction; and
 - (c) where possible be given an appropriate referral within thirty (30) days of receipt of the complaint.

Investigation

4. (1) The following steps must be taken in respect of any complaint lodged that falls within the jurisdiction of the Tribunal –
- (a) a file must be opened, a file reference number be allocated to the complaint and the particulars of the dwelling to which the complaint refers must be listed in the register;
 - (b) the complainant must be provided with an acknowledgement of receipt containing the reference number;
 - (c) the Tribunal shall conduct such preliminary investigations as may be necessary to establish whether the complaint relate to a dispute in respect of a complaintr which may constitute an unfair practice, and may for this purpose obtain any additional information required to provide a full and complete description of the matter from either the complainant or the respondent;
 - (d) the complaint must be viewed with regard to all the information received; and
 - (e) if necessary an inspector must compile a formal report, after inspecting the dwelling in respect of which the complaint was lodged.

Resolution of Disputes

5. (1) If the Tribunal determines that the complaint does not relate to a dispute in respect of a matter which may constitute an unfair practice or that no relief could be provided the Tribunal must-
 - (a) notify the complainant within thirty (30) days, that the Tribunal will take no action;
 - (b) if possible furnish the complainant with an appropriate referral, and
 - (c) record the disposition and closure of the matter in the register.
- (2) If a matter is not dismissed or disposed of as provided for in (1) above, the Tribunal shall, following the preliminary investigation, make a formal determination that a dispute exists and inform the parties within thirty (30) days in writing of its determination.
- (3) Once it has been determined that a dispute exist, any such complaint must subject to subregulation (4) below, be resolved either through mediation as contemplated in section 13 (2) (c) of the Act, or through a formal hearing as contemplated in section 13 (2) (d) of the Act.
- (4) Mediation and /or a formal hearing is to be conducted in a language that is comprehended by all the parties concerned and for this purpose, the service of an interpreter will be provided, if necessary.

Mediation

6. (1) When the Tribunal is of the view that a dispute may be resolved through mediation, it may appoint a mediator, which may be a member of the Tribunal, a member of staff or any person deemed fit and proper by the Tribunal, with a view to resolving the dispute.

- (2) The mediation process shall be conducted as follows-
- (a) the mediator shall discuss the issue of confidentiality with the parties prior to the commencement of any mediation proceedings. If a party requests that information be kept confidential either during the course of, the mediation or afterwards, and the parties agree to mediate under those terms, the agreement shall be made part of any agreement at through mediation;
 - (b) the mediator shall at the outset inform the parties that the mediator merely acts as a facilitator in trying to resolve the dispute between them and that the decision to be arrived at will be the decision of the parties and not the mediator's;
 - (c) the mediator shall inform the parties involved that the mediation process may be conducted as follows-
 - (i) each party will be given an opportunity to state their case;
 - (ii) each party can at any stage of the mediation recess into a caucus, in another room or office;
 - (iii) the mediator may with the consent of the parties concerned attend the caucus and make suggestions and proposals; and
 - (iv) the mediator shall convey any proposal, attitude or indication or suggestion stemming from a caucus to the other party;
 - (d) the mediator shall conduct mediation only in those disputes in which he or she can be impartial with respect to all of the parties and the subject matter of the disputes;
 - (e) the mediator shall disclose to all parties all actual or potential conflicts of interest and shall not mediate in any such dispute between the parties; and
 - (f) if at any time the mediator is of the opinion that a party to mediation is unable to understand and participate fully in

the mediation due to mental impairment, emotional disturbance, intoxication, language barriers or other reasons, the mediator shall limit the scope of the mediation, to a level consistent with the party's ability to participate recommend that the party obtain appropriate assistance in order to continue with the mediation or postpone such mediation.

- (5) The mediator shall attempt to obtain testimony or documents voluntarily, which the mediator determines is necessary, from a person not party to the mediation and record all efforts made to obtain the information in the file.
- (6) The issuance of the summons shall first be authorised by the Tribunal.
- (7) A mediation shall be completed within thirty (30) days. If however, this is not possible, then the mediation may be extended beyond the thirty (30) days period with the consent of the Tribunal.
- (8) If the parties cannot reach agreement through mediation, the dispute shall be referred to the Tribunal for a formal hearing and ruling in terms of section 13 (3), (4), (5), (6) and (12) of the Act.
- (9) The parties may not be coerced in any manner to reach agreement. If the mediation results in an agreement it shall be put in writing and signed by all parties and the mediator and recorded in the register. Before requesting the parties to sign the agreement, the mediator must ensure that each party fully understands the agreement and is entering into it voluntarily.
- (10) If the mediation does not result in an agreement, the mediator shall for the purposes of a formal hearing by the Tribunal, prepare a report summarising the evidence, and make a recommendation as to whether the evidence shows that there has been a violation of the unfair practices regulations.
- (11) If any party to a dispute which was resolved by an agreement reached through mediation alleges that the other party has failed to comply with the agreement, that party may seek relief by reporting the allegations to the Tribunal in writing.

- (12) Upon receipt of a report alleging failure to comply with an agreement the Tribunal shall conduct an investigation into such allegations to determine whether the terms of the agreement are being adhered to and summons the relevant parties to appear before the Tribunal for hearing.
- (13) If such allegations are found to be true, the Tribunal shall conduct a hearing and make such a ruling as it considers just and fair.

Powers, duties and functions of Inspectors and Tribunal staff

7. (1) All Inspectors appointed in terms of section 11 of the Act shall have the following powers, duties and functions-
 - (a) conduct routine building inspections and provide written inspection reports when requested to do so by the Tribunal and staff members;
 - (b) trace and contact property owners from information held by the Registrar of Deeds;
 - (c) consult with complainants and respondents and record all the information received.
 - (d) obtain sworn statements from disputing parties and other parties concerned;
 - (e) give evidence before the Tribunal when requested to do so;
 - (f) obtain or examine copies of all books and documents, which may be relevant to a case;
 - (g) contact any local authority to determine arrears in rates and taxes owed in respect of a dwelling;

- (h) investigate the legal status of residents when illegal subletting is alleged to be occurring;
- (i) deliver notices and other documentation to the relevant parties involved in a dispute;
- (j) obtain copies of all receipts in respect of a dwelling, which is the subject of a complaint;
- (k) obtain from any Rental Housing Information Office established under the Act, any reports concerning inquiries and complaints received as contemplated under section 13 (3) (a) of the Act;
- (l) provide any information and produce any reports or documents concerning an inspection conducted, which may have bearing on a complaint;
- (m) serve summons on a any person by handing a true copy to such person personally or where such person could not be found by handing a true copy to a person apparently above the age of 16 years and apparently residing or employed at the place of employment or business of the therein named person at the place of residence, employment or business of the person therein named who, in the Tribunal's opinion may be able to provide any information concerning a complaint, to appear before the Tribunal as contemplated in section 13 (3)(e) of the Act and to produce any book or any other document as the Tribunal may determine;
- (n) assist the Tribunal in conducting any preliminary inquiry to provide a complete record of all relevant information acquired through inspections and investigations;
- (o) submit applications to a Magistrates Court to prosecute when instructed by the Tribunal to do so;
- (p) deliver written recommendations of the Tribunal to a party against whom action will be taken for non-compliance with the Unfair Practices Regulations; and

- (q) do anything in the reasonable execution of functions and duties required by these regulations, the Act or the Tribunal.
- (2) All Tribunal staff appointed in terms of section 11 of the Act shall have the following powers, functions and duties-
- (a) receives written complaints, open files and enter the complaints in the register;
 - (b) review complaints and screen complaints in respect of the jurisdiction of the Tribunal and advise complainants accordingly in writing;
 - (c) conduct preliminary investigations;
 - (d) keep records about the status of complaints and their outcomes;
 - (e) receive and carry out the instructions of the Tribunal and prepare the necessary documentation for the Tribunal;
 - (f) schedule mediation and Tribunal hearings and notify parties about the place, date and time of such hearings in writing; and
 - (g) mechanically record proceedings in mediation and Tribunal hearings.

Enforcement

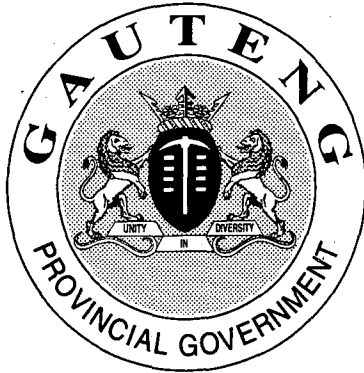
8. (1) If a respondent who is alleged to have engaged in an unfair practices does not respond to inquiries by the staff of the Tribunal when the complaint is initially lodged or if the respondent refuses to participate in an effort to resolve the matter, the Tribunal may proceed to investigate and determine whether there has been a violation of the unfair practices regulations, and to make a ruling which is just and fair in the circumstances.

- (2) The Tribunal or a party to a dispute may seek enforcement of a ruling, a mediation award or the Unfair Practices Regulations in a court of law.
- (3) Prior to enforcement the Tribunal may review the complaint or mediation agreement and any statements, documents and other relevant information to determine if the matter is ready for prosecution. If the Tribunal determines that additional information is required it may –
 - (a) refer the matter for additional investigation ;
 - (b) summon any person to provide additional information; or
 - (c) administer the oath in the prescribed form contained in Schedule 3 as provided for in terms of section 13 (3) (f) of the Act.
- (4) Following review of the complaint or the mediation agreement and any other relevant material, including information obtained through additional investigation, the Tribunal shall prepare a written recommendation regarding prosecution of the matter, which sets forth the factual and legal basis for further action, if any.
- (5) If the recommendation is to proceed with prosecution, the written recommendation shall be delivered to the party against whom action will be taken, notifying the party that the Tribunal will seek prosecution and provide the party with an opportunity, at a specified date, to appear before the Tribunal and give evidence or present argument regarding the matter.
- (6) If the party against whom action will be taken elects to appear before the Tribunal there shall be a hearing to determine what action the Tribunal will take regarding the recommendation to proceed with prosecution whereby –
 - (a) the complainant and the respondent may give evidence under oath administered under section 13 (3) (f) of the Act;

- (b) the Tribunal acting on its own or at the request of a party, may issue summons under section 13(3)(d) and (e) of the Act to obtain relevant evidence or testimony; and
 - (c) following the hearing, the tribunal shall issue a written ruling specifying the factual and legal basis for its action.
- (7) If the Tribunal decides to proceed with prosecution it shall direct the staff to refer the matter to the relevant prosecuting authority.

Short title and Commencement

9. These regulations are called the Rental Housing Tribunal Procedural Regulations, 2001.



**GAUTENG DEPARTMENT OF HOUSING
RENTAL HOUSING TRIBUNAL**

Schedule 1

COMPLAINT FORM FOR THE RENTAL HOUSING TRIBUNAL

FOR OFFICIAL USE

REFERENCE NO:

SURNAME:

FORENAMES (S):

NAME OF ASSOCIATION (S):

ID NUMBER:

BUSINESS /RESIDENTIAL ADDRESS (FLAT NAME, ROOMNO, STREET NAME):

POSTAL ADDRESS:

BUSINESS TELEPHONE NO:

HOME TELEPHONE NO:

FAX NUMBER:

B. DETAILS OF DWELLING

NUMBER OF UNITS IN BUILDING: (IF APPLICABLE)

NUMBER OF TENANTS LIVING IN THE DWELLING

LOCATION OF DWELLING

C. PARTICULARS OF TENANT/LANDLORD COMMITTEE MEMBERS

NAME:		
CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:		
NAME:		
CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:		
NAME:	TEL:	FAX:
CONTACT NUMBER:		
DWELLING NUMBER:		
NAME:		
CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:		
NAME:		
CONTACT NUMBER:	TEL:	FAX:
DWELLING NUMBER:		

D. PARTICULARS OF PERSON AGAINST WHOM THE COMPLAINT IS LODGED

NAME OF TENANT/LANDLORD ASSOCIATION:	
CONTACT TELEPHONE NO:	TEL:
FAX NO:	
PERMANENT RESIDENTIAL ADDRESS(FLAT NAME, ROOM NO, STREET NAME):	
POSTAL ADDRESS (IF DIFFERENT):	

E. ADDITIONAL INFORMATION

NAME OF CARETAKER:	
CONTACT NUMBER:	TEL:
FAX NO:	
NAME OF OWNER OF BUILDING:	
CONTACT NUMBER:	TEL:

FAX NO:	
PERMANENT RESIDENTIAL ADDRESS(FLAT NAME, ROOM, NO, STREET NAME):	
POSTAL ADDRESS:	
NAME OF MANAGING AGENT:	
CONTACT NUMBER:	TEL:
FAX NO:	
NAME OF BOND HOLDER:	
CONTACT NUMBER:	TEL:
FAX:	

F PERSON/ORGANISATION THAT REFERED THE COMPLAINANT

NAME:
TEL:
FAX:
REF NO:

G LIST OF COMPLAINTS/DISPUTES

1.
2.
3.
4.

H (FINANCIAL STATUS OF BUILDING)

FINANCIAL STATUS OF YOUR DWELLING

TOTAL ELECTRICITY ARREARS	R
TOTAL WATER ARREARS	R
TOTAL RATES & TAXES OWED TO COUNCIL	R
TOTAL OWED TO THE MANAGING AGENT	R

I HAS AN COMPLAINT FOR THIS BUILDING BEEN SUBMITTED BEFORE

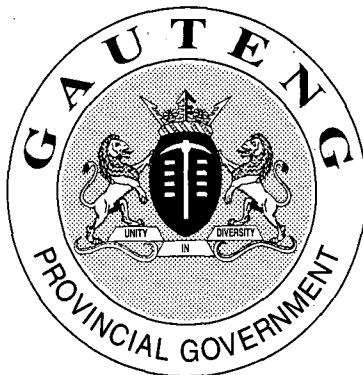
YES ☐

NO ☐

J IS THERE NEED FOR INSPECTIONYES ☐NO ☐**NAME OF COMPLAINANT:** _____**SIGNATURE:** _____**DATE:** _____**FOR OFFICIAL USE****NAME OF MEMBER OF STAFF:** _____**SIGNATURE:** _____**DATE OF RECEIPT OF COMPLAINT:** _____

GAUTENG DEPARTMENT OF HOUSING

RENTAL HOUSING TRIBUNAL



Schedule 2

RENTAL HOUSING TRIBUNAL SUMMONS

FOR OFFICIAL USE

Reference Number

HELD AT:

*IN THE MATTER BETWEEN :

..... Complainant

and

..... Respondent

TO:

NAME:

SEX

☐ F

☐ M

ADDRESS:

AGE

You are required to appear in person in your own capacity or in your capacity as the representative/agent/director/member.....and/or asbefore the Tribunal at on the..... day of.....20....., at..... time.

*In the above mentioned complaint to give evidence or produce books, papers, or documents on behalf of..... for the purpose of an investigation, hearing, mediation or ruling and/or to bring with you and then produce to the Tribunal any document or book under your control or to bring with you and produce at the hearing /meeting, several books, papers or documents specified in the list hereunder:

LIST OF BOOKS, PAPERS OR DOCUMENTS TO BE PRODUCED

DATE	DESCRIPTION	ORIGINAL COPY

PLEASE NOTE:

1. It is an offence in terms of Section 16 of the Rental Housing Act, 1999 and the Regulations promulgated thereunder not to comply with this Summons.
2. If any person so summoned fails to appear or unless duly excused, to remain in attendance throughout the proceedings before the Tribunal, and in case no lawful excuse for such failure seems to exist, such person may be convicted of an offence and may liable to a fine or to imprisonment, not exceeding three years or to both a fine and imprisonment

DATED AT : **ON THIS** **DAY OF** **20**.....

RENTAL HOUSING TRIBUNAL

* Delete words not applicable

FOR OFFICIAL USE

I, the undersigned certify that I have served this summons upon the within-named person by-

*(a) delivering a true copy to him/her personally

*(b) delivering as he/she could not be found, a true copy
to.....
a person apparently above the age of 16 years and apparently residing or employed at the
.....'s place of residence/employment/business.

at
.....

The nature, exigency and the consequences of this subpoena was explained to the recipient thereof.

Time:.....Day.....Month.....20.....

Place:.....

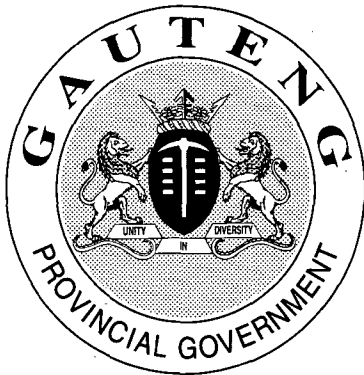
Signature of recipient:

Full name:.....

Capacity:.....

Signature of official:.....

Full name:.....



GAUTENG DEPARTMENT OF HOUSING

RENTAL HOUSING TRIBUNAL

Schedule 3

OATHS AND AFFIRMATIONS

If a person objects to taking an oath or affirmation in a form set out in this Annexure or it appears that a person would not regard an oath or affirmation in such a form as binding on his or her conscience, such person may take an oath or affirmation to the same effect as set out in the applicable part of this Annexure or in another form that the person considers binding on that persons conscience.

PART: 1

Oath or affirmation by person summoned to appear before the Tribunal in terms of section 13 (3) (e) & (f) of the Rental Housing Act, 1999.

"I, _____, * swear/ solemnly affirm* that the answers that I give are the truth, the whole truth and nothing but the truth.

(In the case of oath:) so helps me God"

"I, _____, *swear /solemnly affirm* that the evidence which I shall give is the truth, the whole truth and nothing but the truth.

(In the case of an oath:) so help me God"

(*delete what is not applicable)

Deponent

RENTAL HOUSING TRIBUNAL

PART: 2**Oath or affirmation by interpreter**

"I, _____, *swear/ solemnly affirm* that when called upon to perform the functions of an interpreter in the proceeding of the Rental Housing Tribunal, I will truly and correctly to the best of my ability interpret from the language which I may be called upon to interpret into another language as required by the Tribunal, and the other way around.

(In the case of an oath) so help me God".

(*Delete what is not applicable).

Deponent

Rental Housing Tribunal

PART: 3

Oath or affirmation by Transcriber

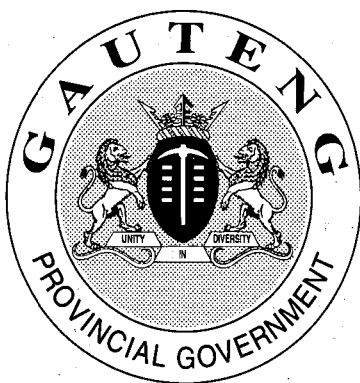
I, _____, *swear /solemnly affirm* –

- (a) * that I shall faithfully and to the best of my ability *take down / record* the proceedings of the Rental Housing Tribunal conducted in terms of section 13(2) (d) of the Rental Housing Act, 1999 *by hand/mechanical means* as ordered by the chairperson of the Tribunal or other person presiding,
- b) * that I shall transcribe fully and to the best of my ability *hand notes/a mechanical record* of the proceedings of the Rental Housing Tribunal in terms of section 13(2) (d) of the Rental Housing Act, 1999 made by me or another person.

(*Delete what is not applicable)

Deponent

Rental Housing Tribunal



SCHEDULE 4

**AGREEMENT TO MEDIATE FOR THE
RENTAL HOUSING TRIBUNAL**

FOR OFFICIAL USE

Complainant/s

I/We: _____ residing at _____
do hereby consent to mediation between My/Ourselves and the Landlord/Tenant in respect of the
complaint lodged with the Rental housing Tribunal.

Signed at: _____ on this _____ day of _____ 20____.

SIGNATURE: _____

 NAME: _____
(PLEASE PRINT)

WITNESS 1: _____

WITNESS 2: _____

Respondent/s

I/We _____ do hereby consent to mediation
between My/Ourselves and _____ in respect of the
complaint lodged with the Rental Housing Tribunal.

Signed at _____ on this _____ day of _____ 20____

SIGNATURE _____

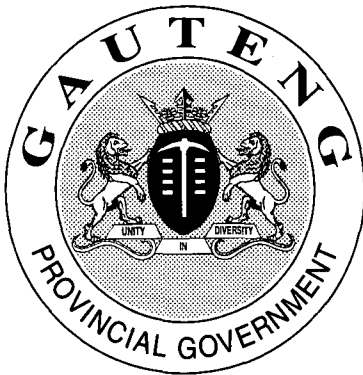
 NAME _____
(PLEASE PRINT)

WITNESS 1: _____

WITNESS 2: _____

GAUTENG DEPARTMENT OF HOUSING

RENTAL HOUSING TRIBUNAL



Schedule 2

RENTAL HOUSING TRIBUNAL SUMMONS

FOR OFFICIAL USE

Reference Number:

HELD AT:

*IN THE MATTER BETWEEN :

..... Complainant

and

..... Respondent

TO:

NAME:

SEX ☐ F ☐ M

AGE

ADDRESS:

You are required to appear in person in your own capacity or in your capacity as the representative/agent/director/member.....and/or asbefore the Tribunal at on the..... day of.....20....., at..... time.

*In the above mentioned complaint to give evidence or produce books, papers, or documents on behalf of..... for the purpose of an investigation, hearing, mediation or ruling and/or to bring with you and then produce to the Tribunal any document or book under your control or to bring with you and produce at the hearing /meeting, several books, papers or documents specified in the list hereunder:

LIST OF BOOKS, PAPERS OR DOCUMENTS TO BE PRODUCED

<u>DATE</u>	<u>DESCRIPTION</u>	<u>ORIGINAL COPY</u>

PLEASE NOTE:

1. It is an offence in terms of Section 16 of the Rental Housing Act, 1999 and the Regulations promulgated thereunder not to comply with this Summons.
2. If any person so summoned fails to appear or unless duly excused, to remain in attendance throughout the proceedings before the Tribunal, and in case no lawful excuse for such failure seems to exist, such person may be convicted of an offence and may be liable to a fine or to imprisonment, not exceeding three years or to both a fine and imprisonment

DATED AT : ON THIS DAY OF 20.....

RENTAL HOUSING TRIBUNAL

* Delete words not applicable

FOR OFFICIAL USE

I, the undersigned certify that I have served this summons upon the within-named person by-

*(a) delivering a true copy to him/her personally

*(b) delivering as he/she could not be found, a true copy
to.....
a person apparently above the age of 16 years and apparently residing or employed at the
.....'s place of residence/employment/business.

at
.....

The nature, exigency and the consequences of this subpoena was explained to the recipient thereof.

Time:.....Day.....Month.....20.....

Place:.....

Signature of recipient:

Full name:.....

Capacity.....

Signature of official:.....

Full name:.....

KENNISGEWING 2131 VAN 2001

KONSEPREËLS

VERHURINGSWET OP BEHUISING, 1999

**REGULASIES MET BETREKKING TOT DIE VERHURINGSPROSEDURES VIR
BEHUISING, 2001**

Die Lid van die Uitvoerende Raad verantwoordelik vir behuising in die Gauteng-provinsie het die regulasies in die skedule, kragtens artikel 15(1) van die Verhuringswet op Behuising van 1999 (Wet 50 van 1999) opgestel.

SKEDULE

Definisies

1. In die regulasies beteken enige uitdrukking wat in die Wet omskryf word dieselfde as die betekenis wat die Wet daaraan toeskryf, tensy dit uit die konteks duidelik anders blyk –

"klaer" beteken 'n persoon wat 'n klag, wat binne die jurisdiksie van die Tribunaal val, indien by die Tribunaal;

"mediasie" beteken 'n vrywillige proses wat behels wat 'n lid van die Tribunaal, 'n personeellid, of 'n persoon wat deur die Tribunaal genomineer is, die partye help om 'n dispuut te besleg;

"party " beteken 'n persoon wat deelneem aan mediasie of enige ander dispuutbeslegtingsmeganisme wat deur die Tribunaal gereël word;

"register " beteken die register wat bedoel word artikel 13 (8) van die Wet;

"respondent" beteken 'n persoon teen wie 'n klag by die Tribunaal ingedien is;

"die Wet" beteken die Verhuringswet op Behuising, 1999 (Wet 50 van 1999);

"die Wet" beteken die Verhuringswet op Behuising, 1999 (Wet 50 van 1999);

"Tribunaal" beteken 'n Tribunaal vir Verhuring van Behuising, soos gevestig kragtens artikel 7 van die Wet; en

"regulasies oor onregverdige praktyke" beteken die regulasies wat betrekking het op die beheer van onregverdige praktyke wat saamgestel is kragtens artikel 15 (1) (f) van die Wet.

Klagtes oor huisvesting

2. (1) 'n Huurder of eienaar of groep eenaars of groep huurders of belangegroep kan 'n klag indien by die Tribunaal as 'n voorwaarde van die Wet oortree word, of in geval van 'n onregverdige praktyk, soos bedoel in die Regulasies oor onregverdige praktyke. Die vorm in Skedule 1 moet gebruik word om die klag skriftelik in te dien.

(2) Klagtes kan soos volg ingedien word –

- (a) Per pos;
- (b) By die Inligtingsafdeling van die Verhuringskantoor binne die jurisdiksiegebied van die plaaslike owerheid waarbinne die woning geleë is;
- (c) By die kantoor van die Tribunaal; of
- (d) Per faks en die bevestiging van suksesvolle versending dien as bewys dat die klag ontvang is.

(3) 'n Klag word beskou asof dit ingedien is op die datum waarop die Tribunaal dit ontvang.

Jurisdiksie

3. (1) 'n Klag val binne die Tribunaal se jurisdiksie as -

- (a) Dit betrekking het op 'n woning wat in die Gauteng-provinsie geleë is.
- (b) Die klag betrekking het op 'n onregverdige praktyk; en

- (c) Die klag betrekking het op die oortreding of skending van die Wet en/of die Regulasies oor onregverdige praktyke
- (2) As die klag nie binne die jurisdiksie van die Tribunaal val nie, sal die klaer -
 - (a) Skriftelik binne 30 (dertig) dae na ontvangs van die klag ingelig word dat die Tribunaal nie in die saak kan optree nie;
 - (b) Ingelig word dat hy of sy binne 30 (dertig) dae na die datum van so 'n kennisgewing mag versoek dat die Tribunaal die besluit oor jurisdiksie hersien; en
 - (c) Binne 30 (dertig) dae na ontvangs van die klag 'n toepaslike verwysing kry, indien dit moontlik is.

Onderzoek

- 4. (1) Die volgende stappe moet gedoen word ten opsigte van enige klag wat ingedien word en binne die jurisdiksie van die Tribunaal val -
 - (a) 'n lêer moet geskep word en 'n verwysingsnommer moet toegeken word aan die klag. Verder moet die besonderhede van die woning wat betrekking het op die klag, ingevul word in die register;
 - (b) die klaer moet 'n ontvangserkenning ontvang en die bewys moet die verwysingsnommer aandui;
 - (c) die Tribunaal moet sodanige voorlopige ondersoeke doen as wat nodig mag wees om te bepaal of die klag verband hou met 'n dispuut wat betrekking het op 'n klag wat spruit uit 'n onregverdige praktyk. Die tribunaal kan vir die doel enige addisionele inligting bekom wat nodig mag wees om 'n volledige en ware beskrywing van die klaer of die respondent te verkry;
 - (d) die klag moet oorweeg word op grond van al die inligting wat ontvang is; en
 - (e) indien nodig, moet 'n inspekteur 'n formele verslag opstel nadat die woning wat betrokke is by die klag ondersoek is.

Beslegting van dispute

5. (1) As die Tribunaal bepaal dat die klag nie betrekking het op 'n dispuut wat spruit uit 'n onregverdige praktyk nie, of dat die Tribunaal nie die nodige hulp kan verleen nie, moet die Tribunaal -
- (a) die klaer binne 30 (dertig) in kennis stel daarvan dat die Tribunaal nie gaan optree nie;
 - (b) die klaer toepaslik verwys, indien dit moontlik is; en
 - (c) die besluit aanteken en die saak afsluit in die register.
- (2) As 'n saak nie weggewys word, of hanteer word soos voorsien word in (1) hierbo nie, moet die Tribunaal na die voorlopige ondersoek formeel besluit dat 'n dispuut bestaan en die partye binne 30 (dertig) dae inlig oor die besluit.
- (3) Sodra besluit is dat 'n dispuut bestaan, is die klag onderhewig aan subregulasie (4) hieronder en moet dit deur mediasie, soos bepaal deur artikel 13 (2) (c) van die Wet, of met behulp van 'n formele verhoor, soos bepaal in afdeling 13 (2) (d) van die Wet besleg word.
- (4) Die taal van mediasie en/of 'n formele verhoor moet deur al die betrokke partye verstaan word en vir dié doel sal die dienste van 'n tolk verkry word indien dit nodig is.

Mediasie

6. (1) As die Tribunaal voel dat die dispuut deur mediasie besleg kan word, kan die Tribunaal 'n bemiddelaar aanstel. Die persoon kan 'n lid wees van die Tribunaal, 'n lid van die personeel, of enige persoon wat na die Tribunaal se mening geskik en toepaslik sal kan optree om die dispuut te beslet.
- (2) Die mediasieproses moet die volgende stappe insluit -
- (a) Die bemiddelaar moet die saak van vertroulikheid voor die mediasieproses met al die partye bespreek. As een van die partye versoek dat inligting vertroulik gehou moet word deur die mediasieproses of daarna en die partye stem in tot daardie bepaling vir die

mediasieproses, geld die verbintenis tot vertroulikheid as deel van die ooreenkoms tot enige mediasie;

- (b) Die bemiddelaar moet aan die begin van die proses die partye in kennis stel dat die bemiddelaar bloot optree as fasiliteerder in 'n poging om die dispuut tussen die partye te besleg en dat die uiteindelijke besluit by die partye berus, nie by die bemiddelaar nie;
- (c) die bemiddelaar moet die betrokke partye inlig dat die mediasieproses soos volg kan lyk -
 - (i) elke party sal 'n geleentheid kry om sy saak te stel;
 - (ii) elke party kan op enige punt in die mediasieproses verdaag om in 'n ander vertrek of kantoor te kookus;
 - (iii) die bemiddelaar kan met die toestemming van die betrokke partye die kookus bywoon om voorstelle te maak; en
 - (iv) die bemiddelaar moet enige voorstel, houding, aanduiding of gevoel wat uit 'n kookusvergadering spruit oordra aan die ander party;
- (d) die bemiddelaar kan net optree as tussenganger as hy of sy onpartydig kan optree in die betrokke saak, ten opsigte van al die betrokke partye en die saak waaroor die dispuut handel;
- (e) die bemiddelaar moet al die werklike of potensiele strydige belange aan die partye blootlê en mag nie in so 'n geval optree as bemiddelaar as sodanige konflik bestaan nie; en
- (f) as die die bemiddelaar op enige punt voel dat een van die partye wat betrokke is by mediasie, nie die mediasieproses ten volle verstaan nie en nie ten volle kan deelneem aan die proses nie weens 'n geestes- of

emosionele versteuring, omdat die party onder die invloed is van alkohol, weens taalverskille of ander redes, moet die bemiddelaar die omvang van die mediasie beperk tot 'n vlak wat ooreenstem met die party se vermoë om deel te neem en voorstel dat die party behoorlike hulp verkry om voort te kan gaan met die mediasieproses, of die bemiddelaar moet in so 'n geval die mediasieproses uitstel.

- (5) Die bemiddelaar moet probeer om getuienis of dokumentasie wat na die bemiddelaar se mening nodig is, op 'n vrywillige grondslag te bekom as dit bekom moet word van 'n party wat nie deel is van die mediasieproses nie en die bemiddelaar moet alle pogings om die inligting te verkry in die lêer aanteken.
- (6) Die Tribunaal moet eers toestem daartoe, voordat dagvaarding uitgereik mag word.
- (7) Mediasie moet binne 30 (dertig) dae afgehandel word. As dit nie moontlik is nie, kan die proses met die toestemming van die Tribunaal verleng word om langer as 30 (dertig) dae te duur.
- (8) As die partye nie 'n ooreenkoms bereik deur mediasie nie, moet die dispuut na die Tribunaal verwys word vir 'n formele verhoor en bevel kragtens artikels 13 (3), (4), (5), (6) en (12) van die Wet.
- (9) Die partye mag nie op enige wyse gedwing word om 'n ooreenkoms aan te gaan nie. As die mediasie lei tot 'n ooreenkoms, moet dit op skrif gestel word en deur al die partye én die bemiddelaar onderteken word. Dit moet ook so in die register aangeteken word. Voordaat die partye versoek word om die ooreenkoms te onderteken, moet die bemiddelaar seker maak dat elke party die ooreenkoms ten volle verstaan en dat hulle dit vrywilliglik aangaan.
- (10) As die mediasieproses nie lei tot 'n ooreenkoms nie, moet die bemiddelaar 'n verslag opstel waarin die getuienis opgesom word sodat dit gebruik kan word tydens 'n formele verhoor deur die Tribunaal. Verder moet die verslag aandui of die getuienis bewys dat die regulasies oor onregverdigde praktyke oortree is.

- (11) As enige party tot 'n dispuut wat besleg is deur arbitrasie beweer dat die ander party versuim het om die ooreenkoms na te kom, kan daardie party aansoek doen om regshulp deur die bewerings skriftelik in te dien by die Tribunaal.
- (12) Sodra die verslag van beweerde versuim om die ooreenkoms na te kom by die Tribunaal ontvang word, sal die Tribunaal die bewerings ondersoek om te bepaal of daar wel afgewyk is van die bepalinge van die ooreenkoms en om die betrokke partye te dagvaar om voor die Tribunaal te verskyn vir 'n amptelike verhoor.
- (13) As bevind word dat sodanige bewering waar is, sal die Tribunaal 'n verhoor reël en op grond daarvan 'n bevel uitreik wat na die Tribunaal se oordeel billik en redelik is.

Magte, pligte en funksies van inspekteurs en die Tribunaal-personeel

7. (1) Alle inspekteurs wat aangestel word kragtens artikel 11 van die Wet het die volgende magte, pligte en funksies. Hulle moet -
 - (a) Gereeld geboue inspekteer en skriftelike inspeksieverslae indien wanneer die Tribunaal en personeellede dit versoek;
 - (b) Eienaars van eiendom opspoor op grond van inligting wat by die Aktekantoor gehou word en met hulle in aanraking kom;
 - (c) Klaers en respondente raadpleeg en alle inligting wat bekom word aanteken;
 - (d) Beëdigde verklarings van partye wat betrokke is in 'n dispuut en ander betrokke partye bekom;
 - (e) Getuig voor die Tribunaal as hulle versoek word om dit te doen;
 - (f) Kopieë van alle boeke en dokumente wat betrekking kan hê op 'n eis kry en ondersoek;

- (g) Skakel met enige plaaslike owerheid om vas te stel of eiendomsbelasting agterstallig is en hoeveel betaalbaar is ten opsigte van 'n bepaalde woning;
- (h) Die wettige status van inwoners bepaal as beweer word dat onwettige onderverhuring plaasvind;
- (i) Kennisgewings en ander dokumentasie beteken op partye wat betrokke is by 'n dispuut;
- (j) Kopieë van alle kwitansies wat betrekking het op 'n woning kry, in gevalle waar dit betrekking het op 'n klag;
- (k) Verslae met betrekking tot navrae en klagtes soos bedoel in artikel 13 (3) (a) van die Wet, verkry van enige Inligtingsafdeling van 'n Verhuringskantoor wat gevestig is kragtens die Wet;
- (l) Enige inligting voorsien en enige verslae of dokumente wat betrekking het op 'n inspeksie wat uitgevoer is indien, as dit betrekking kan hê op 'n klag wat ingedien is;
- (m) Dagvaarding beteken op enige persoon, deur 'n ware weergawe persoonlik aan 'n persoon, wat na die Tribunaal se mening inligting kan verskaf met betrekking tot 'n klag, soos bedoel in artikel 13 (3) (e) van die Wet, of wat na die mening van die Tribunaal boeke of dokumente kan voorsien, te oorhandig, of waar sodanige persoon nie beskikbaar is nie, deur 'n ware weergawe aan 'n persoon, wat skynbaar ouer is as 16 (sestien) jaar en klaarblyklik saam met die persoon wat in die dagvaarding genoem word woon of by die selfde diensgewer werk, by die persoon se woning, diensgewer of besigheidsperseel te oorhandig;
- (n) Die Tribunaal bystaan met enige voorlopige ondersoek om 'n volledige rekord op te stel van alle betrokke inligting wat verkry is deur inspeksies of ondersoeke;

- (o) Aansoeke indien by 'n landdroshof om 'n persoon te vervolg, wanneer die Tribunaal opdrag gegee word dat dit gedoen moet word;
 - (p) Skriftelike aanbevelings van die Tribunaal beteken op 'n party teen wie opgetree gaan word omdat daar nie voldoen is aan die Regulasies oor onregverdige praktyke nie; en
 - (q) Enige iets doen wat nodig is om die funksies en pligte wat vereis word deur die regulasies, die Wet of die Tribunaal redelikerwys uit te voer.
- (2) Alle Tribunaal-personeellede wat aangestel word kragtens artikel 11 van die Wet het die volgende magte, funksies en pligte. Hulle moet -
- (a) Skriftelike klagtes ontvang, lêers open en alle klagtes in die register aanteken;
 - (b) Klagtes nagaan en sif om te bepaal of dit binne die jurisdiksie van die Tribunaal val en klaers ooreenkomstig skriftelik inlig;
 - (c) Voorlopige ondersoeke doen;
 - (d) Rekords hou van die stand van klagtes en hoe dit besleg is;
 - (e) Instruksies van die Tribunaal ontvang en uitvoer, met voorbereiding van die nodige dokumentasie vir die Tribunaal;
 - (f) Mediasie- en Tribunaalverhore skeduleer en die partye skriftelik in kennis stel van die plek, datum en tyd van sodanige verhore; en
 - (g) Verrigtinge tydens mediasie- en Tribunaalverhore meganies opneem en aanteken.

Afdwingbaarheid

8. (1) As 'n respondent wat na bewering betrokke was by onregverdige praktyke nie reageer op navrae van die personeel of Tribunaal wanneer die klag aanvanklik ingedien word nie, of as die respondent weier om deel te neem aan pogings om die saak te besleg, kan die Tribunaal voortgaan met die ondersoek en bepaal of die regulasies oor onregverdige praktyke geskend is. Die Tribunaal kan dan 'n bevel uitreik wat regverdig en billik is in die bepaalde omstandighede.
- (2) Die Tribunaal of 'n party wat betrokke is by 'n dispuut kan aansoek doen dat 'n bevel, mediasiebesluit, of die Regulasies oor onregverdige praktyke in 'n hof afgedwing word.
- (3) Voordat die Tribunaal 'n besluit afdwing, kan dit die klag of mediasie-ooreenkoms en enige verklarings, dokumente en ander betrokke inligting hersien om te bepaal of die saak gereed is om 'n party te vervolg. As die Tribunaal besluit dat addisionele inligting nodig is, kan -
- (a) Die saak verwys word vir verdere ondersoek;
 - (b) Enige persoon wat addisionele inligting kan voorsien gedagvaar word; of
 - (c) Die voorgeskrewe eed in Skedule 3, soos voorsien word in artikel 13 (3) (f) van die Wet afgelê word.
- (4) Nadat die klag, mediasie-ooreenkoms en enige ander betrokke inligting, met inbegrip van inligting wat verkry is deur addisionele ondersoeke, verkry is, kan die Tribunaal 'n skriftelike voorstel indien met betrekking tot vervolging in die saak. Die voorstel kan die feitelike en wettige gronde vir verdere optrede, indien enige, uiteensit.
- (5) As die Tribunaal aanbeveel dat Tribunaal vervolging nodig is, moet die skriftelike aanbeveling op die persoon teen wie opgetree gaan word beteken word. Dit moet die persoon inlig dat die Tribunaal regstappe instel en moet die persoon die geleentheid gee om op 'n bepaalde datum voor die Tribunaal te verskyn om getuienis te lewer of om bewys te lewer in die betrokke saak.

- (6) As die party teen wie opgetree gaan word verkies om voor die Tribunaal te verskyn, sal die Tribunaal 'n verhoor hou om te bepaal hoe opgetree sal word met betrekking tot die aanbeveling om voort te gaan met vervolging. Dit behels die volgende -
 - (a) Die klaer en respondent kan onder eed getuig soos voorsien word kragtens artikel 13 (3) (f) van die Wet;
 - (b) Die Tribunaal kan in eie reg of op versoek van 'n party dagvaarding uitreik kragtens artikels 13(3)(d) en (e) van die Wet om betrokke getuienis of bewyse te verkry; en
 - (c) Die Tribunaal kan na die verhoor 'n skriftelike bevel uitreik waarin die feitelike en wettige gronde vir sy optrede uiteengesit word.
- (7) As die Tribunaal besluit om voort te gaan met die vervolging, sal die personeel opdrag kry om die saak te verwys na die betrokke vervolgingsowerheid.

Kort titel en aanvangsdatum

9. Die regulasies is bekend as die Regulasies oor onregverdige praktyke van 2001.

GAUTENGSE DEPARTEMENT VAN BEHUISING**VERHURINGSTRIBUNAAL VIR BEHUISING****Skedule 1****KLAGVORM VIR DIE VERHURINGSTRIBUNAAL VIR BEHUISING****VIR KANTOORGEBRUIK****VERWYSINGSNR:****A. BESONDERHEDE VAN KLAER**

VAN: _____

VOORNAAM(NAME): _____

NAAM VAN VERENIGING(S): _____

IDENTITEITSNOMMER: _____

SAKE-/WOONADRES (WOONSTEL SE NAAM, KAMERNOMMER, STRAATNAAM): _____

POSADRES: _____

BESIGHEIDSTELEFOONNR: _____

HUISTELEFOONNR: _____

FAKSNOMMER: _____

B. BESONDERHEDE VAN WONING

GETAL EENHEDE IN GEBOU: (WAAR VAN TOEPASSING) _____

GETAL HUURDERS WAT IN DIE WONING WOON _____

LIGGING VAN DIE WONING _____

C. BESONDERHEDE VAN DIE HUURDER-/EIENAARKOMITEELEDE

NAAM:		
TELEFOONNOMMER:	TEL:	FAKS:
WOONEENHEIDNOMMER:		
NAAM:		
TELEFOONNOMMER:	TEL:	FAKS:
WOONEENHEIDNOMMER:		
NAAM:		
TELEFOONNOMMER:	TEL:	FAKS:
WOONEENHEIDNOMMER:		
NAAM:		
TELEFOONNOMMER:	TEL:	FAKS:
WOONEENHEIDNOMMER:		

D. BESONDERHEDE VAN PERSOON TEEN WIE DIE KLAG GELê WORD

NAAM VAN HUURDER-/EIENAARVERENIGING:
TELEFOONNOMMER:
FAKSNOMMER:
PERMANENTE WOONADRES (WOONSTEL SE NAAM, KAMERNOMMER, STRAATNAAM):
POSADRES (AS DIT VERSKIL):

E. ADDISIONELE INLIGTING

NAAM VAN OPSIGTER:	
TELEFOONNOMMER:	TEL:
FAKSNOMMER:	
NAAM VAN DIE EIENAAR VAN DIE GEBOU:	
TELEFOONNOMMER:	TEL:

FAKSNOMMER:

PERMANENTE WOONADRES (WOONSTELNAAM, KAMERNOMMER, STRAATNAAM):

POSADRES:

NAAM VAN BESTURENDE AGENT:

TELEFOONNOMMER:

FAKSNOMMER:

NAAM VAN VERBANDHOUER:

TELEFOONNOMMER: TEL:

FAKSNOMMER:

F PERSOON/ORGANISASIE WAT DIE KLAER VERWYS HET

NAAM:

TEL:

FAKS:

VERWYSINGSNR:

G LYS VAN KLAGTES/DISPUTE

1.

2.

3.

4.

H (FINANSIËLE STAND VAN GEBOU)**FINANSIËLE STAND VAN U GEBOU**

TOTALE AGTERSTALLIGE ELEKTRISITEITSREKENING R

TOTALE AGTERSTALLIGE WATERREKENING R

TOTALE EIENDOMSBELASTING VERSKULDIG AAN RAAD R

TOTAAL VERSKULDIG AAN BESTURENDE AGENT R

I IS DAAR AL VOORHEEN 'N KLAG INGEDIEN OOR DIE GEBOU?

JA

☐

NEE

☐

J MOET DIE GEBOU GEÏN SPEKTEER WORD?

JA

☐

NEE

☐

NAAM VAN KLAER: _____

HANDTEKENING: _____

DATUM: _____

VIR KANTOORGEBRUIK

NAAM VAN PERSONEELLID: _____

HANDTEKENING: _____

DATUM WAAROP KLAG ONTVANG IS: _____

GAUTENGSE DEPARTMENT VAN BEHUISING**VERHURINGSTRIBUNAAL VIR BEHUISING****Skedule 2****DAGVAARDING VIR BEHUISINGSTRIBUNAAL****VIR KANTOORGEBRUIK****Verwysingsnommer:****GEHOU TE:*****IN DIE SAAK TUSSEN :**

.....

Klaer

en

.....

Respondent

AAN:**NAAM:****GESLAG**☐**M****ADDRESS:****OUDERDOM**☐

U moet persoonlik in u eie hoedanigheid of u hoedanigheid as die
 verteenwoordiger/agent/direkteur/lid.....en/of as
verskyn voor die tribunaal te op
 die..... dag van20....., om..... (tyd).

* Vir die doel van die klag om bewys te lewer of om enige dokumente, inligting of boeke
 te voorsien namens vir die doel van 'n ondersoek, verhoor, arbitrasie, of bevel
 en/of om enige boek of document onder u beheer saam te bring en om verskillende
 dokumente of boeke wat in die lys hieronder gespesifiseer word saam met u bring en
 voor te lê wanneer u die tribunaal bywoon:

LYS VAN BOEKE OF DOKUMENTE WAT VERSKAF/INGEDIEN MOET WORD

<u>DATUM</u>	<u>BESKRYWING</u>	<u>OORSPRONKLIKE KOPIE</u>

LET WEL:

1. Versuim om te voldoen aan die vereistes van die dagvaarding is 'n oortreding van artikel 16 van die Wet op Verhuringsbehuising van 1999 en Regulasies wat kragtens die Wet gepromulgeer is.
2. As enige persoon wat so gedagvaar word, versuim om vir die duur van die verrigtinge voor die tribunaal te verskyn, tensy hy/sy behoorlik verskoning aangeteken het, of as dit blyk dat daar nie 'n wettige verskoning bestaan vir die versuim om dit by te woon nie, kan die persoon skuldig bevind word aan 'n oortreding en 'n boete of tronkstraf van hoogstens drie jaar, of 'n boete en tronkstraf kan in so 'n geval opgelê word.

ONDERTEKEN OP HIERDIE DAG VAN

VERHURINGSRAAD - BEHUISING

*** Skrap woorde wat nie van toepassing is nie**

VIR AMPTELIKE GEBRUIK

Ek die ondergetekende bevestig dat ek die dagvaarding beteken het op die persoon wat hierin genoem word deur-

*(a) 'n ware kopie persoonlik op hom/haar te beteken,

*(b) 'n ware kopie op

.....,
'n persoon wat skynbaar ouer is as 16 jaar en skynbaar saam met
..... woon of werk omdat nie opgespoor
kon word nie,

te

.....

.....

Die aard, dringendheid en die gevolge van die dagvaarding is aan die ontvanger verduidelik.

Tyd.....Dag.....Maand.....20.....
Plek.....

Handtekening van ontvanger
handtekening.....
Volle name:.....
name.....
Hoedanigheid.....

Amptenaar se

Volle

GAUTENGSE DEPARTEMENT VAN BEHUISING

VERHURINGSTRIBUNAAL VIR BEHUISING

Skedule 3

EEDSVERKLARINGS EN PLEGTIGE VERKLARINGS

As 'n persoon beswaar het teen 'n eedsverklaring of plegtige verklaring soos dit in die Bylae uiteengesit is, of as dit voorkom asof die persoon nie die eed of plegtige verklaring in so 'n vorm as bindend sou beskou vir sy of haar gewete nie, kan die persoon 'n eedsverklaring of plegtige verklaring aflê soos dit in die toepaslike deel van die Bylae uiteengesit is, of in enige ander vorm wat die persoon sou beskou as bindend vir sy of haar gewete.

DEEL: 1

Eedsverklaring of plegtige verklaring deur persoon wat gedagvaar is om voor die Tribunaal te verskyn kragtens artikels 13 (3) (e) & (f) van die Verhuringswet op Behuising, 1999.

"Ek, _____, * sweer/belowe plegtig * dat die antwoorde wat ek verskaf die waarheid, die volle waarheid en niks anders as die waarheid is nie.

(in geval van eedsverklaring:) so help my God"

"Ek, _____, *sweer /belowe plegtig* dat die getuienis wat ek sal lewer die die waarheid, die volle waarheid en niks anders as die waarheid is nie.

(in geval van eedsverklaring:) so help my God"

(* skrap wat nie van toepassing is nie)

Deponent

VERHURINGSTRIBUNAAL VIR BEHUISING

DEEL: 2

Eedsverklaring of plegtige verklaring van tolk

"Ek, _____, * sweer/belowe plegtig * om werklik en reg, na die beste van my vermoë om te tolk uit die taal waarvoor ek ingeroep word te tolk wanneer ek ingeroep word om op te tree as tolk tydens verrigtinge van die Verhuringstribunaal vir Behuising. Ek sal werklik my bes doen om te van een taal na die ander, en andersom, te tolk soos vereis deur die Tribunaal.

(in geval van eedsverklaring) so help my God"

(* skrap wat nie van toepassing is nie).

Deponent

Verhuringstribunaal vir Behuising

DEEL: 3

Eedsverklaring of plegtige verklaring van transkribeerder

Ek, _____, * sweer /belowe plegtig * –

- (a) * dat ek getrou en na die beste van my vermoë die verrigtinge van die Verhuringstribunaal vir Behuising * aantekeninge sal neem/die verrigtinge sal opneem* soos dit plaasvind kragtens artikel 13 (2) (d) van die Verhuringswet op Behuising van 1999. Ek sal dit * per hand/meganies * aanteken/opneem soos versoek deur die voorsitter van die Tribunaal of ander persoon wat optree as voorsitter.
- b) * dat ek of iemand anders dit volledig sal transkribeer en na die beste van my vermoë * per hand / meganiese opname * sal aanteken wat tydens die verrigtinge van die Verhuringstribunaal vir Behuising plaasvind kragtens artikel 13 (2) (d) van die Verhuringswet op Behuising van 1999.

(* skrap wat nie van toepassing is nie)

Deponent

Verhuringstribunaal vir Behuising

SKEDULE 4

ARBITRASIE-OOREENKOMS VIR DIE VERHURINGSTRIBUNAAL VIR BEHUISING

VIR AMPTELIKE GEBRUIK

Klaer/s

Ek/Ons: _____ wat woon
te _____ stem hiermee in tot arbitrasie tussen
my/ons en die Eienaar/Huurder ten opsigte van die klag wat ingedien is by die
Verhuringstribunaal vir Behuising.

Onderteken te: _____ op hierdie _____
dag van _____ 20 _____.

HANDTEKENING: _____

NAAM: _____ (DRUKSKRIF ASSEBLIEF)

GETUIE 1: _____

GETUIE 2: _____

Respondent/e

Ek/Ons: _____ wat woon
te _____ stem hiermee in tot arbitrasie tussen
my/ons en _____ ten opsigte van die klag wat ingedien is by
die Verhuringstribunaal vir Behuising.

Onderteken te: _____ op hierdie _____
dag van _____ 20 _____.

HANDTEKENING: _____

NAAM: _____ (DRUKSKRIF ASSEBLIEF)

GETUIE 1: _____

GETUIE 2: _____

NOTICE 2131 OF 2001

UHLAKA LOMTHETHO

UMTHETHO WOKURENTA IZINDLU, 1999

IMITHESHWANA EPHATHELENE NENQUBO YOKURENTA IZINDLU 2001

Ilunga loMkhandlu oshaya iMithetho elibhekene nezindlu esiFundazweni saseGauteng ngaphansi kwesigaba 15 (1) soMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo 50 ka 199), lenza imithetho kusheduli.

ISHEDULI

Izincazelo

1. Kulemithetho, noma iyiphi incazelo echazwe kuMthetho isho okufanayo, ngaphandle uma okukhulunywa ngakho kuchazwe ngenye indlela -

"ofake isikhalazo" kuchazwa umntu ofake isikhalazo ku-Tribunal, bese kuthi lesi sikhazazo sibangaphansi kokulawula kwe-Tribunal;

"ukulamula" kuchazwa uhlelo lokuzinikela okuthi ngalo ilunga le-Tribunal, ilunga labasebenzi, noma okhethwe yi-Tribunal asize ababangayo ukuba baxazulule impikiswano yabo;

"iqembu" kuchazwa umuntu obambe iqhaza ekuxolelaneni noma kunoma iluphi olunye uhlelo lokuxazulula izimpikiswano oluhlelelwe yi-Tribunal;

"irejista" kuchazwa irejista ekukhulunywe ngayo kusigaba 13 (8) soMthetho;

"obekwe icala" kuchazwa umuntu okufakwe ngaye isikhalazo ku-Tribunal;

"uMthetho" kuchazwa uMthetho wokuRentela iziNdlu, 1999 (uMthetho onguNombolo 50 ka 1999);

"I-Tribunal" kuchazwa i-Tribunal yokuRenta iziNdlu eyasungulwa ngokusho kwesigaba 7 soMthetho; futhi

"imithetho yokungenzi kahle" kuchazwa imithetho yokungenzi kahle eyenziwe ngaphansi kwesigaba 15 (1) (f) soMthetho.

Ukufaka izikhalazo

2. (1) Umhlali noma umnininimuzi noma iqoqo labaninimizi noma labahlali noma amaqembu ashisekayo angafaka isikhalazo ku-Tribunal ngokuphathelene nokuphulwa kwezimiso zoMthetho noma ukungenzi ngendlela efanele njengoba kushiwo kumithetho yokungaziphathi ngendlela efanele, ngokuthi bafake isikhalazo esibhalwe phansi kufomu elivelayo kusheduli 1.

(2) Izikhalazo kufanele zifakwe –

(a) ngeposi;

(b) kuhhovisi elifanelekile lemininingwane yokurenta izindlu ngaphansi kokungamela kwalowo mkhandlu wendawo indawo ekuwo;

(c) ehhovisi le-Tribunal; noma

(d) ngefekisi, ukuqinisekiswa kokuthi ifike ngempumelelo ubufakazi bokuthola isikhalazo.

(3) Isikhalazo sizothathwa ngokuthi sifakiwe ngosuku okuyothi sitholwe ngalo yi-Tribunal.

Amandla (okuphatha/okungamela)

3. (1) Isikhalazo sizothathwa ngokuthi singaphansi kokuphatha noma ukungamela kwe-Tribunal-

(a) uma siphathelene nendawo yokuhlala esesifundazweni saseGauteng;

- (b) uma isikhalazo siphathelene nokungaziphathi ngendlela efanele; futhi
- (c) uma isikhalazo sibandakanya ukwephulwa noma ukungagcinwa koMthetho kanye/noma imithetho yokungaziphathi ngendlela efanele.

(2) Uma isikhalazo singekho ngaphansi kokwengamela kwe-Tribunal, isikhalazo kufanele-

- (a) waziswe ngokubhala phansi zingakapheli izinsuku ezingu-30 uthole isikhalazo ukuthi i-Tribunal angeke iluthathele zinyathelo udaba;
- (b) waziswe ukuthi zingakapheli izinsuku ezingu-30 zaleso saziso wenze isicelo ku-Tribunal sokuthi ibukeze udaba lwakho; futhi
- (c) uma kwenzeka unikezwe abafanelekile ongabuza kubo zingakapheli izinsuku ezingu-30 kutholakale isikhalazo.

Uphenyo

4. (1) Lezi zinyathelo ezilandelayo kufanele zithathwe ngokuphathelene nanoma isiphi isikhalazo esifakiwe esiwela ngaphansi kokulawula kwe-Tribunal –

- (a) ifayela kufanele livulwe, inombolo yokubheka yefayela kufanele inikezwe kusikhalazo futhi imininingwane yendawo yokuhlala yalapho isikhalazo sikhona kufanele ifakwe ohleni kurejista;
- (b) isikhalazo kufanele sinikezelwe ukuvuma ukuthi sitholakele kube kukhonjiswe nenombolo yokubheka;
- (c) i-Tribunal kufanele yenze lolu phenyo lokwendulela njengoba kungabe kunesidingo ukuze kutholakale ukuthi isikhalazo siyahlangana yini nempikiswano ngokuphathelene nesikhalazo esingaba ukungenzi ngendlela efanele, futhi kungenzeka ngenxa yalenhloso kutholakale imininingwane eyengeziwe edingekayo ukuze kube nencazelo egcwele futhi

ephelele yodaba ekungenzeka ivela kofake isikhalazo noma okukhalazwa ngaye;

- (d) isikhalazo kufanele sibhekwe ngokuphathelene nayo yonke imininingwane etholakele; futhi
- (e) uma kunesidingo umhloli kufanele aqokelele umbiko, ngemuva kokuhlola indawo yokuhlala ngokuphathelene nesikhalazo esifakiwe.

Ukuxazululwa kwezimpikiswano

5. (1) Uma i-Tribunal ithola ukuthi isikhalazo asihlangene nempikiswano ngokuphathelene nodaba olungaba ukungenzi kahle/ngendlela efanele noma akukho okukhululeka okunganikezelwa ku-Tribunal-

- (a) ukwazisa ofake isikhalazo zingakapheli izinsuku ezingu-30, ukuthi i-Tribunal angeke ithathe sinyathelo;
- (b) uma kungenzeka kunikezelwe ofake isikhalazo ngemininingwane yendawo efanelekile lapha angasizakala khona, futhi
- (c) kubhalwe phansi ukuchithwa noma ukuvalwa kodaba kurejista.

(2) Uma udaba lungachithwangwa noma lungavalwangwa njengoba kuhlelelwe ku (1) ngenhla, i-Tribunal kufanele, yendulela iphenyo lokwandulela, yenze isinqumo sokuthi impikiswano isekhona futhi yazise ngokubhala phansi amaqembu zingakapheli izinsuku ezingu-30 ngalokho ekutholile.

(3) Uma sekutholakele ukuthi impikiswano isekhona, leso sikhalazo kufanele sibhekwe ngumthethshwana (4) ngaphansi sixazululwe ngokulamula njengoba kubekiwe kusigaba 13 (2)(c) soMthetho, noma ngokulalelwa okusemthethweni njengoba kuchaziwe kusigaba 13(2)(d) soMthetho.

- (4) Ukulamula kanye/noma ukulalelwa kodaba ngokusemthethweni kuzokwenziwa ngolimu oluqondwa yiwona wonke amaqembu athintekayo futhi ngenxa yalenhloso, umhumushi uzohlelwa, uma kunesidingo.

Ukulamula

6. (1) Uma i-Tribunal inombono wokuthi impikiswano ingaxazululwa ngokulamula, ingakhetha umlamuli, ongaba ilunga le-Tribunal, ilunga labasebenzi noma imuphi umuntu obonakala efanelekile futhi ekahle ku-Tribunal, ngenhloso yokuxazulula impikiswano.

- (2) Uhlelo lokulamula kufanele luqhutshwe kanjengokulandelayo-

- (a) Umlamuli kufanele akhulume udaba ngokuyimfihlo namaqembu ngaphambi kokuba kuqale noma iziphi izinhlelo zokulamula. Uma elinye iqembu lifuna ukuba imininingwane igcinwe iyimfihlo ngesikhathi kuqhubeka ukulamula noma ngemuva kwalokho, futhi amaqembu evuma ukulamula ngaphansi kwaleyo mibandela, isivumelwano kufanele senziwe sibe ingxenye yesivumelwano ekulamuleni;
- (b) umlamuli uzothi zisuka nje atshele amaqembu umlamuli usebenza njengomuntu ogqugquzelayo ekutheni kuxazululwe impikiswano phakathi kwabo futhi isinqumo ekuzofinyelelwa kuso kuzoba ngesabo hayi esakhe;
- (c) umlamuli kufanele atshele amaqembu abandakanyekayo ukuthi uhlelo lokulamula lungaqhutshwa ngalendlela elandelayo-
- (i) iqembu ngalinye lizonikezwa ithuba lokusho udaba lwalo;
- (ii) iqembu ngalinye lingathi noma ngasiphi isikhathi sokulamula likhokhase, kwenye indlu noma ihhovisi;
- (iii) umlamuli angathi ngokuvuma kwamaqembu athintekayo ahambele ikhokhasi bese ebeka imibono noma iziphakamiso; futhi

- (iv) umlamuli kufanele andlulise noma isiphi isiphakamiso, umcabango noma inkomba noma isiphakamiso esivela kukhokhasi kwelinye iqembu;
- (d) umlamuli angenza ukulamula kulezo zimpikiswano angakwazi kuzo ukuthi angachemi ngokuphathelene nawo wonke amaqembu kanye nodaba okuphikiswanwa ngalo;
- (e) umlamuli kufanele aveze kuwona wonke amaqembu konke noma okungenzeka kube ukushayisana kwezifiso futhi akufanele alamule kuleyompikiswano enjalo phakathi kwalawo maqembu; futhi
- (f) uma noma ngasiphi isikhathi umlamuli enombono wokuthi iqembu alikwazi ukuqonda futhi libambe iqhaza ngokugcwele ngenxa yokuphazamiseka enqondweni, ukuphazamiseka emoyeni, yokungenwa ubuthi, yokuvinjelwa ulimu noma ezinye izizathu, umlamuli kufanele akunqinde ukulamula kwakhe, kube sezingeni lokukwazi kweqembu ukubamba iqhaza kuze kuthi iqembu lithole usizo olufanele ukuze liqhubeke nokulamula noma kundluliselwe phambili lokho kulamula.
- (5) Ukulamula kufanele kuzame ukuthola ubufakazi noma imibhalo ngokuvele inikezelwe, umlamuli ozokubona kudingekile, kudingekile kumuntu noma iqembu ukulamula futhi ukubhala yonke imizamo eyenziwe yokuthola iminininganwe ekufayela.
- (6) Udaba lamasamanisi kufanele ligunyazwe kuqala yi-Tribunal.
- (7) Ukulamula kufanele kuphele zingakapheli izinsuku ezingu-30. Uma kungukuthi noma kunjalo, lokhu angeke kwenzeka, ngakhoke ukulamula kungelulelwa ngaphezulu kwezinsuku ezingu-30 ngokuvuma kwe-Tribunal.
- (8) Uma amaqembu engeke afike ekuvumelaneni ngokulamula, impikiswano kufanele indluliselwe ku-Tribunal ukuze ilalelwe ngokomthetho ngokulandela isigaba 13 (3), (4), (5), (6) kanye no(12) soMthetho.

- (9) Amaqembu akufanele aphoqeelwe nanoma ngayiphi indlela ukuba afinyelele esivumelwaneni. Uma ukulamula kufinyelela esivumelwaneni kufanele kubhalwe phansi futhi kusayinwe yiwona wonke amaqembu kanye nomlamuli bese kubhalwa phansi kurejista. Ngaphambi kokuba kucelwe amaqembu ukuba asayine isivumelwano, umlamuli kufanele aqinisekise ukuthi iqembu ngalinye lisiqonda ngokugcwele isivumelwano futhi lingena kuso ngokuthanda kwalo.
- (10) Uma ukulamula kungaholeli esivumelwaneni, umlamuli uzothi ngenhloso yokulalelwa okusemthethweni yi-Tribunal, alungise umbiko ofinyeza ubufakazi, ngokuthi enze isiphakamiso sokuthi ubufakazi obukhonjisiwe kubenokwep hulwa kwemithetho yokungenzi ngokufanele.
- (11) Uma noma iliphi iqembu kumpikiswano exazululiwe ngokufinyelela esivumelwaneni ngokulamula lisola ngokuthi elinye iqembu lihlulekile ukuhambisana nesivumelwano, iqembu lingafuna ukukhululeka ngokuthi libike ngokubhala phansi izinsolo ku-Tribunal.
- (12) Ngemuva kokuthola umbiko walezo zinsolo zokuhluleka ukuhambisana nesivumelwano i-Tribunal ingenza uphenyo kulezo zinsolo ukuze ithole ukuthi imibandela yesivumelwano iyalandelwa futhi bese ibiza lelo qembu ukuba livele ngaphambi kwe-Tribunal.
- (13) Uma kungukuthi lezo zinsolo zitholakele ukuthi ziyiqiniso, I-Tribunal izoqhuba ukulalelwa bese ithatha isinqumo njengoba ibona kufanelekile futhi kulungile.

Amandla kanye nemisebenzi yabaHloli kanye nabasebenzi be-Tribunal

7. (1) Bonke abahloli abakhethwe ngokulandela isigaba 11 soMthetho bazobanalamandla alandelayo futhi benze nalemisebenzi elandelayo-
- (a) bahlole njalo izakhiwo bese benikezela ngemibiko ebhaliwe uma kudingeka benze njalo ngokusho kwe-Tribunal kanye namalunga abasebenzi;

- (b) bafune bese bethintana nabanikazi bempahla besebenzisa imininingwane ekhona kuMbhalisi wamatayitela (Registrar of Deeds);
- (c) bathintane nabafake izikhalazo kanye nekukhalazwa ngabo bese bebhala phansi imininingwane etholakele.
- (d) bathole izitatimende ezifungelwe kumaqembu aphikisanayo kanye namanye amaqembu athintekayo;
- (e) banikeze ubufakazi ngaphambi kwe-Tribunal uma kudingeka ukuba benze njalo;
- (f) bathole amakhophi acwaningiwe azo zonke izincwadi kanye nemibhalo, engadingeka kulolu daba;
- (g) bathintane nanoma imuphi umkhandlu wendawo ukuze bathole imali osilele ngayo kumareyithi kanye nezintela ezikweletwa endaweni yokuhlala;
- (h) baphenye abahlala ngokungekho emthethweni uma kunezinsolo zokuthi kunokuhlala ngokungekho emthethweni okwenzekayo;
- (i) bathole amakhophi awo wonke amarisidi ngokuphathelene nendawo yokuhlala, ebandakanyekayo kusikhalazo;
- (j) bathole kunoma iliphi ihhovisi lemininingwane yokurenta izindlu elasungulwa ngaphansi koMthetho, noma imiphi imibiko ephathelene nophenyo kanye nezikhalazo ezitholakele njengoba kuchaziwe ngaphansi kwesigaba 13 (3) (a) soMthetho;
- (k) banikezele ngemininingwane bese beveza noma imiphi imibiko noma imibhalo ephathelene nokuhlola okwenziwe, okungayanyaniswa nesikhalazo;
- (l) bahambise amasamanisi kunoma ubani ngokuthi bamnikeze ikhophi yangempela kulowo muntu ngokwakhe noma uma lowo muntu engatholakali ngokuthi banikezele ngekhophi yangempela kumuntu ongaphezulu kweminyaka engu-16 futhi ohlala noma

oqashwe noma onebhizinisi endaweni eyodwa nomuntu obhaliwe, okuzothi ngokubona kwe-Tribunal akwazi ukunikezela ngemininingwane ephathelene nesikhalazo, ukuze akwazi ukuvela ngaphambi kwe-Tribunal futhi akwazi ukuveza noma iyiphi incwadi noma eminye imibhalo njengoba i-Tribunal ingabona kufanelekile;

- (m) asize i-Tribunal ekwenzeni uphenyo lokwendulela ukuze kunikezelwe imininingwane efanelekile etholakele ngesikhathi sokuhlola kanye nesophenyo;
 - (n) balethe izicelo eziNkantolo zoMantshi ukuze bashushise uma beyalelwa yi-Tribunal ukuba benze njalo;
 - (o) balethe iziphakamiso ezibhalwe phansi ze-Tribunal kuqembu ekuzothi lithathelwe isinyathelo sokungahambisani nemithetho ephathelene nokungaziphathi ngendlela; futhi
 - (p) benze noma yini engalindeleka ekwenzeni imisebenzi yabo edigwa yilemithetho, uMthetho noma i-Tribunal.
- (2) Bonke abasebenzela i-Tribunal abakhethwe ngokulandela isigaba 11 soMthetho uzoba nalamandla alandelayo futhi nalemisebenzi-
- (a) umukela izikhalazo ezibhalwe phansi, avule amafayela bese efaka izikhalazo kurejista;
 - (b) abukeze izikhalazo bese ezibukeza ngokuphathelene namandla e-Tribunal bese eluleka abafake izikhalazo ngokubhala phansi okufanela bakwenze;
 - (c) enze uphenyo olwendulelayo;
 - (d) achine imininingwane mayelana nobunjalo bezikhalazo kanye nemiphumela yazo;
 - (e) amukele futhi enze imiyalelo ye-Tribunal bese elungiselela i-Tribunal izincwadi ezidingekayo;

- (f) bahlele ngezikhathi ukulamula kanye nokuhlala kwe-Tribunal bese bazisa amaqembu mayelana nendawo, usuku kanye nesikhathi salokho kuhlalelwa bakubhale phansi; kanye
- (g) nokurekhoda ngomshini okuqhubekayo ekulamuleni kanye nasekuhlaleni kwe-Tribunal.

Ukuphoqelesa/ukwenzisa ngenkani

8. (1) Uma omangalelwe esolakala ukuthi ubenza isenzo esingalungile engaphenduli uma ethintwa abasebenzi be-Tribunal ngesikhathi kusaqala kufakwa isikhalazo noma omangalelwe ala ukubamba iqhaza kumizamo yokuxazulula udaba, i-Tribunal ingaqhubeka iphenye bese ithola ukuthi kungabe ngempela loku kwephulwa kwemithetho yokungenzi ngokufanele, futhi benze isinqumo esikahle futhi nesifanelekile kuzimo.
- (2) I-Tribunal noma iqembu elikumpikiswano lingafuna ukuphoqelesa kwesinqumo, kwe-awadi yokulamula noma imithetho yokungenzi kahle enkantolo yamacala.
- (3) Ngaphambi kokuba kuphoqelesa i-Tribunal ingabukeza isikhalazo noma isivumelwano sokulamula kanye nezinye izitatimende, imibhalo kanye neminye imininingwane efanelekile ukuthola ukuthi udaba likulungele ukuhlalelwa. Uma i-Tribunal ithola imininingwane eyengeziwe idingeka -
 - (a) angayindlulisela phambili ukuba ibe udaba olungezelelwe kuphenyo;
 - (b) angabiza noma imuphi umuntu ukuba alethe imininingwane eyengezelelwe; noma
 - (c) angenzisa isifungo kufomu elilungiselwe lokho elikhona kuSheduli 3 njengoba kuhlelelwe ngokusho kwesigaba 13 (3)(f) soMthetho.
- (4) Kulandela ukubukezwa kwesikhalazo noma isivumelwano sokulamula kanye noma ngabe yini enye efanelekile, kubandakanya imininingwane etholakele ekuphenyeni

okwengezelele, i-Tribunal kufanele ilungiselele isiphakamiso esengeziwe esiphathelene nokuhlalelwa kodaba, okuzobeka isisekelo seqiniso kanye nesomthetho sokuthi kuthathwe esinye isinyathelo, uma sikhona.

- (5) Uma isiphakamiso kungukuthi kufanele kuqhutshekwe nokushushisa, isiphakamiso esibhalwe phansi kufanele silethwe kuqembu elizothathelwa isinyathelo, kwaziswe iqembu ngokuthi i-Tribunal izofuna ukushushisa bese inikeza iqembu ngethuba, ngosuku oluthile, ukuba livele ku-Tribunal bese linika ubufakazi noma lilethe ukuqophisana ngokuphathelene nodaba.
- (6) Uma iqembu elizothathelwa isinyathelo likhetha ukuvela ngaphambi kwe-Tribunal kufanele kube nokulalelwa kokuthola ukuthi isiphi isinyathelo i-Tribunala ezosithatha ngokuphathelene nesiphakamiso sokuqhubeka nokushushisa
-
- (a) ofake isikhalazo kanye nobekwe icala banganikeza ubufakazi ngaphansi kwesifungo esiphethwe ngaphansi kwesigaba 13 (3) (f) soMthetho;
- (b) i-Tribunal izenzela ngokwayo noma ngokucela kweqembu, ingakhipha amasamoni ngaphansi kwesigaba 13(3)(d) kanye no (e) soMthetho ukuthola ubufakazi obufanelekile noma ubufakazi; futhi
- (c) kulandela ukulalelwa, i-tribunal kufanele ikhiphe isinqumo esibhalwe phansi sisho isisekelo seqiniso kanye nesomthetho ngesinqumo sayo.
- (7) Uma i-Tribunal inquma ukuqhubeka nokushushisa kufanele iyalele abasebenzi bayo ukuba base udaba kumkhandlu wokushushisa ofanelekile.

Isihloko esifushane kanye nokuqala ukusebenza kwawo

9. Lemithetho ibizwa ngokuthi imithetho ephathelene nenqubo ye-Tribunal yokuRenta iziNdlu, 2001.

UMNYANGO WEZEZINDLU E-GAUTENG

I-TRIBUNAL YEZINDLU EZIRENTWAYO

Isheduli 1

IFOMU LEZIKHALAZO LE-TRIBUNAL YEZINDLU EZIRENTWAYO

UKUSETSHENZISWA EHHOVISI

INOMBOLO YOKUBUKEZA:

A. IMINININGWANE YOFAKE ISIKHALAZO

ISIBONGO:

AMAGAMA:

IGAMA LENHLANGANO/LEZINHLANGANO:

INOMBOLO KAMAZISI:

IKHELI LEBHIZINISI/LEDAWO YOKUHLALA (IGAMA LEFLETHI, INOMBOLO YERUMU, IGAMA LOMNGWAQO):

IKHELI LEPOSI:

INOMBOLO YOCINGO LEBHIZINISI:

INOMBOLO YOCINGO YASEKHAYA:

INOMBOLO YEFEKISI:

B. IMINININGWANE YENDAWO YOKUHLALA

INOMBOLO YAMAYUNITHI ESAKHIWENI (UMA IKHONA)

INANI LABAHLALI ABAHLALA ENDAWENI YOKUHLALA

UKUBALULWA KWENDAWO YOKUHLALA

C. IMINININGWANE YAMALUNGA LEKOMIDI LABAHLALI/LABANINIMIZI

IGAMA:
INOMBOLO ONGATHINTEKA KUYO: YOCNGO:
YEFEKISI:
YENDAWO YOKUHLALA:

IGAMA:

CONTACT NUMBER: TEL: FAX:

DWELLING NUMBER:

IGAMA:
INOMBOLO ONGATHINTEKA KUYO: YOCNGO:
YEFEKISI:
YENDAWO YOKUHLALA:

IGAMA:
INOMBOLO ONGATHINTEKA KUYO: YOCNGO:
YEFEKISI:
YENDAWO YOKUHLALA:

IGAMA:
INOMBOLO ONGATHINTEKA KUYO: YOCNGO:
YEFEKISI:
YENDAWO YOKUHLALA:

D. IMINININGWANE YOMUNTU OKUFAKWE NGAYE ISIKHALAZO

IGAMA LENHLANGANO YABAHLALI/YABANINIMIZI:

INOMBOLO YOCINGO ANGATHINTEKA KUYO: UCINGO:

INOMBOLO YEFEKISI:

IKHELI LALAPHO UHLALA KHONA (IGAMA LEFEKISI, INOMBOLO YERUMU, IGAMA LOMNGWAQO):

IKHELI LEPOSI (UMA LIHLUKILE):

E. IMINININGWANE EYENGEZIWE

IGAMA LIKAKHETHEKHA:

INOMBOLO ATHOLAKALA KUYO: UCINGO:

INOMBOLO YEFEKISI:

IGAMA LOMNIKAZI WESAKHIWO:

INOMBOLO ANGATHOLAKALA KUYO:	UCINGO:
INOMBOLO YEFEKISI:	
IKHELI LENDAWO YOKUHLALA (IGAMA LEFLETHI, INOMBOLO YERUMU, IGAMA LOMNGWAQO):	
IKHELI LASEPOSINI:	
IGAMA LE-EJENTI EPHETHE:	
INOMBOLO ENGATHINTEKA KUYO:	UCINGO:
INOMBOLO YEFEKISI:	
IGAMA LALOWO ONEBHONDI:	
INOMBOLO ANGATHINTEKA KUYO:	UCINGO:
IFEKISI:	

F UMUNTU/INHLANGANO ENDLULISE ISIKHALAZO

IGAMA:
UCINGO:
IFEKISI:
INOMBOLO YOKUBUKEZA:

G UHLALA LWEZIKHALAZO/LWEZIMPIKISWANO

1.
2.
3.
4.

H (ISIMO SEZIMALI SESAKHIWO)

ISIMO SEZIMALI SENDAWO OHLALA KUYO

IMALI ISIHLANGENE OSILELE NGAYO EKUKHOKHELENI UGESI	R
IMILE OSILELE NGAYO EMANZINI	R
AMAREYITHI KANYE NEZINTELA OZIKWELEDA UMKHANDLU	R
INANI LONKE LEMALI YOKUPHATHA KWE-EJENTI R	

I KUNGABE ISIKHALAZO SALESAKHIWO SESIKE SALETHWA NGAPHAMBILINI

YEBO ☐

CHA ☐

J KUNGABE SIKHONA ISIDINGO SOKUHLOLA

YEBO



CHA

**IGAMA LESIKHALAZO:** _____**UKUSAYINA:** _____**USUKU:** _____**UKUSETSHENZISWA EHHOVISI****IGAMA LELUNGA LABASEBENZI:** _____**UKUSAYINA:** _____**USUKU LOKUTHOLA ISIKHALAZO:** _____

UMNANGO WEZEZINDLU E-GAUTENG

IBHODI YOKURENTA IZINDLU

Isheduli 2

AMASAMANISI EBHODI YOKURENTA IZINDLU

KUSETSHENZWA EHHOVISI KUPHELA

Inombolo ekubhekwa ngayo:

UBAJELWE E:

*ODABENI OLUPHAKATHI:

..... Isikhalazo

kanye

..... Ummangalelwa

KU:

IGAMA:

UBULILI

F

M

IKHELI:

UBUDALA

Kudingeka ukuba uze wena ngokwakho noma njengomele/i-
 ejenti/umqondisi/ilunga.....kanye/noma njenge
ngaphambi kweBhodi e ngo.....
 suku luka.....20..... ngo isikhathi.

*Kusikhalazo esishiwo ngaphezulu ukuze unikezele ngobufakazi noma uveze izingwadi,
 amaphepha, noma imibhalo ube umele u..... ngenhloso
 yokuphenya, yokulalela, yokulamula noma yokuthatha isinqumo kanye/noma yokuletha
 kanye nawe bese uveza kuBhodi noma imiphi imibhalo ekulalelweni/emhlanganwe,
 izincwadi ezahlukene, amaphepha noma imibhalo ebhaliwe kuhlulolulana ngaphansi:

UHLU LEZINCWADI, AMAPHEPHA NOMA IMIBHALO EKUFANELE IVEZWE

<u>USUKU</u>	<u>INCAZELO</u>	<u>IKHOPHI EKUYIYONA YONA</u>

SICELA WAZI :

1. Ukuthi kuyicala ngokusho kweSigaba 16 soMthetho wokuRenta Izindlu, 1999 kanye neMitheshwana emiswe lapha ngaphansi ukuze ingahambisani nalamaSamanisi.
2. Uma omunye umuntu onikezwe amasamanisi ehluleka ukuvela noma ngaphandle uma exolisile, ukuthi abekhona ngesikhathi kuqhubeka ukulalelwa, futhi esimeni lapho singekho khona isixoliso esisemthethweni salokho kuhluleka esikhona, lowo muntu angabekwa icala futhi abhekane nenhlawulo noma aboshwe, isikhathi esingeqi kuminyaka emithathu noma athole zombili izinhlawulo kanye nokuboshwa

KUFAKWE USUKU : NGALOLU SUKU LUKA20.....

IBHODI YOKURENTA IZINDLU

*** Susa amagama angafanelekile**

UKUSETSHENZISWA EHHOVISI

Mina, lokhu okungaphansi kuqinisekisa ukuthi ngiwaletihle lamasamanisi kumuntu obhalwe lapha ngaphansi-

***(a) ukulethwa kwekhophi ekuyiyonayona kuyena ubuqu**

***(b) ukulethwa kwekhophi ekuyiyona yona njengoba engatholakali**

ku.....
umuntu ongaphezulu kweminyaka engu-16 ubudala njengamanje ohlala noma osebenza e
.....endaweni yokuhlala/emsebenzini/ebhizinisini.

e

Ubunjalo, nokuphuthuma kanye nemiphumela yalokhu kuvela ngaphambili kwachazwa kulowo awayimukela.

Isikhathi:.....Usuku.....Inyanga.....20.....

Indawo:.....

Ukusayina kowamukelile:
Igama eligcwele:.....
Ukuzichaza:.....

Ukusayina kwesiphathi mandla:.....
Igama eligcwele:.....

UMNYANGO WEZEZINDLU E-GAUTENG

IBHODI LOKURENTA IZINDLU

Isheduli 3

ISIFUNGO KANYE NESIBOPHO

Uma umuntu ongafuni ukuthatha isifungo noma isibopho ngokwendlela emisiwe kulesi sijobelelo noma kubonakala ukuthi umuntu angeke asithathe isifungo noma isibopho ngendlela ephoqeleyo kunembeza wakhe, lowo muntu angathatha isifungo noma isibopho ngendlela esebenza ngokufanayo njengaleyo ebekwe kungxenywe efanelekile yalesi sijobelelo noma ngenye indlela umuntu ayithatha ngokuthi iyabophezela kunombeza womuntu.

INGXENYE : 1

Isifungo noma isibopho esenziwa ngumuntu obekwe icala ukuba avele ngaphambi kwe-Bhodi ngokusho kwesigaba 13 (3) (e) kanye no (f) woMthetho wokurentela izindlu, 1999.

"Mina, _____, *ngiyafunga/ngiyavuma ukuthi* impendulo engiyinikezayo iyiqiniso, iqiniso lonke futhi hhayi enye into, kodwa iqiniso kuphela.

(Uma ufunga:) INkosi ingisize"

"Mina, _____, *ngiyafunga /ngiqinisekile* ukuthi ubufakazi engizobunikeza buyiqiniso futhi hhayi enye into iqiniso kuphela.

(esimeni sesifungo:) iNkosi ingisize"

(*susa okungafanelekile)

Ufakazi

IBHODI YOKURENTA IZINDLU

INGXENYE: 2

Isifungo noma isibopho somhumushi

"Mina , _____, *ngiyafunga/ ngiqinisekile* ukuthi uma sengibizwa ukuze ukwenza imsebenzi yokuhumusha kuya kolunye ulimi njengoba kufunwa yiBhodi, Ngeqiniso futhi nangokufanelekile ngizolungisa okusemandleni ami ngizohumusha kusuka kulimu engingabizwa ukuthi ngihumushele kulo kuya kolunye ulimu njengoba kudingwa yiBhodi, futhi ngihumushe nangenye indlela eyehlukile.

(Esimeni sesifungo) iNkosi ingisize".

(*Susa okungafanelekile).

Ufakazi

Ibhodi yokurenta izindlu

INGXENYE: 3

Isifungo noma isibopho esenziwa ngoBhala phansi

Mina, _____ , *ngiyafunga/ngiqinisekile * –

(a) * ukuthi ngokuthembeka futhi ngokusemandleni ami ngizobhala phansit* / ngigcine* okuqhubekayo kuBhodi yokuRenta Izindlu okwenziwe ngokulandela isigaba 13(2) (d) soMthetho wokuRenta iziNdlu, 1999 ngesandla/ngomushini* njengoba kusho usihlalo weBhodi noma omunye umuntu osesihlalweni,

(b) * ukuthi ngizobhala kahle phansi ngokugcwele futhi ngokusemandleni ami ngibhale amanothi esandla/ngibhale ngomshini* okuqhubekayo kuBhodi yokuRenta Izindlu ngokusho kwesigaba 13(2) (d) soMthetho wokuRenta Izindlu, 1999 kwenziwe yimina noma omunye umuntu.

(*Susa okungafanelekile)

Ufakazi

Ibhodi yokuRentela Izindlu

ISHEDULI 4

**ISIVUMELWANO SOKULAMULA
KUBHODI LOKURENTA IZINDLU**

KULUNGISWA YIHHOVISI

Isikhalazo/izikhalazo

Mina/thina: _____ esihlala
e _____ lapha siyavumelana ngokulamula udaba oluphakathi
kwami/kwethu kanye nomqashisi/nomasitende ngokuphathelele nesikhalazo esifakwe ku-Bhodi
lokurentela izindlu.

Isayinwe e: _____ nga _____ lolu sukulika
_____ 20 _____.

UKUSAYINA: _____ IGAMA: _____

NGOKUHLUKANISA)

(SICELA UBHALE

UFAKAZI 1: _____

UFAKAZI 2: _____

Ummangalelwa/abamangalelwa

Mina/Thina _____ lapha siyavuma ukulamula
phakathi kwami/kwethu _____ ngokuphathelele
nesikhalazo esifakwe kuBhodi lokurenta izindlu.

Isayinwe e _____ nga _____ lolu suku
lika _____ 20 _____

UKUSAYINA _____ IGAMA _____

(SICELA UBHALE

NGOKUHLUKANISA)

UFAKAZI 1: _____

UFAKAZI 2: _____

NOTICE 2131 OF 2001

Melao yeo e akantšwego**MOLAO WA KHIRIŠO YA DINTLO, 1999****MELAWANA YA TSHEPEDIŠO YA KHIRIŠO YA DINTLO 2001**

Molekgotlapthišo yoo a nago le meikarabelo a Kago ya dintlo Profenseng ya Gauteng ka fase ga karolo 15 (1) ya Molao wa Khirišo ya Dintlo, 1999 (Molao wa 50 wa 1999), o dirile ditshepedišo tša melawana ka gare ga Šetulo

ŠETULO**Ditlhalošišo**

1. Ka melawaneng ye, tlhagišo ye nngwe le ye nngwe yeo e hlalošitšwego ka gare ga molao wo e na le tlhatollo ye e swanago ntle le ge dikagare di hlaloša ka mokgwa wo mongwe –

"mmelaedi" e ra motho yo mongwe le yo mongwe yoo a hlagišago ngongorego le Lekgotla, gomme ngongorego ye bjalo e welago ka fase ga maatlataolotoka a Lekgotla;

"peelanyo" e ra tshepedišo ya boithaopo go ya ka leloko la Lekgotla, leloko la badirišani, goba motho yoo a šišintšwego ke Lekgotla go thuša diphathi go rarolla kganetšano;

"phathi" e ra motho yoo a kgathago tema poelanyong goba mokgweng wo mongwe le wo mongwe wa sephetho sa dikganetšano woo o filwego ke Lekgotla;

"rejistara" e ra rejisatra yeo e akantšwego ke karolo 13 (8) ya molao;

"moitšhireletši" e ra motho yoo ngongorego e hlagišitšwego kgahlanong le yena le Lekgotla;

"Molao" e ra Molao wa Khirišo tya Dintlo, 1999 (Moalo wa. 50 wa 1999);

"Lekgotla" e ra Lekgotla la Khirišo ya Dintlo leo le hlomilwego go ya ka karolo 7 ya molao; gomme

"melawana ya tirišo ye e sa lokago" e ra melawana ya tirišo ye e sa lokago yeo e dirilwego ka fase ga karolo 15 (1) (f) ya molao.

Hlagaša dingongorego

2. (1) Mohiri goba mongnaga goba sehlopha sa benganaga goba sa bahiri goba sehlopha seo se nago le kgahlego ba ka hlagaša ngongorego le Lekgotla mabapi le go tlola mabaka ao a beilwego a molao goba a tirišo ya go se loke go ya ka Melawana ya tirišo ye e sa lokago, ka go hlagaša ngongorego ya go ngwalwa fomong yeo e tšwelelago go Šetulo 1.

(2) Dingongorego di swanetše go hlagašwa –

(a) ka poso;

(b) ofising ya Tshedimošetšo ya Khirišo ya Dintlo ka gare ga maatlataolotoka a pušo ya selegae yeo moago o lego gona;

(c) ofising ya Lekgotla; goba

(d) ka fekse, tiišetšo ya thomelo ye e atlegilego ke rasiti ya bopaki go mmelaedi.

(3) Ngongorego e tšwewa e hlagašitšwe ka tšatši leo e amogetšwego ke Lekgotla.

Maatlataolotoka

3. (1) Ngongorego e tšwewa e le ka gare ga maatlataolotoka a Lekgotla -

(a) ge e le gore e amana le bodulo bjoo bo lego Gauteng;

- (b) ge e le gore ngongorego e hlama tirišo ye e sa lokago; le
- (c) ge e le gore ngongorego e ama go senya goba tlolo ya molao/goba Melwana ya Tirišo ya go se loke.

(2) Ge e le gore ngongorego ga e ka gare ga maatlataolotoka a Lekgotla, mmelaedi o tla-

- (a) tsebiša ka go ngwala ka gare ga matsatši a (30) a go amogela ngongorego gore Lekgotla le ka se kgone go khatha tema molatong woo;
- (b) eletšwa gore ka gare ga matsatši a masometharo (30) a tšatšikgwedi la tsebišo ye bjalo a dire kgopelo go Lekgotla go sekaseka sephetho ka Maatlataolotoka; le
- (c) gore ge go kgonagala a fiwe tšhupetšo ya maleba ka gare ga matsatši a masometharo (30) a go amogela ngongorego.

Dinyakišišo

4. (1) Magato a a latelago a swanetše go tšewa mabapi le ngongorego ye nngwe le ye nngwe yeo e hlagišitšwego yeo e welago ka fase ga maatlataolotoka a Lekgotla.-
- (a) faele e swanetše go bulwa, nomoro ya tšhupetšo e abelwe go ngongorego le ditaba ka botlalo tša bodulo bjoo ngongorego e bolelago ka bjona e swanetše go ba e ngwadilwe ka gare ga rejestara;
 - (b) mmelaedi o swanetše go fiwa rasiti ya kamogelo yeo e nago le nomoro ya tšhupetšo;
 - (c) Lekgotla le tla dira dinyakišišo tše bjalo tša pele ge go hlokagala go hwetša gore ngongorego e amana le kganetšano ya ngongorego yeo e ka hlamago tirišo ye e sa lokago, gomme ka mabaka a ya hwetša tshedimošetšo ya go oketšega yeo e hlokagalago go fana ka tlhalošo ye e tletšego le go fetšwego; le
 - (d) Ge go hlokagala mohlalobi o swanetše go kgobokanya pego ya semolao ka morago ga go hlahloba bodulo bjoo ngongorego e hlagišitšwego mabapi le bjona

Tumelelano ya kganetšano

5. (1) Ge e le gore Lekgotla le akanya gore ngongorego ga e amane le kganetšano ka mabaka a molato woo o ka hlolago tirišo ye e sa lokago goba go se na thušo ye e ka fiwago, Lekgotla le swanetše go -
 - (a) tsebiša mmelaedi ka gare ga matšatši a masometharo (30), gore Lekgotla le tla tšea magato;
 - (b) ge go kgonagala le fe mmelaedi lengwalo la maleba, le
 - (c) go ngwala mokgwa le bofelo bja molato ka gare ga rejistara.
- (2) Ge e le gore molato phumutšwe goba o tšholotšwe go ya ka mo go beakantšwego ka gona go (1) ka godimo, Lekgotla le tla, go ya ka dinyakišišo tsa mathomo, dira taetso ya semolao gore kganetšano e gona gomme la tsebiša diphathi ka gare ga matšatši a masometharo (30) ka go ngwala mabapi le taetšo ya gona.
- (3) Ka morago ga ge go laeditšwe gore kganetšano e gona, ngognorego ye nngwe le ye nngwe ye bjalo e swanetše go ya ka karolo ya molawana (4) ka fase, e swanetše go dumelelwa ka poelanyo go ya moo go akantšwego go 13 (2) (c) ya molao, goba ka theeletso ya semolao go ya ka moo go akantšwego go karolo 13 (2) (d) ya molao.
- (4) Poelanyo le /goba theeletšo ya semolao e swanetše go swarwa ka polelo yeo hlaloganywago ke diphathi ka moka tseo di amegago gomme ka mabaka a ditirelo tša toloki di swanetše go ba gona, ge go hlokagala.

Poelanyo

6. (1) Ge e le gore Lekgotla le akanya gore kganetšano e fediswe ka mokgwa wa poelanyo, le ka kgetha mmoelanyi, yoo e ka bago leloko la Lekgotla, modirisani goba motho yo mongwe le yo mogwe yoo a swanetšego le go lokela ke Lekgotla ka kakanyo tša go rarolla kanetsano.
- (2) Tshepetšo ya poelanyo e tla swarwa ka tsela ye e latelago-

- (a) Mmoelanyi o tla boledišana ka ga taba ya sephiri le diphathi pele ditshepedišo tsa poelanyo di thoma. Ge e le gore phathi e kgopela gore tsedimose tso e bewa ya sephiri nakong tsa poelanyo goba ka morago, gomme diphathi di dumela go boelanya ka fase ga mabaka ao, tumelelano e tla dirwa karolo ya tumelelano ka poelanyo;
- (b) mmoelanyi o tla re mathomong a tsebiša diphathi gore mmoelanyi o thuša fela ka ditshepediso ka go leka go rarolla kganetšano magareng ga bona gomme sephetho seo se tlogo fihlelewa e tla ba sa diphathi e sego mmoelanyi;
- (c) mmoelanyi o tla tsebiša diphathi tšeo di amegago gore tshepedišo ya poelanyo e tla swarwa ka tsela ye e latelago-
 - (i) phathi ye nngwe le ye nngwe e tla fiwa sebaka sa go bolela molato wa yona;
 - (ii) phathi ye nngwe le ye nngwe ka nako ye nngwe le ye nngwe ya poelanyo ya swara kopano ya ka sephiring, ka phapošing goba ofising ye nngwe;
 - (iii) mmoelanyi ka tumelelano ya diphathi tse di amegago a tsenela kopano ya sephiring gomme a dira dikakanyetso le ditšhisinyo goba ditlhagiso; le
 - (iv) mmoelanyi o tla fetišetša dikakanyetšo tše dingwe le tše dingwe ditlhagišo, maikutlo goba ditaetšo goba dikakanyo tšeo di tšwago kopanong ya sephiring go pathi ye nngwe;
- (d) mmoelanyi o tla sepetša poelanyo fela dikganetšanong tseo a hlokago tlaolo mabapi le diphathi ka moka le taba ya kganetšano;
- (e) mmoelanyi o tla tsebagatša go diphathi ka moka phapano ya kgonagalo goba ya kgonthe ya kgahlego gomme a ka se dire poelanyo kganetšanong e bjalo magareng ga diphathi; le
- (f) ge e le gore nakong ye nngwe le ye nngwe mmoelanyi o na le kakanyo ya gore phathi yeo e le poelanyong e sitwa ke go kwisisa le go kgatha tema ka botlalo poelanyong ka mabaka a tahlegelo ya monagano, pherehlo ya moya, botagwa,

mapheko a polelo goba mabaka a mangwe, mmoelanyi o tla kgaoletša maemo a poelanyo, maamong ao a sa fetogego le bokgoni bja phathi bja go kgatha tema gomme a akanya gore phathi e hwetše thušo ya maleba go tšwela pele ka poelanyo goba buseta morago poelanyo ye bjalo.

- (5) Mmoelanyi o tla leka go hwetsa bohlatse goba ditokumente ka boithaopo, tšeo mmoelanyi a bonago di le bohlokwa, go tšwa mothong yoo e sego phathi ya poelanyo gomme a ngwale maitekelo ka moka ao a a tšeerego go hwetša tshedimošetšo ka faeleng.
- (6) Tlhagišo ya tagafalo e swanetše go dumelelwa pele ke Lekgotla.
- (7) Poelanyo e tla fetswa ka gare ga matsatši a masometharo (30). Ge e le gore ga go kgonagale, gona poeleanyo e ka katološetšwa go feta matsatši a masometharo (30) ka tumelelano ya Lekgotla.
- (8) Ge e le gore diphathi ga di kgone go fihlelela tumelelano ka poelanyo, kganetšano e tla lebiswa go Lekgotla mabapi le theeletšo ya semolao le sephetho go ya ka karolo 13 (3), (4), (5), (6) le (12) ya molao.
- (9) Diphathi di ka se gapeletšwe ka mokgwa wo mongwe le wo mongwe go fihlelela tumelelano. Ge e le gore poelanyo e feleletša ka tumelelano e swanetše go ngwalwa le go saenwa ke diphathi ka moka le mmoelanyi gomme ya ngwalwa ka gare ga rejistara. Pele a kgopela diphathi gore di saene tumelelano, mmoelanyi o swanetše go kgonthisisa gore phathi ye nngwe le ye nngwe e e kwišiša ka botlalo le gore e tsenela tumelelano yeo ka boithaopo.
- (10) Ge e le gore poelanyo ga e fele ka tumelelano, mmoelanyi ka mabaka a theeletšo ya semoalo ka Lekgotla, o tla lokiša pego yeo e akaretšago bohlatse, gomme dira ditigelo tša go bontšha gore bohlatse bo laetša gore go bile le tlolo ya tirišo ye e sa lokago.
- (11) Ge e le gore phathi ye nngwe le ye nngwe go kganetšano yeo e ilego ya rarollwa ke tumelelano yeo e fihleletšwego ka poelanyo e gononwa gore phathi ye nngwe e paletswe ke go kwanana le tumelelano, phathi yeo e ka nyaka thušo ka go bega ditatofatšo go Lekgotla ka mokgwa wa go ngwala.

- (12) Ka morago ga go amogela pego ya go latofatša go šitwa ke go kwanana le tumelano, Lekgotla le tla dira dinyakišišo tša ditatofatšo tse bjalo go hwetša gore mabaka a tumelano a latelwa gomme la biletša diphathi tše di amegago pele ga Lekgotla.
- (13) Ge go ka hwetšagala gore ditatofatšo tše bjalo ke nnete, Lekgotla le tla swara ditheeletšo gomme la tsea sephetho seo bjalo ka seo se hlokago tlaalo.

Maatla, maikarabelo le mešomo ya bahlahlobi le badirišani ba Lekgotla

7. (1) Bahlahlobi ka moka bao ba kgethilwego go ya ka 11 ya molao ba tla ba le maatla, mesomo le maikarabelo a a latelago-
- (a) Dira tlhahlobo ya ka mehla ya meago le go fana ka pego ya tlhahlobo ya go ngwalwa ge ba kgopelwa go dira bjalo ke Lekgotla le badirišani;
 - (b) Latela le go kgokagana le bengthoto go tšwa tshedimošong yeo e swerwego ke Mongwadiši wa Bong;
 - (c) Rerišana le babelaele le baitšhireletši le go ngwala tshedimošetšo ka moka yeo e amogelwago;
 - (d) Hwetša dipego tsa boikano go tšwa go diphathi tsa kganetšano le diphathi ka tše dingwe tše di amegago;
 - (e) Fa bohlatse pele ga Lekgotla ge go kgopelwa go dira bjalo;
 - (f) Hwetsa goba go hlahloba dikopi tša dipuku le ditokumente ka moka, tšeo di ka bego di lebane le molato;

- (g) Ikopanya le taolo ya selegae ye nngwe le ye nngwe go lebelela dikoloto tša motšhelo tšeo di kolotwago mabapi le bodulo;
- (h) Nyakišiša maemo a semolao a badudi ge go gononwa gore go na le tiragalo ya khirišo ya ka fase yeo e sego molaong;
- (i) Tlisa ditsebišo le ditokumente tse dingwe tsa maleba go diphathi tseo di amegago kganetšanong;
- (j) Hwetša dikopi tsa dirasiti ka moka mabapi le bodulo, bjoo bo amanago le mmelaedi;
- (k) Hwetša go tšwa go Ofisi ya Tshedimisetso ya Khiriso ya Dintlo yeo e hlomilwego ka fase ga molao, dipego tše dingwe le tše dingwe malebana le dinyakišišo le dingongorego tšeo di amogetšego go ya ka mo akantšwego ka fase ga karolo 13 (3) (a) ya molao;
- (l) Fana ka tshedimošetšo le go hlagiša dipego goba ditokumente tse dingwe le tse dingwe tseo di amango lw tlhahlobo yeo e dirilwego, yeo e ka bago le mokwa go mmelaedi;
- (m) Fana ka tagafala go motho yo mongwe le yo mongwe ka go fa kopi ya nnete mothong yoo ka boyena goba mothong yo a ka bego a na le mengwaga ye e fetago ye 16 yoo a ka bego a dula goba a soma felong la go soma goba la kgwebo leo la motho yoo go boletšwego ka yena yoo, ka kakanyo ya Lekgotla a ka kgonago go fana ka tshedimošetšo yeo e amango le mmelaedi, go iponagatsa pele ga Lekgotla go ya ka moo go akantšwego go karolo 13 (3)(e) ya molao le go hlagiša puku goba tokumente ye nngwe le ye nngwe go ya ka moo go laeditšwego ke Lekgotla;
- (n) Thuša Lekgotla ka go sepediša dinyakišišo tše dingwe le tše dingwe tša mathomo go fana ka pego ye e feleletšego ya tshedimošetšo ya maleba yeo e hweditšwego ka ditlhahlobo le dinyakišišo.

- (o) Hlagaša dikgopelo go Kgorotshekelo ya Maserata go sekiša ge go laetšwe ke Lekgotla go dira bjalo;
 - (p) Fihliša ditigelo tša go ngwalwa tša Lekgotla go phathi yeo e magato a tla tšewago kgahlanong le go se dumelelane le Melawana ya tirišo ye e sa lokago; le
 - (q) Go dira selo se sengwe le se sengwe seo se bonalago sa go phethagatša mešomo le mehola yeo e nyakago ke melawana yeo, moalo goba Lekgotla.
- (2) Badirišani ka moka bao ba khethilwego go ya ka karolo 11 ya molao ba tla ba le maatla, maikarabelo le mešomo ye e latego-
- (a) Amogela dingongorego tša go ngwalwa, bula faele le go tsenya dingongorego ka gare ga rejistara;
 - (b) Sekaseka dingongorego le go lekola dingongorego go ya ka maatlataolotoka a Lekgotla le go eletša babelaele ka mo go swanetšego ka go ngwala;
 - (c) Sepediša dinyakisišo tša mathomo;
 - (d) Boloka direkoto ka ga maemo a dingongorego le dipelo tša tšona;
 - (e) Amogela le go phethagatša ditaelo tša Lekgotla le go beakanyetša Lekgotla ditokumente tse di hlokagalago;
 - (f) Beakanya ditheeletšo tša poelanyo le tša Lekgotla le go tsebiša diphathi mabapi le lefelo, tšatšikgwedi le nako ya ditheeletšo tše bjalo ka go ngwala; le
 - (g) Go gatiša ditshepedišo ditheeletšong tša poelanyo le tša Lekgotla.

Tiišetšo

8. (1) Ge e le gore moitšhireletši yoo go gononeago gore o kgathile tema tirišong ye e sa lokago ga a arabe dinyakisišo tša modirišani

wa Lekgotla ge ngongorego e hlagišwa la mathomo goba moitshireletši o gana go kgatha tema ka mabaka a ago rarolla molato, Lekgotla le ka tšwelapele go dira dinyakišišo go hwetša gore go bile le tlolo molao ya melawana ya tirišo ye e sa lokago, gomme ya dira sephethosa go hloka taolo mabakeng ao.

- (2) Lekgotla goba phathi yeo e lego karolo ya kganetšano e ka nyaka tiišetšo ya kahlolo, go fiwa poelanyo goba Melawana ya tirišo ye e sa lokago kgorong ya tsheko.
- (3) Pele ga tiišetšo Lekgotla le ka sekaseka tumelano ya ngongorego goba ya poelanyo, dipegong tše dingwe le tše dingwe, ditokumenteng goba tshedimošetšing ye nngwe le ye nngwe ya maleba go hwetša gore molato o loketše kahlolo. Ge e le gore Lekgotla le akanya gore tshedimošetšo ye nngwe e a hlokega le ka—
 - (a) Go dira gore molato o romelwe mabapi le dinyakišišo tša tše dingwe;
 - (b) Biletša tshekong motho yo mongwe le yo mongwe go fa fana ka tshedimošetšo ye nngwe; goba
 - (c) Laola keno ka fomong yeo e beetšwego yeo e hwetšagalago ka gare ga Šetulo 3 go ya ka moo go filwego go karolo 13 (3) (f) ya molao.
- (4) Morago ga tshekaseko ya tumelano ya ngongorego goba poelanyo le ditlabakelo tše dongwe tša maleba, go akaretša le tshedimošetšo yeo e hweditšwego ka dinyakišišo tše dingwe, Lekgotla le tla beakanya tigelo ye e ngwadilwego mabapi le kahlolo ya molato, yeo e išago pele mabakabaka le a semolao mabapi le dikgato tša go iša pele ge e ba di gona.
- (5) Ge e le gore go na le dikakanyo tša go tšwetša kahlolo pele, kakanyo ya go ngwalwa e tla neelwa phathi yeo e dikgato di tla tšewago kgahlanong le yona, ka go tsebiša phathi yeo gore Lekgotla le nyaka kahlolo le go fa phathi yeo sebaka, ka tšatšikgvedi leo le laeditšwego, go hlaga pele ga Lekgotla le go fa bohlatse goba go hlagiša ngangišano mabapi le molato woo.

- (6) Ge e le gore phathi yeo magato a tšewago kgahlanong le yona e kgethat go hlaga pele ga Lekgotla, go tla ba le theeletšo go akanya gore ka magato afe ao Lekgotla le tla a tšeago mabpi le ditigelo go tšwela pele ka kahlolo moo ka gona—
- (a) mmelaedi le moitšhireletši ba ka fago bohlatse ka fase ga keno yeo e laolwago ka fase ga karolo 13 (3) (f) ya molao;
 - (b) lekgotla le dira ka bolona goba ka kgopelo ya phathi, le ka hlagiša tagafala ka fase ga karolo 13(3)(d) le (e) ya molao go hwetša bohlatse le bopaki bja maleba; le
 - (c) ka morago ga theeletšo, Lekgotla le tla hlagiša kahlolo ye e ngwadilwego ya go laetša mabaka a nnete le a semoalo mabapi le ditiro tša lona.
- (7) Ge e le gore Lekgotla le akanya go tšwela pele ka tshekišo ele laela modirišani go šupetša molato go balaodi ba maleba ba tshekišo.

Thaetlele ye kopana le Nako ya go thoma

9. Melawana ye e bitšwa Melawana ya Tshepedišo ya Lekgotla la Khirišo ya Dintlo, 2001.

KGORO YA KAGO YA DINTLO YA GAUTENG

LEKGOTLA LA KHIRIŠO YA DINTLO

Šetulo 1

FOMO YA NGONGOREGO YA LEKGOTLA LA KHIRIŠO YA DINTLO

YA TSHOMIŠO YA SEMMUŠO

NOMORO YA TSHUPETŠO:

A. DITABA KA BOTLALO TSA MMELAEDI

SEFANE:

MAINA KA BOTLALO :

LEINA OF MOKGATLO:

NOMORO YA BOITSEBIŠO:

ATRESE YA GAE/MODIRONG (LEINA LA FOLETE, NOMORO YA PHAPOŠI, LEINA LA SETERATA:

ATRESE YA POSO:

THELEFOMO YA MODIRONG:

THELEFOMO YA GAE:

NOMORO YA FEKSE:

B. DITABA KA BOTLALO TSA MOAGO

PALO YA DIKAROLO TSA MOAGO: (GE E BA DI GONA)

PALO YA BAHIRI BAO BA DULAGO KA MOAGONG

MOO MOAGO O LEGO GONA

C. DITABA KA BOTLALO TŠA MALOKO A KOMITI YA BADUDI/BENGNAGA

LEINA:		
NOMORO YA GO IKOPANYA:	MOGALA:	FEKSE:
NOMORO YA BODULO:		
LEINA:		
NOMORO YA GO IKOPANYA:	MOGALA:	FEKSE:
NOMORO YA BODULO:		
LEINA:	MOGALA:	FEKSE:
NOMORO YA GO IKOPANYA:		
NOMORO YA BODULO:		
LEINA:		
NOMORO YA GO IKOPANYA:	MOGALA:	FEKSE:
NOMORO YA BODULO:		
LEINA:		
NOMORO YA GO IKOPANYA:	MOGALA:	FEKSE:
NOMORO YA BODULO:		

D. DITABA KA BOTLALO TSA MOTHO YOO NGONGOREGO E HLAGIŠWAGO KGAHLANONG LE YENA

LEINA LA MOKGATLO WA BADUDI/BENGNAGA:	
NOMORO YA GO IKOPANYA:	MOGALA:
NOMORO YA FEKSE:	
ATRESE YA KA MEHLA YA BODULO (LEINA LA FOLETE, NOMORO YA PHAPOŠI, LEINA LA SETERATA:	
ATRESE YA POSO (GE EBA GA E SWANE):	

E. TSHEDIMOŠETŠO YA GO TLALELETŠA

LEINA MOHLOKOMEDI:	
NOMORO YA GO IKOPANYA:	MOGALA:
NOMORO YA FEKSE:	
LEINA LA MONGMOAGO:	

NOMORO YA GO IKOPANYA:	MOGALA:
NOMORO YA FEKSE :	
ATRESE YA KA MEHLA YA BODULO (LEINA LA FOLETE, NOMORO YA PHAPOŠI, LEINA LA SETERATA):	
ATRESE YA POSO:	
LEINA LA MOLAODIREKIŠETŠI:	
NOMORO YA GO IKOPANYA:	MOGALA:
NOMORO YA FEKSE:	
LEINA OF BOND HOLDER:	
NOMORO YA GO IKOPANYA:	MOGALA:
FEKSE:	

F MOTHO/MOKGATLO WOO O ROMETŠWEGO NGONGOREGO

LEINA:
MOGALA:
FEKSE:
NOMORO YA TŠHUPETŠO:

G LENANELO LA DINGONGOREGO/DIKGANETŠANO

1.
2.
3.
4.

H (MAEMO A MATLOTLO A MOAGO)

MAEMO A MATLOTLO A BODULO BJA GAGO

PALOMOKA YA MELATO YA MOHLKAS	R
PALOMOKA YA MELATO YA MEETSE	R
PALOMOKA YA METŠHELO YEO E KOLOTWAGO MMASEPALA	R
PALOMOKA YEO E KOLOTWAGO MOLAODIREKIŠETSI	R

I NAA GO NA LE NGONGOREGO YA MOAGO WO YE E ILEGO YA TLIŠWA PELENGEE ☐AOWA ☐**J NAA GO NA LE TLHOKEGO YA TLHAHLOBO**EE ☐AOWA ☐

LEINA MMELAEDI: _____

TSHAENO: _____

TŠATŠIKGWEDI: _____

YA TŠHOMIŠO YA SEMMUŠO

LEINA MODIRIŠANI: _____

TSHAENO: _____

TŠATŠIKGWEDI LA GO AMOGELA NGONGOREGO: _____

**KGORO YA KAGO YA DINTLO YA
GAUTENG**

LEKGOTLA LA KHIRIŠO YA DINTLO

Šetulo 2

DITAGAFARA/DIPILETŠOTSHEKONG TŠA LEKGOTLA LA KHIRIŠO YA DINTLO

YA TIRIŠO YA SEMMUŠO

Nomoro ya tšhupetšo

E SWARETŠWE:

***MOLATO MAGARENG GA :**

..... Mmelaedi

LE

..... Moitšhireletši

GO:

LEINA:

BONG

F

M

ATRESE:

BOGO

☐

O kgopelwa go tšwelela ka bowena goba bjalo ka moemedi/agente/molaodi/leloko
.....le/goba bjalo kapele ga ka
..... Tšatšing la bo la.....20....., ka nako
ya.....

*Mmelaedi yo go boletšwego ka yena ka godimo go fa bohlatse goba go hlagiša dipuku,
dipampiri, goba ditokumente legatong la ka mabaka a go
dira dinyakišišo, ditheeletšo, poelanyo goba kahlolo le/goba o tle le gomme o hlagiše go

Lekgotla tokumente goba puku ye nngwe le ye nngwe theeletšong/kopanong dipuku tše mmalwa goba ditokumente tše di laeditšwego ka fase:

LENANEO LA DIPUKU, DIPAMPIRI GOBA DITOKUMENTE TŠEO DI SWANETŠEGO GO HLAGIŠWA

<u>TŠATŠIKGWEDI</u>	<u>TLHALOŠO</u>	<u>KOPI YA MATHOMO</u>

HLOKOMELA:

1. Ke molato go ya ka Karolo 16 ya Molao wa Khirišo ya Dintlo, 1999 le Melawana yeo e tsebišitšwego ka fase go se dumelelane le Tagafala ye.
2. Ge e le gore motho yo mongwe le yo mongwe yoo a bileditšwego tshekong o šitwa go hlagela gobe ntle le le ge a filwe tokollo mabapi le go palelwa goo, motho yo bjalo a ka bonwa molato gomme a ka rwala maikabelo a tefišo goba go golegwa mengwaga yeo e sego ka fase ga ye meraro goba bobedi bja tšona e lego tefišo le go golegwa.

TŠATŠIKGWEDI : **KA LETŠATŠI LABO** **LA**
20.....

LEKGOTLA LA KHIRIŠO YA DINTLO

*** Tlogela ye e sa lebanago**

YA TIRIŠO YA SEMMUŠO

Nna, yoo ke saennego ka fase, ke hlatsela gore ke bileditše tshekong motho yoo leina la gagwe e lego-

***(a) go neelana ka kopi ya nnete go yena ka bowena**

***(b) go neelana ka ge a sa hwetšagale kopi ya nnete go**

.....
motho yoo a nago le mengwaga ya ka godimo ga ye 16 eketse o dula goba o šoma
.....felo la bodulo/la go šoma/la kgwebo

go
.....

Mokgwa, tšhoganetšo le ditlamorago tša piletšo tshekong ye di hlalošeditšwe moamogedi mabapi le se.

Nako:.....Tšatšikgvedi.....Kgvedi.....20.....
Lefelo:.....

Tshaeno ya moamogedi Tshaeno ya mohlankedi:.....
Leina ka bottlalo:..... Leina ka bottlalo:.....
Maatla.....

KGORO YA KAGO YA DINTLO YA GAUTENG

LEKGOTLA LA KHIRIŠO YA DINTLO

Šetulo 3

DIKENO LE DITIŠETŠO

Ge e ba go na le motho yoo a gananago go tšea keno goba tiišetšo ka fomong yeo e lego ka gare ga Koketšo ye goba go bonala o ka re motho yo bjalo a ka se tšee keno ye bjalo ka yeo e bofago letswalo la gagwe, motho yo bjalo a ka tšea kano goba tiišetšo yeo e swanago le yeo e hwetšagalago karolong ya Koketšo ye goba fomo ye nngwe le ye nngwe yeo motho a e tšeago bjalo ka yeo e bofago letswalo la motho.

KAROLO: 1

Kano goba tiišetšo ka motho yoo a bileditšwego tshekong pele ga Lekgotla go ya ka karolo 13 (3) (e) & (f) ya Molao wa Khirišo ya Dintlo, 1999.

"Nna, _____, * ke a ikana/ ka kgonthe ke a tiišetša* gore dikarabo tšeo ke di fago ke nnete, nnete ka botlalo gamme ga go na nnete ye nngwe.

(Mabapi le kano:) ka gona nthuše Morena"

"Nna, _____, * ke a ikana/ ka kgonthe ke a tiišetša* gore bohlatse bjoo ke tla bo fago ke nnete, nnete ka botlalo gamme ga go na nnete ye nngwe.

(Mabapi le kano:) ka gona nthuše Morena"

(*tloša yeo e sa lebanago)

Hlatse

LEKGOTLA LA KHIRIŠO YA DINTLO

KAROLO: 2

Kano goba tlišetšo ka toloki

"I, _____, * ke a ikana/ ka kgonthe ke tlišetša * gore ge ke bilwetšwa go phethagatša mešomo ya botoloki ditshepetšong tša Lekgotla la Khirišo ya Dintlo, ka boitshepo le go nepagala ka bokgoni bjaka ka hlatholla go tšwa polelong yeo ke tla bego ke bileditšwe go we hlatholla go ya go polelo ye nngwe go ya moo go nyakwago ke Lekgotla, le ka tsela ye nngwe.

(Mabapi le kano) ka gona nthuše Morena".

(*Tloša yeo e sa lebanago).

Hlatse

Lekgotla la khirišo ya dintlo

KAROLO: 3

Kano ka mongwalolli

Nna, _____, * ke a ikana/ ka kgonthe ke tiišetša * –

- (a) * gore ka boitshepo le ka bokgoni bjaka ke tla ngwala/gatiša ditshepedišo tša Lekgotla la Kago ya Dintlo tšeo swerwego go ya ka karolo 13(2) (d) ya Molao wa Khiri ya Dintlo, 1999 ka seatla/ka mokgwa wa semotšhene go ya ka taelo ya modulasetulo wa Lekgotla goba motho yo mongwe yoo a swerego marapo,
- b) * gore ke tla ngwalolla ka botlalo go ya ka bokgoni bjaka mogwalo wa seatla/pego ya semotšhene tša ditshepedišo tša tša Lekgotla la Kago ya Dintlo tšeo swerwego go ya ka karolo 13(2) (d) ya Molao wa Khirišo ya Dintlo, 1999 tšeo di dirilwego ke nna goba ke motho yo mongwe.

Tloša yeo e sa swanelago).

Hlatse

Lekgotla la Khirišo ya Dintlo

ŠETULO 4

TUMELELANO YA POELANYO MABAPI LE
LEKGOTLA LA KHIRIŠO YA DINTLO

YA TIRIŠO YA SEMMUŠO

Mmelaedi/Babelaedi

Nna/Rena _____ yoo/bao ba dulago
_____ ka gona ke/re dumelelana le peelanyo magareng ga
ka/Rena le Mongnaga/Mohiri mabapi le pelaelo yeo e beilwego le Lekgotla la Khirišo ya Dintlo.
Saennwe mo _____ tšatšing la bo _____ la
_____ 20 _____

TSHAENO: _____

LEINA: _____
(NGWALA KA GO GATIŠA HLE)

HLATSE 1: _____

HLATSE 2: _____

Mo/Baitšhireletši

Nna/rena _____ mo ke/re dumelelana le
peelanyo magareng ga Nna/Rena _____ mabapi le
pelaelo ye e hlagišitšwego le Lekgotla la Khirišo ya Dintlo.

Saennwe mo _____ tšatšing la bo _____ la
_____ 20 _____

TSHAENO _____

LEINA _____
(NGWALA KA GO GATIŠA HLE)

HLATSE 1: _____

HLATSE 2: _____

NOTICE 2132 OF 2001

**GAUTENG DEPARTMENT OF
HOUSING****RENTAL HOUSING ACT, 1999 (ACT NO. 50 OF 1999)****MANAGEMENT AND CONTROL OF BUILDINGS REGULATIONS, 2001**

The member of the Executive Council responsible for Housing, under section 15 (1)(g) of the Rental Housing Act, 1999 (Act No. 50 of 1999) has made regulations contained in the schedule hereto.

SCHEDULE**Definitions**

1(1) Subject to regulation 1(2) and unless the context otherwise indicates words in these regulations have the same meaning as ascribed to them in section 1 of the Rental Housing Act, 1999 (Act No. 50 of 1999).

(2) In these regulations, unless the context indicates otherwise -

"Act" means the Rental Housing Act, 1999 (Act No. 50 of 1999);

"authority" means the Gauteng Provincial Government or a Municipality as defined by these regulations;

"building" means a place designed for human occupation owned by the Gauteng Provincial Government or a Municipality, other than hostels, to which these regulations are made applicable by notice in the Official Gazette by the Member of the Executive Committee for Housing;

"building manager" means the person appointed by the authority in terms of regulation 2 of these regulations;

"municipality" means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993) and as well as in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Resident" means a person who is legally residing in a building based on a legal and binding lease entered into and between a tenant and the relevant authority; and

"Tribunal" means the Rental Housing Tribunal established in terms of section 7 of the Act.

Appointment of Building Managers

2. The authority –

- (1) may appoint a building manager for a particular building or group of buildings and the land on which the building(s) is situated to execute the duties outlined in these regulations and to carry out any other instruction which he or she may receive from the authority;
- (2) may appoint a deputy building manager; and
- (3) may enter into an agreement with a third party to assist in the execution of the building manager's duties.

Criteria for the appointment of Building Managers

3. (1) The building manager shall be an official of the authority and will be appointed in terms of the conditions of the Public Service Act, 1994, in the case of provincial government owned buildings and in terms of the conditions of employment of the relevant Municipality in the case of local government owned buildings.

Duties of Building Managers

4. The building manager is responsible for the management, control and good order of the building. The building manager shall –
 - (1) seek to promote reasonable comfort and welfare of the residents;
 - (2) ensure that the building and the land on which it is situated are kept in a clean and tidy condition;

- (3) whenever so required by the authority, give a written report on the condition of the management and control of the building;
- (4) establish and keep a register of all residents which must contain the full names and identity numbers of each resident and the name of his or her next of kin or any other person to be contacted in the event of death or an emergency;
- (5) formulate a set of house rules per building in consultation with the residents committee, which complies with these regulations and issue each registered resident with a copy thereof;
- (6) encourage and facilitate the establishment and operation of a residents' committee, and consult regularly with it;
- (7) ensure that a copy of these regulations together with the current rental tariff is posted and maintained on an official notice board, in a conspicuous place in the building, for the information of residents and the public generally; and
- (8) perform all other duties entrusted to him or her under these regulations.

Leases

5. A lease entered into between the authority and a tenant must at least contain the following information -
 - (1) the rental payable, and the date, place and to whom such payment shall be made, together with the escalation rate and period of notification of such escalation(s), if applicable;
 - (2) the purpose for which the dwelling can be used by the tenant;
 - (3) the maximum number of persons entitled to occupy the dwelling;
 - (4) the name and identity number of the tenant;
 - (5) the physical addresses of the parties for the service of all notices and court processes; and
 - (6) the date of commencement of the lease.

Transitional Measures

6. Within three (3) month of the adoption of these regulations by the authority concerned, the building manager, in collaboration with any third party appointed by the authority, where applicable, must conduct a census of all residents to ensure that all residents are in lawful occupation of the property and that they have entered into a lease with the authority.

Management Measures

- 7 (1) Subject to transitional measures contained in regulation 6, no other person(s) other than the registered resident(s) as determined by the lease may reside in the building.
- (2) The building manager, his deputy or any other authorised representatives may -
 - (a) institute measures to monitor unauthorised occupation of the building;
 - (b) in the performance of his or her duties, enter any place in the building for the purpose of an investigation or another action he or she may deem necessary; or
 - (c) require a person present in the building to furnish documentary proof of his or her right to reside in the building and any other information as may be required by the authority for the purpose of the administering the building, failing which such person may be required to supply his or her name, identity number and address and to vacate the premises forthwith.

Occupancy

8. (1) The authority must provide residence on the terms contained in these regulations and as defined by the lease entered into by both parties.
- (2) Residents must pay rent as stipulated and agreed to by both parties in the lease, and residents must pay charges for all services rendered by the authority, on a monthly basis.

- (3) Unless the authority has given prior written consent, a resident may not -
- (a) cede, assign or make over to another person his or her right of occupation or rights related thereto;
 - (b) sublet or permit another person to reside on the premises without the prior written consent of the authority; and
 - (c) make alterations or additions to the building or any part thereof without the prior written consent of the authority.
- (4) No person may carry on a trade, business or an industrial activity on the premises or erect shelters or any other structures on the premises except with the written consent of the authority on the terms and subject to the requirements of any town planning scheme, any legislation governing land use, and the payment of the fees and charges as may be required by the authority, after consultation with the residents' committee.

Responsibility for premises and good conduct

- 9** (1) The authority is responsible for keeping in good order, condition and state of repair the communal facilities, installations, equipment and the exterior of the building premises.
- (2) Each resident and occupant is responsible to the authority for any damage caused to his or her dwelling or fittings.
- (3) No residents, occupants or other person(s) may -
- (a) create a nuisance or disturbance in or on any part of the building premises;
 - (b) alter or install anything on the premises, nor effect any alterations or additions to the fittings or structure therein without the prior written consent of the authority;
 - (c) keep any animal, bird or motor vehicle anywhere on the building premises without the prior written consent of the building manager;

- (d) alter or interfere with the electrical or other installations on the premises; and
- (e) convene any meeting or gathering in or on any part of the building premises with the prior consent of the building manager, provided that such consent would not be unreasonably withheld.

Residents' Committee

- 10** (1) A resident's committee must be established which represents the majority of residents and the general interests of the residents in matters pertaining to the living conditions within the building and other related matters.
- (2) A person may not serve on the resident's committee unless he or she is a resident as defined in regulation 1. A member of the resident's committee's powers are automatically suspended whenever he/she falls in arrears with rental payments due to the relevant authority.
- (3) The residents' committee and the building manager must meet and liase regularly on matters of mutual concern.
- (4) Special meetings of residents may be convened on not less than seven (7) days notice or at a shorter notice for cases of stated emergency by -
- (a) the building manager; or
 - (b) the residents' committee, at times and venues to be arranged with the prior consent of the building manager.
- (5) The residents' committee must give notice of meetings to residents by placing notices prominently on the official notice board and at entrances of the building and in such a way as the building manager or the residents' committee may deem to be appropriate.

Complaints and Appeals

- 11.** (1) A complaint by tenant(s) or the tenant's resident committee regarding any duty or function that must be performed by the building manager must first be brought to the attention of the building manager.

- (2) If a complaint is not dealt with by the building manager within a reasonable time period, agreed to by both parties, the complaint may be lodged with the relevant authority which deals with landlord and tenant disputes.
- (3) A landlord or tenant or group of landlords or tenants may lodge complaints regarding unfair practices with the Tribunal for a dwelling, which they are letting or renting, by lodging a written complaint as prescribed by the regulations promulgated under the Rental Housing Act, 1999 (Act No. 50 of 1999).

Cancellation and evictions

- 12.** (1) A tenant must give written notice to the authority where he or she will not be in personal occupation of the property for a continuous period exceeding one (1) month.
- (2) A tenant who has not given written notice to the authority as contemplated in regulation 12(1) and is not in personal physical occupation of the dwelling for a continuous period exceeding one (1) month shall be deemed to have abandoned the building and the authority shall be entitled to cancel the lease.
- (3) The lease shall be terminated within the prescribed period upon the tenant's acquisition of any immovable property whatsoever or upon the tenant becoming a beneficiary under the capital housing subsidy programme. No tenant will be allowed to retain a dwelling within the building as a second dwelling.

Short Title

- 13.** These regulations shall be called the **Management and Control of Buildings Regulations, 2001.**

KENNISGEWING 2132 VAN 2001

GAUTENGSE DEPARTEMENT VAN BEHUISING

VERHURINGSWET OP BEHUISING, 1999 (WET 50 VAN 1999)

REGULASIES VIR DIE BESTUUR EN BEHEER VAN GEBOUE, 2001

Die Lid van die Uitvoerende Raad verantwoordelik vir Behuising in die Gauteng-provinsie het die regulasies in die skedule opgestel kragtens artikel 15(1)(g) van die Verhuringswet op Behuising, 1999 (Wet 50 van 1999).

SKEDULE

Definisies

1. (1) Onderhewig aan regulasie 1(2) beteken enige uitdrukking wat in die regulasies gebruik word dieselfde as die betekenis wat die Verhuringswet op Behuising, 1999 (Wet 50 van 1999) in artikel 1 van die Wet daaraan toeskryf, tensy dit uit die konteks duidelik anders blyk.
- (2) In die regulasies beteken enige uitdrukking die volgende, tensy dit uit die konteks duidelik anders blyk –

"die Wet" beteken die Verhuringswet op Behuising, 1999 (Wet 50 van 1999);

"owerheid" beteken die Gautengse Provinsiale Regering of 'n Munisipaliteit soos dit in die regulasies omskryf word;

"gebou" beteken 'n plek wat ontwerp is vir menslike verblyf en besit word deur die Gautengse Provinsiale Regering of 'n Munisipaliteit, wat nie 'n hostel is nie, waarop die regulasies betrekking het kragtens 'n amptelike kennisgewing in die Staatskoerant, welke kennisgewing uitgereik is deur die Lid vir die Uitvoerende Komitee vir Behuising;

"geboubestuurder" beteken die persoon wat deur die owerheid aangestel is kragtens regulasie 2 van die regulasies;

"munisipaliteit" beteken 'n munisipaliteit soos omskryf in artikel 10B van die Wet op Plaaslike Oorgangrade van 1993 (Wet 209 van 1993), asook die Wet op Plaaslike Munisipale Regeringstrukture van 1998, (Wet 117 van 1998);

"inwoner" beteken 'n persoon wat wettiglik in 'n gebou woon op grond van 'n wettige en bindende huurooreenkoms wat aangegaan is tussen 'n huurder en die betrokke owerheid; en

"Tribunaal" beteken 'n Tribunaal vir Verhuring van Behuising, soos gevestig kragtens artikel 7 van die Wet; en

Aanstel van geboubestuurders

2. Die owerheid –

- (1) kan 'n geboubestuurder aanstel vir 'n bepaalde gebou of groep geboue en die grond waarop die gebou(e) geleë is, om die pligte wat in die regulasies uiteengesit word uit te voer en om enige ander instruksies van die owerheid uit te voer;
- (2) kan 'n adjunk-geboubestuurder aanstel; en
- (3) kan 'n ooreenkoms aangaan met 'n derde party om hulp te verleen met die uitvoer van die geboubestuurder se pligte.

Kriteria vir die aanstel van geboubestuurders

3. (1) Die geboubestuurder moet 'n amptenaar in diens van die owerheid wees en word aangestel kragtens die voorwaardes van die Wet op Openbare Dienste van 1994, as die aanstelling betrekking het op geboue wat in besit is van die provinsiale regering en kragtens die diensvoorwaardes van die bepaalde munisipaliteit in geval van geboue in besit van die plaaslike owerheid.

Pligte van geboubestuurders

4. Geboubestuurders is verantwoordelik vir die bestuur, beheer en goeie toestand van die gebou. Die geboubestuurder moet –
 - (1) Probeer om die redelike gerief en welvaart van inwoners te verseker;
 - (2) Seker maak dat die gebou en die grond waarop dit geleë is skoon en netjies gehou word;
 - (3) 'n Skriftelike verslag indien oor die toestand van bestuur en beheer by die bepaalde gebou, as die owerheid so 'n versoek rig;
 - (4) 'n Register hou van alle inwoners. Die register moet die volle name en identiteitsnommers van elke inwoner en die naam van sy of haar naaste verwante of enige ander persoon bevat, sodat die persoon/personne geskakel kan word in geval van dood of noodgeval;
 - (5) 'n Stel huisreëls opstel vir elke gebou nadat die inwonerskomitee geraadpleeg is. Die huisreëls moet voldoen aan dié regulasies en elke geregistreerde inwoner moet 'n kopie van die huisreëls of ontvang;
 - (6) Die vestiging en bedryf van 'n inwonerskomitee aanmoedig en fasiliteer. Die geboubestuurder moet gereeld die inwonerskomitee raadpleeg.
 - (7) Seker maak dat 'n kopie van die regulasies met die heersende huurgeld op 'n amptelike kennisgewingbord aangebring en onderhou word. Die kennisgewingbord moet op 'n sigbare plek in die gebou aangebring word sodat die inwoners en die algemene publiek toegang het tot die inligting; en
 - (8) Al die ander pligte wat aan hom of haar toevertrou is kragtens die regulasies uitvoer.

Huurooreenkomste

5. 'n Huurooreenkoms wat aangegaan word tussen die owerheid en 'n huurder moet ten minste die volgende inligting bevat -

- (1) Die huurgeld wat betaal moet word, die datum en plek waar die bedrag betaal moet word en aan wie die betaling uitgemaak moet word, tesame met die eskalasiekoers en kennisgewingstydperk om eskalasies aan te kondig, indien dit van toepassing is;
- (2) Die doel waarvoor die huurder die woning mag gebruik;
- (3) Die maksimum getal mense wat in die woning mag woon;
- (4) Die huurder se naam en identiteitsnommer;
- (5) Die fisiese adresse van die partye waar kennisgewings en hofprosesstukke beteken kan word; en
- (6) Die datum waarop die huurooreenkoms van krag word.

Oorgangsmatreëls

6. Binne 3 (drie) maande nadat die betrokke owerheid die regulasies aanvaar, moet die geboubestuurder in samewerking met enige derde party wat die owerheid mag aanstel en waar van toepassing, 'n opname maak van alle inwoners om seker te maak dat alle inwoners wettiglik die eiendom bewoon en dat hulle huurooreenkomste aangegaan het met die betrokke owerheid.

Bestuursake

- 7 (1) Onderhewig aan die oorgangsmatreëls in regulasie 6, mag geen ander persoon/persone as die geregistreerde inwoner(s) soos dit deur die huurooreenkoms bepaal word, in die gebou woon nie.
- (2) Die geboubestuurder, sy adjunk of enige ander gemagtigde verteenwoordigers kan -
 - (a) Matreëls instel om die ongemagtigde bewoning van die gebou te monitor;
 - (b) Enige plek van die gebou betree in die uitvoer van sy of haar pligte om ondersoek in te stel of andersins op te tree soos hy of sy mag goed dink; of

- (c) Vereis dat 'n persoon in die gebou dokumentêre bewys lewer van sy of haar reg om die gebou te bewoon, asook enige ander inligting aanvra wat deur die owerheid vereis kan word vir die doel van administrasie van die gebou. Versuim om die dokumente of inligting verskaf, kan daartoe lei dat die persoon sy of haar naam, identiteitsnommer en adres moet verskaf en versoek sal word om die perseel onmiddellik te ontruim.

Bewoning

8. (1) Die owerheid moet wonings voorsien op grond van die voorwaardes van die regulasies en soos dit omskryf word deur die huurooreenkoms wat deur albei partye aangegaan word.
- (2) Inwoners moet huur betaal soos dit gestipuleer en ooreengekom is deur albei partye tot die huurooreenkoms. Inwoners moet die koste vir alle dienste wat deur die owerheid gelewer word maandeliks betaal.
- (3) Tensy die owerheid vooraf toegestem het daartoe, mag 'n inwoner nie -
 - (a) Die verblyfreg of regte wat daarmee verband hou sedeer, afteken of oormak aan 'n ander persoon nie;
 - (b) Die perseel onderverhuur of 'n ander persoon toelaat om op die perseel te woon sonder die vooraf skriftelike toestemming van die owerheid nie; en
 - (c) Die gebou of enige deel daarvan verbou of verbreek sonder die vooraf skriftelike toestemming van die owerheid nie.
- (4) Geen persoon mag handel dryf, 'n besigheid bedryf of enige nywerheidsaktiwiteit bedryf op die perseel nie en verder mag niemand skullings of ander strukture op die perseel aanbring sonder die skriftelike toestemming van die owerheid met betrekking tot die bepalinge en voorwaardes van enige vereistes van enige dorpsbeplanningskema, enige wetgewing wat die gebruik van grond beheer en die betaling van die nodige koste wat vereis word deur die owerheid na konsultasie met die inwonerskomitee nie.

Verantwoordelikheid vir perseel en goeie gedrag

- 9** (1) Die owerheid is verantwoordelik daarvoor om die gemeenskaplike fasiliteite, installerings, toerusting en die buitekant van die gebou in 'n goeie, netjiese en heel toestand te hou.
- (2) Elke inwoner en bewoner is verantwoordelik vir enige skade wat aan sy of haar woning of toebehore in die woning veroorsaak is en moet enige sodanige koste aan die owerheid betaal.
- (3) Geen inwoners, bewoners of ander persoon/persone mag -
- (a) 'n steurnis of hindernis in die gebou of perseel of enige deel daarvan veroorsaak nie;
- (b) enige iets op die perseel verander of installeer, of enige deel van die struktuur of toebehore verbou of verbreek sonder die vooraf skriftelike toestemming van die owerheid nie;
- (c) enige dier, voël, of motorvoertuig op die perseel aanhou sonder die vooraf skriftelike toestemming van die geboubestuurder nie;
- (d) die elektriese of ander installerings op die perseel verander of daarmee peuter nie; en
- (e) enige vergadering of byeenkoms belê in die gebou of perseel of enige deel daarvan sonder die vooraf toestemming van die geboubestuurder nie, met dien verstande dat die geboubestuurder nie sodanige toestemming onredelik mag weerhou nie.

Inwonerskomitee

- 10** (1) 'n Inwonerskomitee moet gevestig word. Die komitee moet verteenwoordigend wees van inwoners en moet in die algemene belang van die inwoners wees, veral met betrekking tot leefomstandighede in die gebou of ander verwante sake.
- (2) 'n Persoon kan nie op die inwonerskomitee dien tensy hy of sy 'n inwoner is soos dit in regulasie 1 omskryf word nie. 'n Lid van die inwonerskomitee

se magte word outomaties opgeskort as hy of sy nie sy huur aan die betrokke owerheid betaal en sy of haar huur dus agterstallig raak nie.

- (3) Die inwonerskomitee en geboubestuurder moet gereeld vergader en skakel oor sake van onderlinge belang.
- (4) Spesiale vergaderings van die inwoners kan belê word, maar met ten minste 7 (sewe) dae kennis of korter kennisgewing as dit 'n verklaarde noodgeval is. Dit kan belê word deur –
 - (a) Die geboubestuurder; of
 - (b) Die inwonerskomitee, op 'n tyd en plek wat vooraf met die geboubestuurder se toestemming gereël moet word.
- (5) Die inwonerskomitee moet kennis gee van vergaderings, deur kennisgewings op 'n prominente plek op die kennisgewingbord en by ingange na die gebou te plaas. Die geboubestuurder of die inwonerskomitee kan dit so plaas as wat hulle goed dink.

Klagtes en appèl

11. (1) 'n Klag deur 'n huurder/huurders of die huurders se inwonerskomitee oor enige plig of funksie wat deur die geboubestuurder nagekom moet word, moet eers onder die aandag van die geboubestuurder gebring word.
- (2) As die geboubestuurder nie aandag skenk aan 'n klag binne 'n redelike tydperk waarop albei partye ooreengekom het nie, kan die klag by die betrokke owerheid wat dispute tussen eienaars en huurders werk, ingedien word.
- (3) 'n Eienaar of huurder of groep eienaars of groep huurders kan klagtes oor onregverdige praktyke indien by die Tribunaal. Die klag kan handel oor 'n gebou wat gehuur of verhuur word en kan skriftelik ingedien word op die wyse wat voorgeskryf word deur die regulasies wat gepromulgeer is kragtens die Verhuringswet op Behuising, 1999 (Wet 50 van 1999).

Kansellasië en uitsettings

12. (1) 'n Huurder moet skriftelik kennis gee by die owerheid as hy of sy nie die woning persoonlik sal bewoon vir 'n ononderbroke tydperk van meer as 1 (een) maand nie.

(2) 'n Huurder wat nie skriftelik kennis gee by die owerheid soos voorsien in regulasie 12(1) nie en nie die perseel fisies bewoon vir 'n ononderbroke tydperk van meer as 1 (een) nie, sal geag word asof hy of sy die gebou ontuim het en in so geval is die owerheid geregtig daarop om die huurooreenkoms te kanselleer.

(3) Die huurooreenkoms sal binne die voorgeskrewe tydperk gekanselleer word as die huurder enige onroerende eiendom van enige aard verkry, of as die huurder 'n begunstigde word kragtens die kapitaalbehuisingssubsidieprogram. Geen huurder sal toegelaai word om in 'n woning in die gebou te bou as 'n tweede woning nie.

Kort titel

- 13.** Die regulasies sal bekend wees as die **Regulasies vir die Bestuur en Beheer van Geboue, 2001.**

NOTICE 2132 OF 2001

UMNYANGO WEZEZINDLU E-GAUTENG**UMTHETHO WOKURENTA IZINDLU (UMTHETHO ONGUNUMBOLO 50 KA 1999)****IMITHETHO YOKUPHATHA KANYE NOKULAWULA IZAKHIWO, 2001**

Ilunga loMkhandlu elibhekene nezeziNdlu, ngaphansi kwesigaba 15 (1)(g) soMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo 50 ka 1999) lenze imitheshwana equkethwe kusheduli lena.

ISHEDULI**Izincazelo**

- 1** (1) Kubekuncike emthethweni 1(2) futhi ngaphandle uma kungukuthi okukhulunywa ngako kukhonjisiwe ngenye indlela amagama kumithetho achaza okufanayo nalena ebeyinikezwe kuwo kusigaba 1 soMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo, 50 ka 1999).

- (2) Kulemithetho, ngaphandle umakukhulunywa ngako kuchazwe ngenye indlela -

"uMthetho" kuchazwa uMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo 50 ka 1999);

"umkhandlu" kuchazwa uHulumeni wesiFundazwe sase-Gauteng noma uMasipala njengoba uchaziwe kulemitheshwana;

"isakhiwo" kuchazwa indawo ebekelwe ukuhlala abantu ekungekaHulumeni wesiFundazwe sase-Gauteng noma uMasipala, ngaphandle kwamahositela, okuthi lemithetho yenziwa ukuba isebenze ngokuthi uMphathiswa obhekene nezezindlu e-Gauteng afake isaziso ku-Gazethi esemthethweni:

"umphathi wesakhiwo" kuchazwa umuntu okhethwe umkhandlu ngokusho komthetho 2 walemithetho;

"umasipala" kuchazwa umasipala njengoba uchaziwe kusigaba 10B soMthetho wezoHulumeni baseKhaya, 1993 (uMthetho onguNombolo. 209 ka 1993) futhi nakanjalo kuMthetho wezaKhiwo zoMasipala baseKhaya, 1998 (uMthetho onguNombolo. 117 ka 1998);

"iSakhamuzi" kuchazwa umuntu ohlala ngokusemthethweni esakhiweni ngokwesivumelwano esisemthethweni futhi esibophezelayo ekungenwe kuso futhi phakathi komhlali kanye nomkhandlu osemthethweni; futhi

"I-Tribunal" kuchazwa i-tribunal yokuRenta iziNdlu eyasungulwa ngokusho kwesigaba 7 soMthetho.

Ukukhethwa koMphathi wesakhiwo

2. Isiphathimandla –

- (1) singakhetha umphathi wesakhiwo esithile noma idlanzana lezakhiwo kanye nomhlaba lesakhiwo (lezakhiwo) zakhiwe khona ukuze enze umsebenzi obekiwe kulemithetho futhi aqhube imiyalelo angayinikwa yisiphathimandla;
- (2) singakhetha isekela lomphathi wokwakha; futhi
- (3) singangena esivumelanweni nomunye umuntu wesithathu ukuba asize ekwenziweni kwemisebenzi yomphathi wesakhiwo.

Imibandela yokukhetha abaPhatha bezakhiwo

3. (1) Umphathi wesakhiwo kufanele kube umsebenzi womkhandlu futhi kuzofanele akhethwe ngokulandela imibandela yoMthetho wezabaSebenzi bakaHulumeni, 1994, esimeni sikaHulumeni wesifundazwe enezakhiwo kanye nangokusho kwezimo zokuqashwa kwalowo masipala ofanele esimeni sikaMasipala kahulumeni wasekhaya onesakhiwo okungesakhe.

Imisebenzi yabaPhathi bezaKhiwo

4. Umphathi wesakhiwo nguyena obhekene nezokuphatha, ukulawula kanye nesimo esikahle sesakhiwo. Umphathi kufanele –
 - (1) afune ukukhuthaza ukunethezeka kanye nenhlalo enhle yabahlali;
 - (2) ukuqinisekisa ukuthi isakhiwo kanye nomhlaba isakhiwo esikuwo ugcinwa uhlanzekile futhi usesimeni esikahle;
 - (3) uma kudigwa kakhulu umasipala, anikeze umbiko obhalwe phansi emibandeleni yokuphatha kanye nokulawula isakhiwo;

- (4) asungule bese egcina ibhiku (register) labo bonke abahlali ekufanele liqukathe amagama agcwele kanye nezinombolo zepasi zesakhamuzi ngasinye kanye negama lezihlobo zakhe noma ngabe ubani omunye umuntu okufanele kuthintwane naye uma kukhona oshonayo noma kunesimo esiphuthumayo ;
- (5) asungule iqoqo lemithetho yendlu kusakhiwo ngasinye ebe ebonisana nekomidi lezakhamuzi, elihambisana nalemithetho kanye nodaba, anikeze isakhamuzi ngasinye ikhophi ngemuva kwalokho;
- (6) akhuthaze futhi aqhuqhuzele ukusungulwa kanye nokusebenza kwekomidi labahlali, bese ebonisana nalo njalo;
- (7) aqinisekise ukuthi ikhophi yalemithetho kanye namatharifu okurenta kuyachonywa futhi kugcinwe kubhodi lezaziso elisemthethweni, kunawo ebonakala kalula esakhiweni, ukuze abahlali kanye nomphakathi ngokubanzi bakwazi ukusibona; futhi
- (8) enze yonke eminye imisebenzi anikezwe yona ngaphansi kwalemithetho.

Amalizi

5. Ilizi ekungenwe kuyo phakathi komkhandlu kanye nomqashi kufanele okungenani iqhukathe lokhu okulandelayo -

- (1) imali yerenti ekhokhwayo, usuku, indawo kanye nokuthi lenkokhelo ikhokhwa kubani, kanjalo nesilinganiso sokunyuka kwayo, uma kukhona;
- (2) inhloso indawo yokuhlala engasetshenziselwa yona ngumqashi;
- (3) inani ekuyilona lilikhulu labantu abanelungelo lokuhlala endaweni;
- (4) igama kanye nenombolo kamazisi womhlali;
- (5) ikheli lendawo yokuhlala yabo bonke abathintekayo ukuze banikezwe zonke izithembiso kanye nezinyathelo zasenkantolo; kanye
- (6) nosuku lokuqala kwelizi.

Izinhlelo zesikhashana

6. Zigakapheli izinyanga ezingu-3 kwamukelwe lemithetho ngumkhandlu othintekayo, umphathi wesakhiwo, ngokubambasana nomunye umuntu wesithathu okhethwe ngumkhandlu, uma kufanelekile, kufanele babale bonke abahlali ukuqinisekisa ukuze baqinisekise ukuthi bonke abahlali bahleli ngokusemthethweni futhi bangenile kulizi nomkhandlu.

Izinhlelo zokuphatha

- 7 (1) Kube kuncike kuzinhlelo zesikhashana eziqukethwe kumthetho 6, akekho omunye umuntu (abantu) ngaphandle kwabahlali ababhalise ngokusemthethweni njengoba kusho ilizi abangahlala esakhiweni.
- (2) Umphathi wesakhiwo, isekela lakhe noma omunye ogunyaziwe anga -
- (a) letha izinhlelo zokubheka ukuhlala okungagunyaziwe kusakhiwo;
 - (b) ekwenzeni umsebenzi wakhe, angene noma kuyiphi indawo kusakhiwo ngenhloso yokuphenya noma yesinye isinyathelo angabona ukuthi sifanelekile; noma
 - (c) adinge umuntu okhona kusakhiwo ukuba alethe ubufakazi obubhalwe phansi belungelo lakhe lokuhlala kusakhiwo kanye nanoma iluphi ulwazi njengoba ludingwa umkhandlu ngenhloso yokuphatha isakhiwo, uma ehluleka ilokho lowomuntu kungadingeka alethe igama lakhe, inombolo yakhe yepasi kanye nekheli bese kudingeke ukuba aphume kusakhiwo ngemuva kwalokho.

Ukuhlala

8. (1) Umkhandlu kufanele uhlelele abahlali ngokwemibandela equkethwe kulemithetho futhi nanjengoba ichaziwe yilizi ekungenwe kuyo ngamaqembu womabili.
- (2) Abahlali kufanele bakhokhe intela njengoba kubekiwe futhi kuvumelane amaqembu womabili kulizi, futhi abahlali kufanele bakhokhe imali yazo zonke izinkonzo ezilethwa ngumkhandlu, njalo ngenyanga.

(3) Ngaphandle uma kungukuthi isiphathimandla sinikeze ukuvuma ngaphambilini okubhalwe phansi, umhlali -

- (a) angahlalisi, acashise noma andlulisele amalungelo akhe okuhlala komunye umuntu noma amandla ayanyaniswa nalokho;
 - (b) angayekeli noma avumele omunye umuntu ekutheni ahlale emagcekeni ngaphambi kokuba kube nesivumelwano esibhalwe phansi esivela kumkhandlu; futhi
 - (c) enze izinguquko noma angeze kusakhiwo noma kuyiphi ingxenye ngemuva kwalokho ngaphandle kwesivumelwano esibhalwe phansi esivela kumkhandlu.
- (4) Akekho umuntu ongaqhuba uhwebo, ibhizinisi noma imboni kumagceke noma afake imipheme noma isiphi esinye isakhiwo emagcekeni ngaphandle kwesivumelwano esibhalwe phansi somkhandlu semibandela futhi kuncike kuzidingo zanoma iluphi uhlelo lokuhlela idolobha, noma imuphi umthetho ophethe ukusebenzisa umhlaba, kanye nokukhokhwa kwenkokhelo kanye nemali njengoba kungadingwa ngumkhandlu, ngemuva kokukhulumisana nekomidi labahlali.

Ukunakekela amagceke kanye nokuziphatha kahle

- 9 (1) Umkhandlu ubhekene nokugcina isimo sikahle, isimo kanye nokulungisa okonakele okusetshenziswa yiwona wonke umuntu, okufakwayo, okokusebenza kanye nengaphandle lesakhiwo.
- (2) Umhlali ngamunye kanye nokuhlala naye kusakhiwo banesibopho kumkhandlu sanoma ikuphi ukonakala okwenzeke endaweni yakhe noma kulokho akufakayo.
- (3) Abekho abahlali noma abanye abantu -
- (a) abangenza into ebhedayo noma baphazamise ngaphakathi noma kuyiphi ingxenye yamagceke esakhiwo;
 - (b) abangashintsha noma bafake noma yini emagcekeni, noma benze noma iziphi izinguquko noma ukwengeza kokufakiwe noma kusakhiwo esikhona ngaphandle kwesivumelwano esibhalwe phansi;

- (c) abangagcina noma isiphi isilwane, inyoni noma imonto noma ikuphi kumagceke esakhiwo ngaphandle kwesivumelwano esibhalwe phansi esivela kumphathi wesakhiwo;
- (d) abangashintsha noma baphazamisane nokufakelwa kukagesi noma kwezinye izinto kumagceke; futhi
- (e) abangabiza noma imuphi umhlangano noma inhlanganiso emagcekeni noma engxenyeni yamagceke esakhiwo ngaphambi kokuthola isivumelwano esibhalwe phansi esivela kumphathi wesakhiwo, inqobo nje uma kungukuthi loko kuvumelana angeke kusetshenziswe ngokungafanele.

Ikomidi labahlali

- 10** (1) Ikomidi labahlali kufanele lisungulwe elizomela iningi labahlali kanye nezifiso zabahlali ngokubanzi ezidabeni eziphathelele nezimo zokuhlala esakhiweni noma ezinye izindaba ehlangene nalokho.
- (2) Umuntu angeke ahlale ekomidini labahlali ngaphandle uma kungukuthi ungumhlali njengoba kuchaziwe kumthetho 1. Amandla elunga lekomidi labahlali ayamiswa ngaso leso sikhathi uma kungukuthi unemali asilele ngayo ekukhokheleni irenti yalowo mkhandlu.
- (3) Ikomidi labahlali kanye nomphathi wesakhiwo kufanele bahlangane bese bexoxisana njalo ngezikhathi ezithile ezindabeni ezibathinta bobabili.
- (4) Imihlangano ekhethekile ingabizwa zingakapheli izinsuku ezingu (7) zesaziso noma isaziso esifushane ezindabeni ezibekwe njengeziphuthumayo -
- (a) Ngumphathi wesakhiwo; noma
 - (b) Ikomidi labaphathi, ezikhathini kanye nasezindaweni ezizohlelwa ngokuvumelana okwenziwe ngaphambi kwesikhathi nomphathi wesakhiwo.
- (5) Ikomidi labahlali kufanele linikeze isaziso somhlangano kubahlali ngokuthi ibeke isaziso esibonakalayo kubhodi elisemthethweni lezaziso futhi nasekungeneni kwesakhiwo kanye nangendlela lapho umphathi wesakhiwo kanye nekomidi labahlali abangabona ngayo kufanelekile.

Izikhazazo kanye nokundlulisela phambili udaba

- 11.** (1) Isikhazazo esifakwe umhlali (abahlali) noma ikomidi labahlali ngokuphathelene noma imuphi umsebenzi noma okumele kwenziwe nguphathi wesakhiwo kufanele kuqala kulethwe kumphathi wesakhiwo.
- (2) Uma isikhazazo kungakhulunywanga ngaso nomphathi wesakhiwo kusenesikhathi esanele, ekuvumelane ngaso amaqembu womabili, isikhazazo singafakwa nomkhandlu ofanelekile obhekene nezimpikiswano phakathi komninindawo kanye nomhlali.
- (3) Umninindawo noma umhlali noma iqogo labanini bendawo noma labahlali lingafaka isikhazazo ngokuphathelene nokungenzi ngendlela efanele ku- Tribunal ebhekene nezezindawo zokuhlala, abaziqashisayo noma abazirentayo, ngokuthi bafake isikhazazo esibhalwe phansi njengoba kubekiwe yimithetho emiswe ngaphansi koMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo. 50 ka 1999).

Ukukhansela kanye nokukhishwa endlini

- 12.** (1) Umhlali kufanele anikeze isaziso esibhalwe phansi kumkhandlu lapho ezobe engahleli kusakhiwo isikhathi esiqhubekayo esingaphezulu kwenyanga.
- (2) Umhlali onganikezanga isaziso esibhalwe phansi kumkhandlu njengoba kushiwo kumthetho 12(a) futhi engabibikho yena ngokwakhe endaweni yokuhlala isikhathi esiqhubekayo esibangaphezulu kwenyanga eyodwa kuzothathwa ngokuthi uyishiyile indawo yokuhlala bese kuthi umkhandlu ubenelungelo lokukhansela ilizi.
- (3) Ilizi izonqanyulwa ngesikhathi esibekiwe ngemuva kokuba umhlali ethole impahla engasuswa engaba luhlobo luni noma ngemuva kokuba umhlali ebe ngumhlomuli ngaphansi kohlelo lokuxhasa lwezindlu. Akekho umhlali ozovunyelwa ukuba agcine indawo ngaphakathi esakhiweni njengendawo yakhe yokuhlala ekungeyesibili.

Isihloko esifushane

- 13.** Lemithetho kufanele ibizwe ngokuthi **Imithetho yokuphatha kanye nokulawula izakhiwo, 2001.**

NOTICE 2132 OF 2001

KGORO YA KAGO YA DINTLO YA GAUTENG**MOLAO WA KHIRIŠO YA DINTLO, 1999 (MOALO WA 50 WA 1999)****TSHEPEDIŠO LE TAOLO YA MELAWANA YA MEAGO, 2001**

Molekgotlaphehišo yoo a nago le maikarabelo a Kago ya Dintlo, ka fase ga karolo (1)(g) ya Molao wa Khirišo ya Dintlo, 1999 (Molao 50 wa 1999) o dirile melawana yeo e hwetšagalago ka gare ga Šetulo ye.

ŠETULO**Ditlhalošišo**

1 (1) Go ya ka molawana 1(2) le ntle le ge e le gore mateng a a lego ka melawaneng ye a na le tihathollo ya go se swane le ye e beilwego go yona go karolo 1 ya Molao wa Khirišo ya Dintlo, 1999 (Molao 50 wa 1999).

(2) Mo melawaneng ye ntle le ge e le gore dikagare di laetša se sengwe -

"Molao" o ra Molao wa Khirišo ya Dintlo, 1999 (Molao. 50 wa 1999);

"bolaodi" e ra Mmušo goba Mmasepala wa Profense ya Gauteng go ya ka mo go hlalošitšwego ke melwana ye;

"moago" o ra lefelo leo le akanyeditšwego go dula batho leo mong wa lona e lego Mmušo goba Mmasepala wa Profense ya Gauteng, ntle le dihostele, tšeo melwana ye e di amago ka tsebišo ya Kuranta ya Mmušo ke Molekgotlaphethoišo wa Komiti ya Kago ya Dintlo;

"Molaodi wa Moago" e ra motho yo mongwe le yo mongwe yoo a kgethilwego ke taolo go ya ka molawana 2 wa melawana ye;

"Mmasepala" e ra Mmasepala go ya ka mo go hlalošwago ka gare ga karolo 10B ya Molao wa Phetogo wa Mmušoselegae, 1993 (Molao wa 209 wa 1993) gammogo le Molao wa Dibopego tša Memmasepala ya Mebušoselegae, 1998 (Molao wa. 117 wa 1998);

"Modudi" e ra motho yo mongwe le yo mongwe yoo a dulago semolao ka moagong go ya ka khirišo ya semolao le go ipofa yeo e tsenetšwego magareng ga mohiri le taolo ya maleba; gomme

"Lekgotla" e ra Lekgotla la Khirišo ya Dintlo leo le hlomilwego go ya ka karolo 7 ya Molao.

Go kgethwa ga Balaodi ba Moago

2. Mmušo –

- (1) o ka kgetha moladi wa moago go moago o itšego goba sehlopha sa meago le naga yeo moago/meago e lego gona go phethagatša ditiro tšeo di beakantšwego ka gare ga melawana ye le go phethagatša mešomo yeo e akareditšwego ka melawaneng ye le ditaelo tše dingwe tše a di amogelago go tšwa go mmušo;
- (2) o ka kgetha Motlatšamolaodi wa Moago; le
- (3) a ka tsenela ditumelelano le phathi ya baoraro go thuša go phathagatša mešomo ya Molaodi wa Moago.

Dilekanyo tša go kgetha Balaodi ba Moago

3. (1) Molaodi wa Moago o swanetše go ba mohlankedi wa bolaodi gomme o tla kgethwa go ya ka maemo a Molao wa Tirelo ya Setšhaba, 1994, ge e le gore ke meago ya mmušo wa profense gomme go ya ka maemo a mošomo wa Mmasepala wa maleba ge e le gore ke moago wa mmušo selegae.

Mešomo ya Balaodi ba Moago

4. Molaodi wa Moago o na le maikarabelo a tshepeditšo, taolo le peakanyo ye botse ya moago. Molaodi wa Moago o tla –
 - (1) nyaka go tšwetšapele boiketlo bjo bo bonagalago le pabalelo ya badudi;
 - (2) kgonthišiša gore moago le naga yeo o lego gona di dula di le maamong a go hlweka a bothakga;
 - (3) ge go hlokagala bolaodi bo fe pego ya go ngwalwa ka ga maemo a tshepedišo le taolo ya moago;

- (4) hloma le go bea rejistara ya badudi yeo e swanetšego go ba le maina ka botlalo le nomoro ya boitšhupo ya modudi yo mongwe le yo mongwe le leina la wa leloko la gabo wa kgauswi goba motho yo mongwe le yo mongwe yoo go ka ikgokaganyago le yena ka nako tša lehu goba tša tšhoganetšo;
- (5) dira melawana ya ntlo yeo e amanago le melwana ye moagong wo mongwe le wo mongwe ka go rerišana le komiti ya badudi gomme o fe modudi yo mongwe le yo mongwe kopi ya melao yeo;
- (6) hlohleletša le go nolofatša tihamo le tshepedišo ya komiti ya badudi; gomme o rerišane bona nako ye nngwe le ye nngwe;
- (7) kgonthišiša gore kopi ya melawana ye gammogo le ditshwanelo tša bjale tša go hira di positšwe le go bewa dibotong tša tsebišo tša semmušo, lefelong leo le bonagalago la moago, go sedimošetša badidi le setšhaba ka kakaretšo; le
- (8) phethagatša mešomo ka moka yeo go nago le kholofelo go yen ka fase ga melwana ye.

Dikhirišo

5. Khirišo yeo e tsenetšego magareng ga taolo le mohiri e swanetše go ba le tshedimošetšo ye e latelago-
 - (1) tšhelete ya rente yeo e swanetšego go lefšwa, le tšatšikgwedi, lefelo le gore tefo yeo e swanetše go dirwa go mang, gammogo le tekanyo ya koketšo le sebaka sa tsebišo ya di/koketšo tše bjalo, ge go kgonagala;
 - (2) mabaka ao moago goba bodulo bo ka šomišetšwago wona ke mohiri;
 - (3) botlalokgolo bja palo ya batho bao ba loketšego go dula moagong woo;
 - (4) leina le nomoro ya boitšhupo ya mohiri;
 - (5) diatrese tša sebele tša diphathi go tliša ditsebišo le ditshapedišo ka moka tša kgorotshekelo; le
 - (6) tšatšikgwedi la go thoma go hira.

Magato a Phethogo

6. Ka gare ga dikgwedi tše tharo (3) tša kamogelo ya melawana ye ke balaodi bao ba amegago, Molaodi wa Moago, ka tirišano le phathi ye nngwe le ye nngwe ya boraro yeo e kgethilwego ke taolo, ge go kgonagala o swanetše go bala badudi ka moka go kgonthišiša gore ba dutše semmušo ka moagong le gore ba hirile le molaodi

Magato a Taolo

- 7 (1) Go ya ka magato a phetogo ao a lego ka gare ga molao 6, gago motho goba batho bao ba dumeletšwego go dula ka bodulong ntle le yoo goba bao ban gwadišitšwego go ya ka moo go akantšwego ke khirišo.
- (2) Molaodi wa Moago, motlatšamolaodi goba baenmedi bao ba dumeletšwego ba ka -
- (a) hloma magato go lebelela badudi bao ba sa dumelelwago;
 - (b) ka go phethagatša mešomo ya gagwe a ka tsena lefelong le lengwe le le lengwe la moago ka mabaka a go dira dinyakišišo goba tiro yeo a bonago e le bohlokwa; goba
 - (c) nyaka gore motho yoo a lego gona ka moagong go bontšha bohlatse bja go ngwalwa bja ditokelo tša gagwe tša go dula ka moagaong woo le tshedimošetšo ye nngwe yeo e tla bego e nyakwa ke bolaodi ka mabaka a tshepedišo ya moago. Ge e le gore motho yo o palelwa ke go dira bjalo o tla fana ka leina la gagwe, nomoro ya boitšhupo le atrese gomme a tšwa ka lefelong leo la bodulo.

Bohiri/bodudi

8. (1) Bolaodi bo swanetše go fa bodulo go ya ka mabaka ao a lego melawaneng ye le go ya ka moo e hlalošitšwego ke khirišo yeo e tsenetšwego ke diphathi tše pedi.
- (2) Badudi ba swanetše go lefa rente go ya ka moo go laeditšwego le ka moo go dumelelanego ke diphathi ka bobedi khirišanong, gomme badudi ba swanetše go lefa ditšhelete tša ditirelo ka moka tša bolaodi ka kgwedi.

(3) Ntle le ge e le gore taolo e file tumelelo ya go ngwalwa peleng, modudi ga a swanela go-

- (a) gafela, bea goba go fetišetša go motho yo mongwe ditokelo tša go dula goba tše ditokelo tše dingwe tše di amango le tšona;
- (b) hirišetša goba go dumelela motho yo mongwe go dula ka moagong ntle le tumelelo ya go ngwalwa ya molaodi; le
- (c) go dira diphetogo goba dikoketšo moagong goba karolong ye nngwe ya moago ntle le tumelelo ya go ngwalwa go tšwa go bolaodi.

(4) Gago motho yo a dumeletšego go bapatša, go gweba goba go dira ditiro tša intasteri ka moagong goba go hloma mešašana goba meago ye mengwe ka gare ga bodulo ntle le tumelelo ya go ngwalwa ya bolaodi ka mabaka le le go ya dinyakwa tša peakanyotiro ya toropo, molao wo mongwe le wo mongwe woo o laolago tšhomišo ya naga, le tefo ya melato le ditifišo go ya moo di nyakwago ke bolaodi, ka morago ga ditherišano le komiti ya badudi.

Maikarabelo a tulo le maitshwaro a mabotse

9 (1) Bolaodi bo na le maikarabelo a go swara gabotse, maemo le mokgwa wa go lokiša dinolofatši, go lokela, didirišwa le bokantle bja meago.

(2) Moagi yo mongwe le yo mongwe le modudi ba na le maikarabelo go molaodi a tshenyo ye nngwe le ye nngwe yeo e hlotšwego moagong goba ditlabakelong.

(3) Gago moadi, badudi giba batho/motho yo mongwe le yo mongwe yoo a kago –

- (a) Tshwenya goba a hlola pherehlo karolong ye nngwe le ye nngwe ya moago;
- (b) a fetošā goba hloma selo se sengwe le se sengwe ka moagong, goba a tshwenyana le dipheetošo goba dikoketšo tše dingwe le tše dingwe ditlabakelong goba moagong woo ntle le tumelelo ya go ngwalwa go tšwa go bolaodi;

- (c) bea phoofolo, nonyana goba mmotro wo mongwe le wo mongwe ka moagong ntle le tumelelo ya go ngwalwa go tšwa Molaodi wa Moago;
- (d) fetoša goba go tshwenyana le mohlagaše goba dilo tše dingwe tšeo di hlomilwego moagong; le
- (e) bitša kopano ye nngwe le ye nngwe ka gare ga goba go karolo ye nngwe le ye nngwe ya moago ka tumelelano pele ya molaodi wa moago, ntle le gore tumelelano ye bjalo e ganetšwe ka mokgwa woo e sego wa tshwanelo.

Komiti ya Badudi

- 10** (1) Komiti ya Badudi yeo e emelago bontši le dikgahlegokakaretšo tša badudi ka ditaba tšeo di amanago le maemo a bophelo ka gare ga moago le ditaba tse dingwe e swanetše go hlongwa.
- (2) Motho a ka se direle komiti ya baagi/badudi ntle le ge e le modudi go ya ka moo go hlalošitšwego go moalwana wa 1. Leloko la komiti ya badudi le na le maatla a fegwa ka bonakwana ge e le gore o kolota tšhelete ya rente yeo e swanetšego go lefiwa mmušo wo itšego.
- (3) Komiti ya badudi le molaodi wa moago ba swanetše go kopana le go kgokaganya ka mehla mabapi le ditaba tšeo di ba amago.
- (4) Dikopano tše itšego goba tše di kgethilwego tša badudi di ka swarwa ka tsebišo ya matsatši ao a sego ka fase ga a šupago (7) goba tsebišo ke-
- (a) Molaodi wa Moago; goba
 - (b) Komiti ya badudi/baagi, ka nako le lefelo leo le tla beakanywago pele ka tumelelo ya molaodi wa moago.
- (5) Komiti ya baagi e swanetše go fa tsebišo ya dikopano go badudi ka go bea ditsebišo ka nako dobotong tša tsebišo tša semmušo le menyakong ya meago le ka tsela yeo malaodi wa moago lgoba komiti ya baagi e tla bonago go lebane.

Dingongorego le Dikgopelo/boipiletšo

- 11.** (1) Ngongorego ka modudi/badudi goba komiti ya badudi mabapi le mošomo goba mohola woo o swanetsgo go dirwa ke moalodi wa moago e swanetše go tlišwa pele go molaodi wa moago.
- (2) Ge e le gore molaodi wa moagao ga a fetše ka ngongorego ka morago ga nako ye e kwagalago, yeo go dumelelwanego ka yona ke diphathi ka bobedi, ngongorego e ka hlagišwa le taolo ya maleba yeo e šomago ka dikganetšano tša mongnaga le mohiri.
- (3) Mongnaga goba mohiri goba sehlopha sa bengaga le sa bahiri ba ka hlagiša dingongorego mabapi le tirišo ya go se loke le Lekgotla ka ga bodulo bjo ba bo hirišago ka go hlagiša ngongorego ya go ngwalwa go ya ka moo go laedišwego ka fase ga Molao wa Khirišo ya Dintlo, 1999 (Molao. 50 wa 1999).

Go tlošwa le go rakwa

- 12.** (1) Mohiri o swanetse go fa balaodi tsebišo ya go ngwalwa ge e le gore a ka se kgone go dula ka gare ga moago ka boyena/nama sebaka sa go latelalana sa go feta kgwedi e tee (1).
- (2) Mohiri yoo a sego a fane ka tsebišo go balaodi go ya ka moo go akantšwago ka gona go molawana 12(1) gomme a sa dule ka moagomg woo ka sebele sebaka sa go latelela sa go feta kgwedi e tee (1) o tla tšewa bjalo ka ge a tlogetše moago woo gomme balaodi ba tla ba tokelo ya go khansela khirišo yeo.
- (3) Khiriso e tla fedišwa ka gare ga nako yeo e beilwego ka morago ga gore mohiri a hwetše thoto ya ga se šuthe ye bjalo goba ka morago ga gore mohiri e be moamogeladithušo ka fase ga lenaneo la thušo ya kago ya dintlo. Gago mohiri yoo a ka dumelelwago go ba le bodulo bjoo bjalo ka bodulo bja bobedi ka gare ga moago woo.

Thaetlele ye Kopana

- 13.** Melawana ye e tla bitšwa **Melawana ya Tshepedišo le Taolo ya Meago, 2001.**

NOTICE 2133 OF 2001

GAUTENG DEPARTMENT OF HOUSING

RENTAL HOUSING ACT, 1999 (ACT 50 OF 1999)

**REGULATIONS ON THE MANAGEMENT AND CONTROL
OF ACCOMMODATION IN HOSTELS**

The Member of the Executive Council responsible for Housing in the Province of Gauteng has under section 15 (1) (g) of the Rental Housing Act, 1999 (Act No 50 of 1999), made the regulations in the schedule.

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;

"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 notice published in the Official Gazette by the member of the Executive Council for Housing;

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

"the Act" means the Rental Housing Act, 1999 (Act No. 50 of 1999);

"Tribunal" means a Rental Housing Tribunal established in terms of section 7 of the Act;

"visitor's certificate" means a certificate which has been issued in terms of these regulations allowing 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 in accordance with these regulations, and to carry out any instructions given by the authority.
- (2) or a person authorised thereto by the authority may appoint a person as a deputy to hostel manager.

Duties of Hostel Manager

3. (1) The hostel manager is responsible for the management, control and good order of the hostel and shall-
 - (a) seek to promote the reasonable comfort and welfare of its residents;
 - (b) whenever so required by the authority, give a written report on the management and control of the hostel;
 - (c) ensure that a copy of these regulations together with the current rent tariff is displayed on an official notice board in a conspicuous place in the hostel, for the information of residents and the public generally;
 - (d) allocate a number to each bed in a room or suite in the hostel and ensure that this number is written legibly in a conspicuous place;
 - (e) 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;
 - (f) ensure that the hostel and the land on which it is situated are kept in a clean and tidy condition;
 - (g) ascertain that all occupants who qualify for accommodation are duly registered as residents, and serve notice to vacate on those who do not qualify;

- (h) make and keep a register of all the residents 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;
- (i) issue to each registered resident a resident's certificate, which draws attention to the binding force of these regulations on residents;
- (j) keep a waiting list of persons desiring to be accommodated in the hostel, and make it available for inspection on request;
- (k) perform all other duties entrusted to the hostel manager under these regulations; and
- (l) 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 residents and allocate beds to such persons as are, in the hostel manager's 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 or she 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 make accommodation available to and register such person as a resident on prepayment of one month's rent, 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 better claim to be accommodated; and
- (c) a bed is available therein.

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 valid resident's 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 a visitors' certificate shall be determined by the authority and may be amended by it on one months' notice after consultation with 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 services charges shall be payable monthly in advance by not later than the seventh day of each month at the manager's office or at such other place as he or she may in writing direct; and such charges, if any, for metered electricity usage shall be payable monthly.

(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 the 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 hostel 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 or her intention to do so, the hostel manager may cancel his or her right of occupancy and shall make the accommodation available to another person; provided that such cancellation shall require the approval of the residents' committee if such resident has not fallen in arrears with his or her rental.

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, 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 willful act or negligence of some other person.
- (3) All residents or occupants of the same room or suite shall be jointly and severally liable to the authority for making good any damage caused by willful act or negligence of any of them to any property of the authority therein.
- (4) A resident 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 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 to the fittings or structures therein;
- (e) keep any animal, birds or motor vehicles anywhere on the premises without the prior written permission of the hostel manager;
- (f) place any rubbish, dirt, garbage, 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 therein; and
- (g) use a communal kitchen or sanitary, ablution, laundry, recreational facilities in the hostel for any purpose other than those for which they are made available.

Residents' Property

8. (1) Neither the authority, nor 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 a 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 services charges or any 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 realise 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 the 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 in 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 residents' committee may deem appropriate.

Consequences of the Breaches of Regulations

10. (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 that payment be made.
- (2) If, after notice has been duly served, payment is not forthcoming, the hostel manager may cancel that person's right of occupancy 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 the resident or occupant's room or suite.
- (4) If a resident or occupant or the holder of a visitor's certificate:
 - (a) fails to carry out or perform any obligation imposed hereunder;
 - (b) commits any breach of these regulations;

- (c) hamper or hinder the hostel manager in the execution of his or her duties; or
- (d) in the opinion of the hostel manager be guilty of conduct detrimental to the maintenance of good order in the hostel; a hostel manager may-
 - (i) 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 order the resident or occupant to vacate the premises forthwith; or
 - ii) serve a notice on such holder of a visitor's certificate requiring him or her to rectify the matter stated in the notice within a period of twenty (24) hours or (in extreme cases) to do so forthwith, 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 a right to appeal to 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 (7) days after the action or decision complained of by notice given to the chief executive officer and to the hostel manager, and shall be duly prosecuted within fourteen (14) days after such action, failing which it shall lapse.
- (3) The authority or 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 authority or the official presiding must make such an order as may in his or her discretion appropriate in the circumstances.
- (5) A complaint may be lodged with the Tribunal for consideration in terms of the provisions of the Act.
- (6) A complaint may be lodged-

- (a) by a tenant or group of tenants (any resident or residents' committee) after an order had been made in terms of subregulation (4) hereof, or if the hearing or order is unduly delayed; or
 - (b) by any landlord or group of landlords (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 Tribunal in considering an appeal or complaint involving hostel circumstances. Such assessors shall be subject to the discipline of the chairperson, shall be entitled to no vote and shall not be entitled to any remuneration from the Tribunal.
12. (1) In respect of the hostels identified in schedule 1, 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.

Short title and commencement

13. These regulations are called the Regulations on the Management and Control of Accommodations in Hostels Regulations, 2001.

SCHEDULE 1

HOSTEL RESIDENT'S CERTIFICATE

Precedent

(AUTHORITY)

(HOSTEL NAME)

Issued to the person mentioned hereunder subject to terms and conditions contained in the hostel regulations promulgated under section 15 (1) of Rental Housing Act, 1999 and to regular payment of rent and charges.

Resident's name

Identity number

Room or suite number

Bed number

Hostel Manager

Date

KENNISGEWING 2133 VAN 2001

**GAUTENGSE DEPARTEMENT VAN
BEHUISING****VERHURINGSWET OP BEHUISING, 1999 (WET 50 VAN
1999)****REGULASIES VIR DIE BESTUUR EN BEHEER VAN
VERBLYF IN HOSTELLE**

Die Lid van die Uitvoerende Raad verantwoordelik vir Behuising in die Gauteng-provinsie het die regulasies in die skedule opgestel kragtens artikel 15(1)(g) van die Verhuringswet op Behuising, 1999 (Wet 50 van 1999).

SKEDULE**Definisies**

1. In die regulasies beteken enige uitdrukking die volgende, tensy dit uit die konteks duidelik anders blyk –

"verblyf" beteken dat 'n bed en die fasiliteite in 'n hostel voorsien word;

"owerheid" beteken die Gautengse Provinsiale Regering of 'n plaaslike owerheid of ander eienaar van 'n hostel waarop die regulasies betrekking het kragtens 'n kennisgewing wat in die Provinsiale Afdeling van die Staatskoerant gepubliseer is;

"hostel" beteken 'n gebou wat ontwerp is vir menslike verblyf en in besit is van die provinsiale regering of plaaslike owerheid, wat gemeenskaplike verblyf aanbied in kamers of suites. Dit kan gemeenskaplike kookgeriewe, sanitasie, ablusie, washuis en ander fasiliteite aanbied. Die regulasies het betrekking op 'n hostel kragtens 'n kennisgewing van die Lid van die Uitvoerende Raad vir Behuising in die Provinsiale Afdeling van die Staatskoerant;

"inwonersertifikaat" beteken 'n inwonersertifikaat wat uitgereik is kragtens die regulasies;

"die Wet" beteken die Verhuringswet op Behuising van 1999 (Wet 50 van 1999);

"Tribunaal" beteken 'n Tribunaal vir Verhuring van Behuising, soos gevestig kragtens artikel 7 van die Wet;

"besoekersertifikaat" beteken 'n sertifikaat wat uitgereik is kragtens die regulasies en dit maak voorsiening vir tydelike betreding en verblyf in 'n hostel, vir 'n tydperk van hoogstens 7 (sewe) dae, hoewel dit hernubaar kan wees.

Aanstelling van hostelbestuurder

2. Die owerheid -

- (1) Moet 'n hostelbestuurder aanstel vir 'n bepaalde hostel en die grond waarop dit geleë is. Die bestuurder moet die hostelfasiliteit beskikbaar stel in ooreenstemming met die regulasies en moet enige opdragte van die owerheid uitvoer.
- (2) Of 'n persoon wat behoorlik daartoe gemagtig is, kan 'n persoon aanstel as adjunk vir die hostelbestuurder.

Pligte van die hostelbestuurder

3. (1) Die hostelbestuurder is verantwoordelik vir die bestuur, beheer en goeie toestand van die hotel en moet -
 - (a) Probeer om die redelike gerief en welvaart van inwoners te verseker;
 - (b) 'n Skriftelike verslag indien oor die toestand van bestuur en beheer by die bepaalde hostel, as die owerheid so 'n versoek rig;
 - (c) Seker maak dat 'n kopie van die regulasies met die heersende huurgeld op 'n amptelike kennisgewingbord aangebring en onderhou word. Die kennisgewingbord moet op 'n sigbare plek in die hostel aangebring word sodat die inwoners en die algemene publiek toegang het tot die inligting;
 - (d) 'n Nommer toeken aan elke bed in 'n kamer of suite in die hostel en seker maak dat die nommer op 'n leesbare manier aangebring word op 'n plek wat duidelik sigbaar is;
 - (e) 'n Nommer toeken aan elke kamer of suite in die hostel en seker maak dat die nommer duidelik en op 'n sigbare plek by die deur van die kamer of suite aangebring word;

- (f) Seker maak dat die hostel en die grond waarop dit geleë is skoon en netjies gehou word;
- (g) Vasstel of al die bewoners wat in aanmerking kom vir verblyf behoorlik geregistrer is as inwoners en kennis gee aan diegene wat nie in aanmerking kom nie, sodat hulle die hostel ontruim;
- (h) 'n Register hou van alle inwoners. Die register moet die volle name en identiteitsnommers van elke inwoner en die naam van sy of haar naaste verwante of enige ander persoon bevat, sodat die persoon/persone geskakel kan word in geval van dood of noodgeval;
- (i) 'n Inwonersertifikaat uitreik aan elke geregistreerde inwoner en sorg dat die sertifikaat duidelik aandui dat die regulasies die inwoners daartoe verbind;
- (j) 'n Waglys hou van persone wat graag verblyf in die hostel wil hê en sorg dat hulle op versoek kan kyk hoe die hostel lyk;
- (k) Al die ander pligte wat aan hom of haar toevertrou is kragtens die regulasies uitvoer; en
- (l) Die vestiging en bedryf van 'n inwonerskomitee aanmoedig en fasiliteer. Die hostelbestuurder moet gereeld die inwonerskomitee raadpleeg.

Voorsiening van verblyf

- 4. (1) Binne 1 (een) maand nadat die owerheid die regulasies aanvaar het, moet die hostelbestuurder 'n opname maak van alle hostelbewoners. Al die inwoners moet geregistreer word en beddens moet aan persone wat volgens die hostelbewoner geskik is vir verblyf, toegeken word mits daar beddens beskikbaar is en met dien versande dat die heersende huurgeld ten minste een maand vooruit betaal moet word.
- (2) Aangesien die inwonerskomitee nie verkies kan word voordat die registrasie afgehandel is nie, moet die hostelbestuurder die sensus, registrasie en toewysing hanteer in konsultasie met sodanige komitee of komitees wat na sy of haar mening verteenwoordigend is van sekere of al die bewoners.
- (3) 'n Persoon wat verblyf nodig het in 'n hostel of wat verblyf soek vir 'n ander persoon om daar te woon, moet by die hostelbestuurder aansoek

doen om verblyf. Die hostelbestuurder kan die verblyf beskikbaar stel en sodanige persone registreer as inwoners mits hulle een maand se huurgeld vooruit betaal en nadat hy homself of haarself vergewis het dat -

- (a) die persoon vir wie die aansoek ingedien word, na sy of haar mening geskik is vir verblyf in die hostel;
- (b) daar nie 'n ander persoon op die waglys is wat beter aanspraak het op verblyf nie; en
- (c) daar 'n bed beskikbaar is in die hostel.

Bestuursmaatreëls

5. (1) Onderhewig aan die oorgangsmaatreëls wat in regulasie 4(1) uiteengesit is, mag geen persoon wat nie 'n geregistreerde inwoner is nie, in 'n hostel bly nie en geen persoon mag sonder 'n besoekersertifikaat tydelik in die hostel oorbly nie.
- (2) Die hostelbestuurder of adjunkbestuurder of ander behoorlik gemagtigde verteenwoordiger kan -
 - (a) 'n stelsel skep wat toegang van nie-inwoners tot die hostel of enige deel daarvan beheer;
 - (b) in die uitvoer van sy of haar pligte enige kamer of plek in die hostel betree om dit te ondersoek of om enige ander iets te doen wat na sy of haar mening noodsaaklik is;
 - (c) vereis dat 'n persoon in die hostel dokumentêre bewys (soos 'n geldige inwonersertifikaat) lewer van sy of haar reg om die gebou te bewoon. Versuim om die dokumente of inligting verskaf, kan daartoe lei dat die persoon sy of haar naam, identiteitsnommer en adres moet verskaf en versoek sal word om die perseel onmiddellik te ontruim.

Verblyfbepalings en huur

6. (1) Die verblyf word voorsien op grond van die bepalinge wat hierin vervat is vir 'n onbepaalde tydperk wat beëindig kan word as enige van die partye die ander party een maand skriftelik kennis gee dat die verblyf beëindig gaan word.

(2) Die huurgeld en enige koste vir dienste wat voorsien word, asook vir 'n besoekersertifikaat word deur die owerheid bepaal en kan aangepas word mits daar een maand kennis gegee word na konsultasie met die inwonerskomitee. Besonderhede van die huur en die betaalbare koste sal van tyd tot tyd op 'n sigbare plek aangebring word met 'n afskrif van die regulasies soos voorsien word in regulasie 3(3) hiervan.

(3) Huurgeld en die koste van dienste is maandeliks vooruit betaalbaar en mag nie later as die sewende dag van elke maand by die bestuurder se kantoor of sodanige ander plek as wat hy of sy skriftelik aandui, betaal word nie. Enige koste vir elektrisiteitsverbruik wat per meter bereken word, is maandeliks betaalbaar.

(4) Wanneer 'n inwoner registreer as 'n inwoner, word veronderstel dat die bed en die kamer, of suite wat toegewys is in 'n redelike goeie toestand is.

(5) Onmiddellik nadat 'n nuwe inwoner verblyf gekry het in die hostel, moet hy of sy -

(a) vasstel of die bed en die kamer, of suite wat toegewys is in 'n goeie toestand is; en

(b) binne 7 (sewe) dae by die hostelbestuurder aanmeld as daar enige foute is met betrekking tot die bed en kamer, of suite.

(6) 'n Inwoner kan nie sonder die vooraf skriftelike toestemming van die hostelbestuurder die volgende doen nie -

(a) Die verblyfreg of regte wat daarmee verband hou sedeer, afteken of oormak aan 'n ander persoon nie;

(b) Die bed, kamer of suite, of enige gedeelte daarvan sedeer, onderverhuur of afteken, of enige ander persoon toelaat om op die perseel te woon nie;

(c) 'n Bed, buiten die een wat aan hom of haar toegeken is, gebruik nie;

(d) Die kamer of suite, verbou of verbreek nie;

(e) Enige gedeelte van die perseel, buiten die gedeelte wat op die plan van sy of haar kamer toegeken is vir die doel, gebruik om in te slaap nie.

(7) Geen persoon mag handel dryf, 'n besigheid bedryf of enige nywerheidsaktiwiteit bedryf op die perseel nie en verder mag niemand tydelike behuising, skuilings of ander strukture op die perseel aanbring sonder die skriftelike toestemming hostelbestuurder volgens die bepalings en voorwaardes van die plaaslike owerheid en die betaling van die nodige koste wat vereis word deur die owerheid na konsultasie met die inwonerskomitee nie.

(8) As 'n inwoner afwesig is vir meer as 30 (dertig) opeenvolgende dae, of nie die bed wat aan hom of haar toegeken is gebruik vir 'n tydperk van meer as 30 (dertig) opeenvolgende dae sonder om die hostelbestuurder vooraf in kennis te stel daarvan, kan die hostelbestuurder sy of haar verblyfreg kanselleer en die verblyf beskikbaar stel vir 'n ander persoon, met dien verstande dat die kansellasië goedgekeur moet word deur die inwonerskomitee as die inwoner nie agterstallig is met die betaling van sy of haar huurgeld nie. modation available to another person; provided that such cancellation.

Verantwoordelikheid vir perseel, goeie gedrag

7. (1) Die owerheid is verantwoordelik daarvoor om die gemeenskaplike fasiliteite, installerings, toerusting en die buitekant van die hostel in 'n goeie, netjiese en heel toestand te hou.
- (2) Elke inwoner of bewoner is verantwoordelik vir die betaling van skadevergoeding aan die owerheid as sy of haar bed, of enige toerusting, toestelle of meubels beskadig word, tensy hy of sy (tot bevrediging van die hostelbestuurder en na konsultasie met die inwonerskomitee) kan verduidelik hoe die skade veroorsaak is deur gebeure waaroor hy of sy geen beheer gehad het nie, of deur die doelbewuste of nalatige optrede van 'n ander persoon.
- (3) Alle inwoners of bewoners wat in dieselfde kamer of suite woon, sal gesamentlik en afsonderlik verantwoordelik gehou word vir enige skade aan enige van die eiendom van die owerheid wat veroorsaak word deur doelbewuste of nalatige optrede van enige van hulle.
- (4) 'n Inwoner of bewoner moet te alle tye sy of haar kamer of suite skoon en netjies hou.
- (5) Geen inwoner, bewoner of ander persoon mag -
 - (a) 'n steurnis of hindernis in 'n kamer, of suite of enige deel van die hostelperseel veroorsaak nie;

- (b) 'n inwoner, lid van die personeel of ander persoon dreig, mishandel, of aanrand nie;
- (c) kook of die perseel verhit, buiten op die maniere wat voorsien word deur die owerheid of wat vooraf skriftelik goedgekeur is deur die hostelbestuurder nie;
- (d) enige van die elektriese toerusting of ander installerings op die perseel verander of daarmee peuter nie. Verder mag niemand enige veranderinge aanbring aan die vaste toerusting of strukture op die perseel nie;
- (e) enige diere, voëls, of motorvoertuie op die perseel aanhou sonder die vooraf skriftelike toestemming van die hostelbestuurder nie;
- (f) enige rommel, vullis, afval, gebreekte items of skrot in die hostel of op die hostel se perseel hou, buiten in die houer wat vir die doel daarvoor voorsien is nie. Die inwoners mag ook nie ou motorwrakke op die perseel hou nie; en
- (g) 'n gemeenskaplike kombuis, sanitêre geriewe, ablusiefasiliteite, waskamer of ontspanningsfasiliteite vir enige iets gebruik, buiten die doel waarvoor dit beskikbaar gestel word nie.

Inwoners se eiendom

8. (1) Nie die owerheid of sy personeel wat binne die redelike omvang van hulle gesag optree, kan verantwoordelik gehou word vir enige verleis van eiendom wat aan die inwoners of ander persone behoort, weens enige rede van enige aard nie.

(2) Enige eiendom wat aan 'n voormalige inwoner of bewoner behoort en agterbly in 'n kamer wat voorheen deur hom of haar behoort het, of wat elders op die perseel gevind word, sal in veilige bewaring gehou word deur die plaaslike owerheid. As dit nie binne 'n tydperk van 3 (drie) maande nadat die betrokke bed aan iemand anders toegeken is afgehaal word nie, sal dit per openbare veiling of tender in die hostel verkoop word.

- (3) Nadat enige bedrag wat verskuldig is deur die voormalige inwoner of bewoner ten opsigte van huurgeld of dienste wat gelewer is, of enige ander koste wat aangegaan is, sal die opbrengs uit die verkoop van die eiendom aangewend word om die verskuldigde bedrag te betaal. Die res van die bedrag sal kragtens die heersende wetgewing wat die administrasie en verspreiding van boedels aangewend word.
- (4) As die hostelbestuurder voel dat daar nie enige bedrag verkry sal word uit die verkoop van sodanige eiendom nie, kan hy of sy aanbeveel dat dit van die hostelperseel verwyder of vernietig word.
- (5) Die hostelbestuurder moet 'n register hou met besonderhede van alle eiendom of persoonlike items wat bewaar en/of verkoop word kragtens die regulasie.

Inwonerskomitee

9. (1) 'n Vergadering van inwoners moet jaarliks behoorlik belê word om 'n inwonerskomitee met 'n voorsitter en sekretaris te verkies. Die komitee moet hulle algemene belange verteenwoordig in sake wat verband hou met toestande in die hostel.
- (2) Die inwonerskomitee en die hostelbestuurder moet gereeld vergader en met mekaar skakel in 'n gesamentlike komitee om te besin oor same van onderlinge belang.
- (3) Spesiale inwonersvergaderings kan ook belê word mits ten minste 7 (sewe) dae (of minder as in spesiale noodgevalle) kennis gegee word van die vergadering deur die:
 - (a) Hostelbestuurder, of
 - (b) Die inwonerskomitee, op sodanige tyd en plek as wat vooraf met die hostelbestuurder bevestig is.
- (4) Kennisgewings van inwonersvergaderings moet op 'n prominente plek op die kennisgewingbord en by ingange na die gebou geplaas word. Die hostelbestuurder of die inwonerskomitee kan dit soos hulle goed dink saamstel.

Gevolge van versuim om die regulasies na te kom

- 10.** (1) As 'n inwoner of bewoner versuim om 'n bedrag wat verskuldig is op die betaaldatum te betaal, kan die hostelbestuurder sodanige persoon ten minste sewe dae kennis gee dat die bedrag betaal moet word.
- (2) As die bedrag nie betaal word nadat die persoon behoorlik kennis gekry het nie, kan die hostelbestuurder die persoon se verblyfreg kanselleer en versoek dat hy of sy die perseel onmiddellik moet verlaat.
- (3) Sodanige kennisgewing kan persoonlik op die inwoner of bewoner beteken word, of dit kan aan die deur van die inwoner of bewoner se kamer of suite geheg word.
- (4) As 'n inwoner of bewoner of houer van 'n besoekersertifikaat:
- (a) Versuim om enige verpligting kragtens die regulasie na te kom;
 - (b) Enige van die regulasies oortree;
 - (c) Die hostelbewoner verhinder of keer om sy of haar pligte te doen; of
 - (d) Na mening van die hostelbestuurder skuldig is aan gedrag wat nadelig is vir die behoud van goeie orde in die hostel; kan die hostelbestuurder -
 - (i) 'n Kennisgewing beteken op die inwoner of bewoner waarin hy of sy versoek word om die saak wat gestel word binne 'n tydperk van 7 (sewe) dae reg te stel, of (in buitengewone gevalle) om dit onmiddellik reg te stel. Versuim om te voldoen aan die versoek, kan die inwoner of bewoner versoek word om die perseel onmiddellik te ontruim; of
 - ii) 'n Kennisgewing op die houer van 'n besoekersertifikaat beteken waarin hy of sy versoek word om die saak binne 24 (vier-en-twintig) uur reg te stel, of (in buitengewone gevalle) om dit onmiddellik reg te stel. Versuim om te voldoen aan die versoek, kan die inwoner of bewoner versoek word om die perseel onmiddellik te ontruim.

Appèl en klagtes

11.
 - (1) Elke persoon (insluitend 'n lid van die inwonerskomitee) het 'n reg tot appèl teen enige optrede of besluit van die hostelbestuurder of ander amptenaar van die owerheid wat belas is met die administrasie van die regulasies.
 - (2) Die appèl moet binne 7 (sewe) dae na die optrede of besluit, waaroor gekla word, ingedien word by die uitvoerende hoof en die hostelbestuurder waarna dit binne binne 14 (veertien) dae verwerk sal word, hoewel versuim dit sal laat verval.
 - (3) Die owerheid of amptenaar wat vir die saak aangestel word, moet die appèl vinnig aanhoor en die hostelbestuurder of betrokke ander amptenaar is geregtig daarop om sy of haar saak te stel tydens die verhoor, of om getuienis ter steuning van die optrede in te dien.
 - (4) Die owerheid of amptenaar wat optree as voorsitter, moet 'n bevel uitreik wat onder die omstandighede en na sy of haar goeddunke toepaslik is.
 - (5) Kragtens ide voorwaardes van die Wet, kan 'n klag kan by die Tribunaal ingedien word vir oorweging.
 - (6) 'n Klag kan -
 - (a) deur 'n huurder of groep huurders (enige inwoner of inwonerskomitee) ingedien word nadat 'n bevel uitgereik is kragtens subregulasie (4) hiervan, as die verhoor of bevel onregmatig vertraag word; of
 - (b) deur enige eienaar of groep eienaars (enige owerheid of groep van owerhede), ingedien word.
 - (7) Die inwonerskomitee en die owerheid kan elk 'n persoon aanwys om op te tree as assessor om die Tribunaal van raad te bedien en by te staan met die oorweging van 'n appèl of klag wat betrekking het op hostelomstandighede. Sodanige assessors is onderhewig aan die dissipline van die voorsitter, het nie die reg om te stem nie en is nie geregtig op enige vergoeding van die Tribunaal nie.
12.
 - (1) Die regulasies met betrekking tot die hostels wat in Skedule 1 genoem word, word van krag op die eerste dag van die maand nadat die kennisgewing gepubliseer is.

(2) Die regulasies met betrekking tot ander hostels, word van krag op die datums wat uiteengesit is in die amptelike kennisgewing Provinsiale Afdeling van die Staatskoerant.

Kort titel en aanvangsdatum

13. Die regulasies is bekend as die Regulasies vir die bestuur en beheer van verblyf in hostelle, 2001.

SKEDULE 1

INWONERSERTIFIKAAT VIR HOSTELBEWONERS

Voorbeeld

(OWERHEID)

(HOSTEL SE NAAM)

Uitgereik aan die persoon wat hieronder genoem word, onderhewig aan die bepalings en voorwaardes van die hostelregulasies soos gepromulgeer kragtens artikel 15 (1) van die Verhuringswet op Behuising, 1999 en gereelde betaling van huurgeld en ander koste.

Inwoner se naam

Identiteitsnommer

Kamer- of suitenommer

Bednommer

Hostelbestuurder

Datum

NOTICE 2133 OF 2001

UMNYANGO WEZEZINDLU E-GAUTENG**UMTHETHO WOKURENTA IZINDLU, 1999 (UMTHETHO 50
KA 1999)****IMITHETHO EKUPHATHWENI KANYE NASEKULAWULWENI
KWENDAWO YOKUHLALA EMAHOSITELA**

Ilunga lomkhandlu oshaya imithetho elibhekene nezeziNdlu esiFundazweni sase-Gauteng lenze imithetho kusheduli ngaphansi kwesigaba 15 (1) (g) soMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo 50 ka 1999).

ISHEDULI**Izincazelo**

1. Kulemithetho, ngaphandle uma okukhulunywa ngakho kukhonjiswe ngenye indlela-

"indawo yokuhlala" kuchazwa ukuhlinzeka ngombhede kanye nokwenziwa kwalokho kutholakale ehositela;

"umkhandlu" kuchazwa uHulumeni wasiFundazwe sase-Gauteng noma umkhandlu wendawo noma omunye umnikazi wehostela okuthi kuye lemithetho yenziwe yasebenza ngokuthi kushicilelwe isaziso kuGazethi yesiFundazwe;

"ihostela" kuchazwa isakhiwo esakhelwe ukuhlala abantu ekungesaHulumeni wesifundazwe noma umkhandlu wendawo noma umkhandlu wasekhaya futhi onikezela ngendawo yokuhlala abantu abaningi engamarumu noma ama-suites kanye futhi nengabandakanya ukupheka ndawonye, izindlu zangasese ezihlanganyele, zokugezela, zokuwasha noku-ayina kanye nezinye izidingo, okuthi lemithetho yenziwe ukuba isebenze kuzo ngesaziso sokushicilela kuGazethi esemthethweni kwenziwa ilunga loMkhandlu oshaya uMthetho lezezindlu;

"isitifiketi somhlali" kushiwo isitifiketi somhlali esinikezelwe ngokusho kwalemithetho;

"uMthetho" kuchazwa uMthetho wokuRenta iziNdlu, 1999 (uMthetho onguNombolo. 50 ka 1999);

"I-Tribunal" kuchazwa i-Tribunal yokuRenta iziNdlu ngokusho kwesigaba 7 soMthetho;

"isitifiketi sezivakashi" kuchazwa isitifiketi esikhishwe ngokusho kwalemithetho esivumela ukungena kwesikhashana kanye nendawo yokulala ehostela isikhathi esingeqi ezinsukwini ezingu-7, kodwa ezingavuselelwa.

Ukukhethwa koMphathi weHostela

2. UMkhandlu-

- (1) kufanele ukhethe umphathi wehostela umkhethela ihostela elithile kanye nemihlaba lapho lakhiwo khona ozokwenza izidingo zasehostela zitholakale ngokusho kwalemithetho, futhi aqhube imiyalelo enikezwe umkhandlu.
- (2) noma umuntu ogunyaziwe ngumkhandlu angakhetha umuntu njengesekela lomphathi wehositela.

Imisebenzi yoMphathi wehostela

3. (1) Umphathi wehostela ubhekene nokuphathwa, ukulawulwa kanye nokuqhubeka kwesimo esihle sehostela futhi-
 - (a) afune ukukhuthaza ukunethezeka kanye nenhlalo enhle ebonakalayo kwabahlala khona;
 - (b) uma udingwa ngumkhandlu, anikeze umbiko obhalwe phansi wokuphathwa kanye nokulawulwa kwehositela;
 - (c) aqinisekise ukuthi ikhophi yalemithetho ihlangene netharifu yerenti ekhona njengamanje iyakhonjiswa kubhodi lezaziso elisemthethweni endaweni ebonakalayo okungenwa kuyo ehostela, ukuze abahlali kanye nomphakathi ngokubanzi bazi;
 - (d) anikezele ngenombolo kumbhede ngamunye osendlini ehostela futhi aqinisekise ukuthi lenombolo ibhalwe ngokubonakalayo futhi endaweni ebonakalayo;
 - (e) abe inombolo kundlu yokulala ngayinye ehostela bese eqinisekisa ukuthi ibhalwe ngokubonakalayo endaweni ebonakalayo emnyango wegumbi lokulala;
 - (f) aqinisekise ukuthi ihostela kanye nomhlaba elikuwo kugcinwa kuhlanzekile futhi kusesimeni esibukeka kahle;

- (g) athole ukuthi bonke abahlala khona bonke bafanelekile ekutheni bathole indawo yokuhlala futhi babhalise ngokusemthethweni njengabahlali, futhi bafaka isaziso sokuphuma kulabo abangafanelekile;
- (h) enze futhi agcine iregista yabo bonke abahlali ekufanele iqukathe amagama agcwele kanye nenombolo yepasi yalowomhlali ngamunye kanye namagama ezizalwane zabo noma imuphi omunye umuntu ongathintwa uma kunokufa noma isimo esiphuthumayo;
- (i) anikeze umhlali obhalisile isitifiketi sokuhlala, esikhombisa ukubophezeka kulemithetho kubahlali;
- (j) agcine uhlu labalindile labantu abafisa ukuthola indawo yokuhlala ehospitala, bese elenza ukuba lutholakale ukuba lihlolwe uma lifuneka;
- (k) enze yonke eminye imisebenzi athweswe yona njengomphathi wehospitala ngaphansi kwalemithetho; kanye
- (l) nokukhuthaza kanye nokugqogqezela ukusungulwa kanye nokusebenza kwamakomidi abahlali, bese ebonisana nalo njalo ngezikhathi ezithile.

Izimiso zendawo yokuhlala

- 4. (1) Ingakapheli inyanga ngemuva kokwamukelwa ngumkhandlu kwalemithetho umphathi wehospitala kufanele abale bonke abahlala ehospitala, bese ebhalisa abahlali futhi abe imibhede kulabo bantu njengoba benjalo, ngokubona komphathi wehospitala ukuthi kufanele ukuhlala ehospitala futhi nemibhede yabo ikhona, inqobo nje uma kungukuthi irenti ebekiwe iyakhokhwa okungenani kuqhutshwa inyanga ngaphambili.
- (2) Njengoba ikomidi labahlali lingeke lakhethwa kuze kube kubhalisiwe kwaqedwa, umphathi wehospitala kufanele enze lokho kubala bese abangokuxoxisana nalelo komidi noma lawo makomidi njengoba kuyiwona omele abanye noma bonke abahlali.
- (3) Umuntu ofuna ukuthola indawo yokuhlala ehospitala noma ofuna ukuthi kuhlaliswe omunye umuntu ngakhoke uzofaka isicelo kumphathi wehospitala saleyo ndawo yokuhlala, bese kuthi umphathi wehospitala

angenza indawo itholakale leyo ekhona bese ebhalisa lowo muntu ngemuva kokukhokha irenti yenyanga eyodwa, ngemuva kokuzinelisa ukuthi-

- (a) umuntu lowo owenze isicelo leso ngokwakhe ukufanele ukuhlala ehostela;
- (b) akekho umuntu osohlwini labalindile ebekufanele bayithole kuqala indawo yokuhlala; kanye
- (c) nokuthi umbhede ukhona yini.

Izilinganiso zokuphatha

5. (1) Kube kuncike kuzilinganiso zesikhashana eziqukethwe kumthetho 4(1) akekho umuntu ngaphandle komhlali obhalisile ongahlala ehostela futhi, akekho umuntu ngaphandle konesitifiketi sokuhlala okwesikhashana ongahlala.
- (2) Umphathi wehostela noma isekela lakhe noma ommele ngokugunyazwa ngokusemthethweni-
 - (a) angaqalisa uhlelo lokunqanda ukungena ehostela noma ingxenye yalo kubantu abangahlali khona;
 - (b) ekwenzeni imisebenzi yakhe, angangena noma kuliphi irumu noma indawo ehostela ngenhloso yokuphenya noma ukwenza noma isiphi isenzo leso asibona sidingekile;
 - (c) angadinga noma imuphi umuntu otholakala ehostela ukuba alethe ubufakazi bokuthi (njengesitifiketi somhlali) ungumhlali onelungelo lokuhlala lapha ehostela, bese kuthi uma ala noma ehluleka ukuveza ubufakazi lowo muntu alethe igama lakhe, inombolo yepasi kanye nekheli lakhe kanye/noma aphume emagcekeni ngemuva kwalokho.

Imibandela yokuhlala kanye nerenti

6. (1) Ukunikezelwa ngendawo yokuhlala kuzokwenzeka ngokwemibandela equkethwe lapha isikhathi esingenawo umkhawulo, esingaqedwa ngokwesaziso esibhalwe phansi esifakwa inyanga eyodwa sinikezwa yinoma ubani.

(2) Irenti kanye noma iyiphi imali ekhokhwayo ngezinkonzo ezinikezwayo kanye neyazitifiketi zabavakashi kufanele inqunywe ngumkhandlu futhi ingalungiswa yiwo ngokwesaziso senyanga eyodwa ngemuva kokubonisana nekomidi labahlali kanye neminingwane yerenti futhi nemali ebizwayo ekhokhwayo isikhathi ngesikhathi kufanele ikhonjiswe kanye nekhophi yalemithetho njengoba ihlelelwe kumthetho 3(3).

(3) Irenti kanye nemali ekhokhelwa izinkonzo kufanele ikhokhwe njalo ngenyanga iqhutshwa phambili kungaze kundlule izinsuku ezingu-7 kuleyo naleyo nyanga ehhovisi lomphathi noma kwenye indawo njengoba ngokubhala angasho, bese kuthi leyo mali ekhokhwayo, uma ikhona, ikhokhelwa ukusebenzisa imitha kagesi izokhokhwa njalo ngenyanga.

(4) Ngaso sonke isikhathi uma umhlali ebhaliswa kuzothathwa ngokuthi umbhede kanye nerumu abelwe yona kwanele futhi kusesimeni esikahle.

(5) Ngokushesha ngemuva kokunikezwa komhlali omusha indawo ehlostela kufanele-

(a) athole ukuthi umbhede kanye nendlu abelwe kona kusesimeni esikahle; futhi

(b) zingakapheli izinsuku eziyisikhombisa abike kumphathi wehostela noma iliphi iphutha elitholakele.

(6) Umhlali angeke ngaphandle kokuvuma okubhalwe phansi kumphathi wehostela -

(a) andlulise noma anikezele noma imaphi amandla okuhlala kunoma imuphi umuntu okungenzeka abenaye noma ngabe imaphi amalungelo ngemuva kwalokho;

(b) andlulise, anikezele noma abe umbhede, indlu noma ingxenye yayo ngemuva kwalokho, noma avumele omunye umuntu ukuba ahlale emagcekeni;

(c) asebenzise umbhede abelwe wona;

(d) enze izinguquko noma angeze erumini;

(e) asebenzisele ukulala noma iyiphi ingxenye yegceke ngaphandle kwaleyo ekhonjiselwe lokho kuhlelo lwendlu yakhe.

(7) Akekho umuntu ongahweba, enze ibhizinisi noma enze izinto zembali emagcekeni kanye/noma enze imikhukhu, imipheme noma esinye isakhiwo emagcekeni ngaphandle kwemvume ebhalwe ngumphathi wehostela kumibandela ethile futhi kuncike ekukhokhweni kwemali ethile kanye nenkokhelo njengoba kungadingwa umkhandlu, ngemuva kokuxoxisana nekomidi labahlali.

(8) Uma umhlali engekho ehostela noma engawusebenzisi umbhede abelwe wona ehostela esikhathi esingangezinsuku ezingamashumi amathathu zilandelana ngaphandle kokufaka isaziso kumphathi wehostela ngenhloso yokwenza njalo, umphathi wehostela angakhansela ilungelo lakhe lokuhlala bese enikezela indawo yokuhlala komunye umuntu; inqobo nje loko kukhansela kuzodinga ukuvuma kwekomidi labahlali uma leyo ndawo ingenayo imali esilele ngayo ekukhokheni irenti.

Ukubhekana namagceke, ukuziphatha kahle

7. (1) Umkhandlu kufanele ubhekane nokuziphatha kahle, nokugcina isimo sikahle kanye nokulungisa izinto ezisetsheziwa ngabantu bonke, bafake okufakelwayo kanye nempahla kanye nengaphandle lamagceke ehostela.
- (2) Umhlali ngamunye kufanele aphenhule kumkhandlu ngokuthi ugcina noma imuphi umonakala embhedeni wakhe noma kwezinye izinto, kokunye okufakelwayo noma ifenisha, ngaphandle uma engethula incazele eyamukelekile (eyamukelekile kumphathi wehostela kanye nangemuva kokuxoxisana nekomidi labahlali) ukuthi umonakala wabangelwa yisenzo ayengeke akwazi ukusigwema noma ayekuhlosile noma ukunganaki komunye umuntu.
- (3) Bonke abahlali noma abahlala endlini eyodwa bazothi ngokuhlanganyela babhekane nezikweletu kumkhandlu ngokwenza umonakala obangelwe yibo noma ukunganaki kwanoma ubani wabo kunoma iyiphi impahla yomkhandlu.
- (4) Umhlali ngaso sonke isikhathi uzogcina ikamelo lakhe lokulala lihlanzekile futhi libukeka kahle.
- (5) Akekho umhlali noma omunye umuntu ekufanele-
 - (a) Abange inkinga noma ukuphazamiseka endlini noma kwenye ingxenye yamagceke ehostela;

- (b) asabise, ahlukumeze, athuse, noma ashaye noma imuphi umhlali, ilunga labasebenzi noma omunye umuntu;
- (c) asebenzise ezinye izindlela zokupheka noma zokushisisa ngaphandle kwalezo ezihlelelwe ngumkhandlu noma zavunywa ngaphambilini ngokubhalwe phansi ngumphathi wehostela;
- (d) ashintshe noma aphazamisane nokufakelwa kukagesi noma okunye ukufakelwa emagcekeni noma ashintshe ukufakelwa noma isakhiwo;
- (e) agcine isilwane, izinyoni noma imoto noma ikuphi emagcekeni ngaphandle kwemvume ebhalwe phansi etholakala ngaphambilini kumphathi wehostela;
- (f) abeke udoti, ukugcola, inkunkuma, into engukungcola noma okulahlwayo noma ikuphi ehostela noma emhlabeni lapho kukhona khona ihostela ngaphandle kwasekhonteyinini elungiselelwe lokho, noma asiye imoto lapho; futhi
- (g) asebenzise ikhishi elisetshenziswa umuntu wonke noma indlu yangasese, indawo yokuwasha noma yoku-ayina, yokuzithokozosa ehostela ayisebenzisele inhloso enye ngaphandle kwaleyo ezenzelwe yona.

Impahla yomhlali

8. (1) Akekho ozobanesibopho sokukhokha noma iyiphi impahla elahlekile kumhlali noma kwabanye abantu noma ngaziphi izizathu, ngisho noma ngabe umkhandlu, noma imuphi umsebenzi onikezwe noma iliphi igunya lokuphatha.
- (2) Noma iyiphi impahla ebekungeyomdlali etholakala endlini ebekade ehlala kuyona, noma ikuphi emagcekeni, izobekwa ngumkhandlu wendawo endaweni ephephile. Uma ingalandwangwa kuze kundlule izinyanga ezintathu ngemuva kokuba umbhede lowo wabelwa omunye umuntu izodayiswa ngokwe-okishini noma ngokwethenda ehostela.
- (3) Ngemuva kokutholakala kwanoma iyiphi imali ekwelentwa obekade engumhlali noma obehlala yerenti noma izinkonzo noma ebangelwe noma yini kanye nezindleko zokudayisa, imali esalile izobekwa

ngokuhambisana nezimiso zemithetho eyengamelwa ezokuphatha kanye nezokwabiwa kwamafa.

(4) Uma umphathi wehostela ebona ukuthi angeke kulunge ukuthi kufinyeleleke kunani lokudayisa leyompahla angenza ukuthi isuswe emagcekeni ehostela noma ishatshalaliswe.

(5) Umphathi wehostela uzogcina iregista ekuzothi kuyo kugcinwe imininingwane yayo yonke impahla noma izinto ezikhona ezigciniwe kanye/noma ezishatshalalisiwe.

Ikomidi labahlali

9. (1) umhlangano wabahlali uzobakhona njalo ngonyaka ngendlela ekahle ukukhetha abahlali kanye nosihlalo kanye nanobhala, abazobamela ezindabeni eziphathelene nezimo zasehostela.

(2) ikomidi labahlali kanye nomphathi wehostela kufanele bahlangane bese bexoxisana njalo nekomidi elihlanganyele lokuphatha ezindabeni abavumelana ngazo.

(3) imihlangano ephuthumayo yabahlali ingabizwa ngokufakwa kwesaziso okungenani kusasele izinsuku eziyisikhombisa (noma ezingaphansi kwalokho ezimeni eziphuthumayo)-

(a) ngumphathi wehostela, noma

(b) ikomidi labahlali, ngezikhathi kanye nasezindaweni ezizohlelwa ngaphambi kwesikhathi nomphathi wehostela.

(4) Isaziso semihlangano yabahlali kufanele kunikezwe ngokuthi sibekwe endaweni ebonakalayo kubhodi lezaziso futhi endaweni ekungenwa kuyo ehostela, kanye nakwezinye izindawo lapho umphathi wehostela noma ikomidi labahlali lingabona kufanele.

Imiphumela yokwephula imithetho

10. (1) Uma umhlali noma ohlala endlini ehluleka ukukhokha noma iliphi inani lemali alikweledayo ngosuku olufuneka ngalo, umphathi wehostela anganikeza lowo muntu isaziso sezinsuku ezingengaphansi kweziyisikhombisa ukuba akhokhe.

- (2) Uma, ngemuva kokuba isaziso sesinikeziwe, bese inkokhelo ingafiki, umphathi wehostela angakhansela ilungelo lalowo muntu lokuhlala noma amtshele ukuba aphume aphele emagcekeni ehostela.
- (3) Leso saziso singanikezwa kumhlali noma kohlalayo ngqo, noma singafakwa ngaphansi komnyango wendlu ahlala kuyo.
- (4) Uma umhlali noma ohlalayo noma onesitifiketi sokuvakasha:
 - (a) ehluleka ukugcina noma ukwenza noma isiphi isibopho esibekiwe lapha;
 - (b) ephula noma imiphi kulemithetho;
 - (c) ephazamisa noma evimbela umphathi wehostela ekutheni enze imisebenzi yakhe; noma
 - (d) ngokombono womphathi wehostela enecala eliyanyaniswa nokugcina inqubo ekahle ehostela; umphathi wehostela-
 - (i) anganikeza isaziso kulowo mhlali amucele ukuba alungise udaba olubekiwe kusaziso ezinsukwini eziyisikhombisa noma (ezimeni ezehluka kakhulu) enzenjalo ngaso lesi sikhathi, futhi uma ehluleka ukuhambisana naleso sicelo acele umhlali ukuba aphume emagcekeni; noma
 - ii) anikeze isaziso kulowo onesitifiketi sokuvakasha esimtshela ukuba alungise lolo daba olushiwo kusaziso kungakapheli amahora angu-24 noma (ezimeni ezendlulele) enze lokho ngaso lesi sikhathi, uma ehluleka ukuthi enze acelwe ukuba akwenze ukuba aphume aphele emagcekeni ngaso lesi sikhathi.

Ukundlulisa udaba kanye nezikhalazo

11. (1) Wonke umuntu (kubandakanya ilunga lekomidi labahlali) uzoba nelungelo lokundlulisa udaba kumkhandlu liphikisana nanoma isiphi isenzo noma isinqumo somphathi wehostela noma omunye umuntu womkhandlu obhekene nokuphathwa kwalemithetho.
- (2) Leso sikhalazo singafakwa zingakapheli izinsuku eziyisikhombisa kwenzeke lesi senzo noma kuthathwe lesi sinqumo ekukhalwa ngaso ngokuthi kwaziswe isikhulu esiphethe (the chief executive officer) kanye nakumphathi wehostela, futhi kufanele sihlalelwe zingakapheli

izinsuku ezingu-14 ngemuva kwaleso senzo, ngemuva kwalokho sizophelelwa isikhathi.

(3) Umkhandlu noma umuntu okhethelwe lokho kufanele alalele ukundluliselwa kwesikhalazo ngokungachemi futhi umphathi wehostela noma omunye umsebenzi unelungelo lokulalelwa kuphenyo futhi angaletha ubufakazi bokweseka lesa senzo.

(4) Umkhandlu noma umsebenzi ohlalele udaba kufanele enze isiqiniseko sokuthi lowo myalelo njengoba kungathi ngokubona kwakhe kufanelekile kuzimo.

(5) Isikhalazo singafakwa ne-Tribunal ngokubhekela kube kulandelwa izimiso zoMthetho.

(6) Isikhalazo singafakwa-

(a) ngumhlali noma iqoqo labahlali (noma imuphi umhlali noma ikomidi labahlali) ngemuva kokwenziwa komyalelo ngokulandelwa komthethswana (4), noma uma ukulalelwa noma umyalelo ngokungafanelekile ubambezeleka; noma

(b) ngumninimuzi noma iqoqo labaninimuzi (noma imuphi umkhandlu noma iqoqo lemikhandlu).

(7) Ikomidi labahlali kanye nomkhandlu kungathi ngabanye bakhethe umutu ukubasebenze njengozobheka ukuze aluleke futhi asize i-Tribunal ekubhekeni ukundluliswa kodaba noma isikhalazo esiphathelene nezimo zasehostela. Labo babheki bazoba ngaphansi kokuphathwa ngusihlalo, bazoba nelungelo lokuvota futhi angeke bakhokhelwe ku-Tribunal.

12. (1) Ngokuphathelene namahostela abaluliwe kusheduli 1, lemithetho izoqala ukusebenza osukwini lokuqala lenyanga elandelayo kulandela usuku lokushicilelwa kwesaziso.

(2) Ngokuphathelene namahostela, lemithetho izoqala ukusebenza ezinsukwini ezibaluliwe ngokwezaziso zeGazethi esemthethweni ephathelene nalokho.

Isihloko esifushane kanye nokuqala kwawo ukusebenza

13. Lemithetho ibizwa ngokuthi yimithetho yokuphatha kanye nokulawula indawo yokuhlala emahostela, 2001.

ISHEDULI 1**ISITIFIKETI SOKUHLALA EHOSTELA****Okulandelwayo****(UMKHANDLU)****(IGAMA LEHOSTELA)**

Sikhishwe kumuntu obhalwe lapha ngaphansi ngokulandelwa kwemibandela kanye nezimiso eziqukethwe kumithetho yasehostela emiswengaphansi kwesigaba 15(1) soMthethetho, 1999 kanye nokukhokhwa kwemali yerenti kanye nenye ekhokhwayo njalo ngezikhathi ezifanele.

Igama lomhlali**Inombolo yepasi****Inombolo yendlu noma ye-suite****Inombolo yomubhede****Umphathi weHostela****Usuku**

NOTICE 2133 OF 2001

KGORO YA KAGO DINTLO YA GAUTENG

MOLAO WA KHIRIŠO YA DINTLO, 1999 (MOLAO 50 WA 1999)

**MELAWANA YA TSHEPEDIŠO LE TAOLO YA BODULO
KA HOSTELE**

Molekgotlaphethiso yoo a nago le maikarabelo a Kago ya Dintlo Profenseng ya Gauteng ka fase ga karolo ya 15 (1) (g) ya Molao wa Khirišo ya Dintlo, 1999 (Molao wa 50 wa 1999), o dirile melawana ye e hwetšagalago ka gare ga šetulo ye.

ŠETULO

Ditlhalošišo

1. Ka melawanebg ye, ntle le ge kamano e hlaloša ka mokgwa wo mongwe -

"marobalo" a ra thušo ya bolao le go dira gore didirišwa di be gona ka hostele;

"pušo" e ra Mmušo wa Profense ya Gauteng goba mmuššo selegae goba mong yo mongwe wa hostele woo melwana ye e dirišwago ka kgatišo ya Kuranta ya Profense;

"hostele" e ra moago woo o akanyeditšwego go dula batho woo mong wa wona e lego Mmušo wa Profense goba wa selegae gomme o akaretša bodulo bja go abelana ka diphapošing gomme di ka akaretša kabelano ya go apea, ya maphelo, hlwekišo, bohlatswetšo le didirišwa tše dingwe, tšeo melwana ye e dirišwago ka tsebišo ya yeo e phatlaladitšwego ka gare ga Kuranta ya Mmušo ke Molekgotlaphethišo wa Kago ya Dintlo;

"setifikeiti sa modudi" se sa setidikeiti sa modudi se se hlagišitšwego go ya melwana ye;

"Molao" o ra Molao wa Khirišo ya Dintlo, 1999 (Molao 50 wa 1999);

"Lekgotla" le ra Lekgotla la Khirišo ya Dintlo leo le hlomilwego go ya ka karolo 7 ya molao;

"setifikeiti sa moeti" e ra setifikeiti seo se hlagišitšwego go ya ka melwana ye seo se dumelelago botseno le marobalo a lebakanyana ka hostele sebaka seo se sa fetego matsatši a šupago eupša bo ka mpšhafatšwago.

Go kgethwa ga Molaodi wa Hostele

2. Mmušo-

- (1) O tla kgetha molaodi wa hostele go hostele ye itšego le naga yeo hostele e lego gona gomme molaodi yoo o tla dira gore didirišwa di be gona go ya ka melawana yeo, le go phethagatša ditaelo tše dingwe le tše dingwe tšeo a fago ke mmušo.
- (2) Goba motho yoo a dumeletšwego moo ke mmušo a ka kgetha seatla sa molaodi wa hostele.

Mešomo ya Molaodi wa Hostele

3. (1) Molaodi wa hostele o na le maikarabelo a tshepedišo, taolo le tihokomelo ya hostele gomme o tla -
 - (a) nyaka go tšwetšapele boiketlo bjo bo bonagalago le pabalelo ya badudi;
 - (b) ge go nyakwa ke mmušo/bolaodi, a fa pego ya go ngwalwa ka tshepedišo le taolo ya hostele;
 - (c) kgonthišiša gore kopi ya melawana ye gammogo le ditefo tša rente tša bjale di bontšhwa botong ya tsebišo ya semmušo lefelong leo le bonagalago ka hostele, gore badudi le setšhaba ka kakaretšo ba hwetše tshedimošetšo;
 - (d) abela nomoro bolaong bjo bongwe le bjo bongwe ka phapošing ya hostele go kgonthišiša gore nomoro yeo e ngwadilwe ka go balega lefelong leo le bonagalago;
 - (e) abela nomoro bohlapelong goba phapošing ye nngwe le ye nngwe le go kgonthišiša gore nomoro yeo e ngwadilwe ka go balega lefelong leo le bonagalago lemating la bohlapelo goba la phapo kgonthišiša gore nomoro yeo e ngwadilwe ka go balega lefelong leo le bonagalago la bohlapelo goba la phapo kgonthišiša gore nomoro yeo e ngwadilwe ka go balega lefelong leo le bonagalago la mojako goba phapoši;
 - (f) kgonthišiša gore hostele le naga yeo e lego go yona le phela le le memong a hlwekilego a h go hlweka a go thakga;

- (g) tliša gore badudi ka moka bao ba loketšego go hwetša bodulo ba ngwadišwa bjalo ka badudi, le go fa tsebišo ya go tšwa go bao ba sa swanelago;
- (h) ngwala le go bea rejistara ya badudi ka moka yeo e swanetšego go ba le maina ka botlalo le nomoro ya boitšhupo le wa leloko wa kgauswi goba motho yo mongwe le yo mongwe ye go ka ikgokanyago le yena ka nako tša lehu goba ditaba tša tšhoganetšo;
- (i) fa modudi yo mongwe le yo mongwe yoo a ngwadišitšego bjalo ka modudi setifikeiti sa bodudi seo se gogago šedi mabapi le maatla a go tlama a melwana ye go modudi;
- (j) bea lenaneo la batho bao ba go leta bao ba nyakago marobalo ka hostele, le go dira gore e kgone go tlhahlobja ge go kgopelwa go dira bjalo;
- (k) phethagatša mešomo ka moka yeo e holofelwago go molaodi wa hostele ka fase ga melawana ye; le
- (l) go hlohleletša le letefatatša go hlama le go sepediša komiti ya badudi, le go rerišana ka mehla le yona.

Dinyakwa tša Marobalo

4. (1) Ka gare ga kgwedi ya gore bolaodi bo amogele melawana ye, molaodi wa hostele o tla bala batho ka moka bao ba dulago ka hostele go ba abela malao go ya ka moo a bonago go swanetšego bodulo bja hostele le ka moo mepeto e lego gona ka gona, ge e ba tšhelete ya rente yeo e laeditšwego le lefiwa mo go ka bago kgwedi pele ga nako.
- (2) Ka ge komiti ya badudi e ka se kgone go kgethwa ntle le ge dingwadišo tše bjalo di šetše di dirilwe, molaodi wa hostele o tla dira palo ye bjalo ya badudi, ngwadišo le kabelano ka ditherišano le komiti goba dikomiti go ya moo a tšeago e le kemelo ya ba bangwe ba badudi goba badudi ka moka.
- (3) Motho yoo a ratago go fiwa bodulo ka hostele goba yoo a ratago gore motho yo mongwe a fiwe bodulo ka moo o tla dira dikgopelo go molaodi wa hostele mabapi le madulo goba marobalo a gomme moalodi wa hostele a ka dira gore marobalo a bjalo a be gona le go ngwadiša motho yoo bjalo ka modudi ka go lefela rente ya kgwedi ka morago ga gore motho yoo a ikgotsofatše gore-

- (a) motho yoo kgopelo e dirilwego ka yena e dirilwe ka mogopolo wa gagwe woo o lebanego go dula ka hostele;;
- (b) gago motho yoo a lego lenaneong la go ema yoo a nago le kgopelo ye kaone ya go fiwa bodulo; le
- (c) mmpeto o gona ka moo.

Magato a Taolo

5. (1) Ntle le magato a lebakanyan ao a lego ka gare ga molawana 4(1) gago motho yo mongwe ntle le motho yoo a swerego setifikeiti sa boeti a ka dula ka moo lebaknyana.
- (2) Molaodi wa hostele goba seatla sa gagwe goba moemedi yoo a dumeletšwego gabotse a ka-
- (a) hloma mokgwa wa go kgaola tumelelo ya go tsena ka hosteleng goba karolong ye nngwe le ye nngwe ya yona ke bao e sego badudi;
 - (b) ka go phethagatša mešomo ya gagwe, a tsena phapošing goba lefelong le lengwe le le lengwe ka hosteleng ka mabaka a go dira dinyakišišo goba ditiro tše dingwe tšeo a bonago di le bohlokwa;
 - (c) nyaka gore motho yo mongwe le yo mongwe yoo a hwetšwago ka hostele a fane ka bohlatse (bjo bjalo ka setifikeiti sa bodulo sa kgonthe) bja ditokelo tša gagwe tša go dula ka hostele. Ge e le gore mtho yo o a gana goba go o palelwa ke go hlagiša bopaki bjo bjalo a ka nyaka gore a fane ka leina la gagw, nomoro ya boitšhupo le atrese le/goba a tšwe lefelong leo.

Maemo a Bodulo le Rente

6. (1) Maemo a marobalo a tla ya ka maemo ao a hwetšagalago ka moo ka lebaka le le hlokago tlišetšo, leo le felelago ka sebaka sa kgwedi ka tsebišo ya go ngwalwa yeo e fiwago ke diphathi tše pedi.
- (2) Rente le ditshenyegelelo tše dingwe le tše dingwe tšeo di lefelwago ditirelo tšeo fiwago le setifikeiti sa baeti di tla laetšwa ke bolaodi gomme di ka fetošwa go bjona ka tsebišo ya kgwedi ka morago ga therišano le komiti ya badudi le ditlhalošišo tša rente le melato yeo e swanetšego go

lefiwa nakong ye nngwe le ye nngwe e tla bontšhwa le kopi ya melawana ye go ya ka moo go akntšwego ka melawaneng yeo ya 3(3).

(3) Rente le ditshenyegelelo tša ditirelo di tla lefiwa kgwedi pele ga nako ka tšatši leo sa fetego la bošupa la kgwedi ye nngwe le ye nngwe ofising ya moalodi goba mafelong a mangwe ao a ka gao ngwalwa a a laeditšego; gomme ditshenyegelelo tše bjalo, ge e ba di gona tša tšhomišo ya mohlagase ya go elwa e tla lefiwa ka kgwedi.

(4) Neng le neng ge modudi a ngwadišwa bjalo ka modudi go tla tšewa gore mpeto le phapoši tšeo a abelwago tšona di maemmong ao a lokilego.

(5) Ka nako yeo modudi yo mofsa a fiwago bodulo ka hostele, o swanetše go -

- (a) nyakišiša bonnete bja gore mpeto le phapoši yeo ba mo abetšego di maemong ao a lokilego gomme
- (b) ka gare ga matsatši a šupago a bege phošo ye nngwe le ye nngwe yeo a e hwetšago go moalodi wa hostele.

(6) Modudi ntle le tumelelo ya pele ya go ngwalwa ya molaodi a ka se-

- (a) gafela, beela, goba go fetišetše go motho yo mongwe le yo mongwe ditokelo tša bodulo tšeo a ka bego a e na le tšona goba ditokelo tše dingwe le tše dingwe tšeo di amanago le tšona;
- (b) gafela, go hirišetša goba go abela mpeto , phapoši goba karolo ya yona goba tgo dumelela motho yo mongwe go go dula ka gare ga meago yeo;
- (c) šomiša mpeto wo mongwe ka ntle le woo a abetšwego wona;
- (d) dira diphetogo goba dikoketšo tše dingwe le tše dingwe phapošing;
- (e) šomišetša borobalo karolo e nngwe le ye nngwe ka moagong ntle le yeo e šupeditšwego mabaka a bjalo polaneng ya phapoši ya gagwe.

(7) Gago motho yo a dumeletšwego go bapatša, go gweba goba go dira ditiro tše dingwe le tše dingwe tša intaseteri ka meagong le/goba go hloma mešašana, diširelo goba meagwana ye mengwe le ye mengwe ka gare ga meago ntle le ka tumelelo ya go ngwalwa ya molaodi wa hostele ka mabaka a bjalo le go ya ka tefo ya faene le ditsheneygeleo go ya ka moo di nyakwago ke boladi, ka morago ga do rerišana le komiti ya badudi.

(8) Ge e le gore modudi ga a gona ka hostele goba ga a šomiše mpeto woo a abetšwego wona ka hostele sebaka sa matšatši a masometharo a go latelelana ntle le tsebišo pele ya moaldi wa hostele ka ga maikemišetšo a gagwe a go dira bjalo, moalaodi wa hostele a ka khansela ditokelo tša gagwe tša go dula gomme a ka dira gore borobalo bo be gona go motho yo mongwe le yo mongwe; ntle le gore go khansela go go bjalo go tla nyaka tumelelo ya komiti ya badudi ge e le gore modudi yo bjalo ga a kolote rente ya gagwe.

Ditshwanelo tša Bodulo, Maitshwaro a Mabotse

7. (1) Boaladi bo tla ba le maikarabelo a go swara gabotse maemo le mokgw wa go lokiša ditlabakelo, go lokela didirišwa le ditlabakelo tša ka ntle ga meago ya hostele.

(2) Modudi yo mongwe le yo mongwe o tla ba le maikarabelo go boalodi a lokiša tshenyo ye nngwe le ye nngwe yeo a e dirilego mpetong goba ditlabakelong tše dingwe le tše dingwe, dilo tšeo di loketšwego goba fenitšhara ntle le ge a ka fana ka tšhaloo ya go kwagala (yeo e kgotsofatšago moalodi wa hostele le ka morago ga go rerišana le komiti ya badudi) gore tshenyo e hlotšwe ke ditiragatšo tšeo a bego a se na taolo go tšona goba tiro ya ka boomo goba bošaedi bja batho ba bangwe.

(3) Badudi ka moka ba phapoši e tee ka moka ga bona ba tla rwala maikarabelo go molaodi a go lokiša tshenyo ye nngwe le ye nngweya thoto yeo e hlotšwego ke yo mongwe le yo mongwe wa bona ka boomo go bolaodi.

(4) Modudi ka dinako ka moka o tla swara phapoši ya gagwe e le maamong a hlwekilego a go thakga.

(5) Gago modudi ofe goba ofe yoo a kago-

(a) tshwenya goba a hlola pherehlo ka phapošing goba karolo ye nngwe le ye nngwe ya meago ya hostele;

- (b) tšhošetša, tlaiša, boifiša goba gobatša modudi, modirišani goba motho yo mongwe le yo mongwe;
- (c) šomiša mokgwa wo mongwe e wo mongwe wa go apha goba wa go ruthufatša ntle le wo o abetšwego ke bolaodi goba ka tumelelano ya pele ya go ngwalwa ke moalaodi wa hostele;
- (d) fetša goba go tshwenyana le mohlaga goba dithapo tša mohlaga ka meagong goba a dira diphetogo tše dingwe le tše dingwe ditlabakelong goba meagong yeo;
- (e) bea phoofolo, nonyana goba mmotoro wo mongwe le wo mongwe ntle le tsebišo ya pele ya go ngwalwa ya moalodi wa hostele;
- (f) bea matlakala, ditšhila, dilo tša go lahlwa goba tša matlakal mo gongwe le mo gongwe ka hostele goba nageng yeo hostele e lego gona ntle le ka gare ga setšelo seo se beetšwego lebaka leo, goba go tlogela mebotoro yeo e swanetšwego go lahlwa ka fao; le
- (g) šomišetša khitšhini goba dibjana, dihlwekiši, bohlatšwetšo, didirišwa tša boitapološo tša go abelana ka hostele mabaka a mangwe le a mangwe ntle le ao a diretšwego

Thoto ya Badudi

8. (1) Bolaodi goba badirišani bao ba šomago mošomo wa bolAodi, ga go yo a nago le maikarabelo a tahlegelo ya thoto ye nngwe le ye nngwe yeo badudi goba batho ba bangwe ba ka e lobago ka lebaka le ge e ka ba le le lengwe.

(2) Thoto ye nngwe le ye nngwe yeo e lego ya modudi yoo a bego a dula peleng gomme e hwetšwego ka phapošing yeo e bego e le ya motho yoo, goba go gongwe ka meagong, e tla bewa ke bolaodi ka lefelong la go bolokega. Ge go se motho yoo a e sekago ka morago ga sebaka sa dikgwedi tše tharo ka morago ga gore bolo bjo bjalo bo abelwe motho yo mongwe, thoto yeo e tla rekišwa ka mokgwa wa go fantišetša setšhaba goba wa go thentara ka gare ga hostele.

(3) A ka morago ga go hwetša tšhelete ye nngwe le ye nngwe yeo e bego e kolotwa ke mohiri wa peleng ya rente le ditshenyegelelo tše dingwe

goba ditshenyegelo tša thekišo, tšhelete ye e šetšego e tla abelwa go ya ka ditaetšo tša melawana ye e laolago taolo le kabelo ya bohwa.

(4) Ge e le gore molaodi wa hostele o akanya gore ga go kgonagale go hwetša tšhelete ye nngwe le ye nngwe go tšwa go thekišo ya thoto ye bjalo a ka dira gore e tlošwe kameagong ya hostele goba e fedišwe.

(5) Molaodi wa hostele o tla lota/boloka rejistara yeo ka go yona a tla ngwalago ditlhalošišo tša thoto goba dithoto tšeo di beilwego le /goba tšeo di lahlilwego ka mabaka ao.

Komiti ya Badudi

9. (1) Kopano ya badudi e tla bitšwa ngwaga ka ngwaga ka mokgwa wo o swanetšego go kgetha komiti ya badudi yeo e hlamilwego ka modulasetulo le mongwaledi go emela dikgahlego ka kakaretšo le ditaba tšeo di amanago le maemo a hostele.

(2) Komiti ya badudi le molaodi wa hostele ba tla kopana le go ikgokaganya ka mehla ka komiti ya taolo ya mohlakanelwa ka ditaba tšeo di ba amago mmogo.

(3) Dikopano tše di kgethilwego tša badudi di ka swarwa ka tsebišo yeo e sa fetego matašatši a šupago (goba ye kopana mabakeng ao go bolelwago gore a bohlokwa) -

(a) ke molaodi wa hostele, goba

(b) ke komiti ya badudi, ka dinako le mafelo ao a beakantšwego le molaodi wa hostele pele ga nako.

(4) Tsebišo ya dikopano e swanetše go fiwa ka go bea ditsebišo moo go bonagalago botong ya tsebišo ya semmušo le matsenong a hostele, le ka mekgwa ye mengwe yeo molaodi wa hostele goba komiti ya badudi e bonago go lebanego ka gona.

Ditlamorago tša go tlola Melawana ye

10. (1) Ge e le gore modudi o šitwa ke go lefa tšhelete yeo a e kolotago ka tšatšikgwedi leo go kolotwago ka lona, molaodi a ka fa motho yo bjalo tsebišo ya matšatši ao a sa fetego a šupa gore tefo yeo e dirwe.

- (2) Ge e ba, ka morago ga tsebišo e šetše e dirilwe, gago holofetše gore tefo e tla dirwa, maoaodi wa hostele a ka khansela/phumola ditokelo tša motho yoo tša go dula gomme a nyaka gore a tše meagong yeo ka bonako.
- (3) Tsebišo ye bjalo e ka tlišwa go modudi ka nama, goba ya bewa lemating la phapoši ya modudi.
- (4) Ge e le gore modudi goba moagi goba mong wa setifikeite o:
 - (a) šitwa ke go dira goba go phethagatša ditshwanelo tše a laelwago;
 - (b) dira goba tlola melawana ye;
 - (c) thibela goba go tshwenyana le molaodi wa hostele ge aphehagata mešomo ya gagwe; goba
 - (d) ka mogopolo wa molaodi wa hostele ge modudi a ka ba le molato wa maitshwaro a mabe ka hostele; molaodi wa hostele a ka -
 - (i) fa modudi tsebišo ye bjalo go phošolla molato wo o ngwadilwego ka tsebišong ka gare ga sebaka sa matšatši a šupago (7) goba (ka mabaka a go fetiša) a dira bjalo gomme ge e ka šitwa ke go dira bjalo le go šitwa ke go dumelelana le kgopelo ye bjalo a laela modudi goba moagi go tšwa ka meagong yeo; goba
 - ii) fa moswari yo bjalo wa setifikeite tsebišo ya go mo kgopel go phošolla molato woo go boletšwego ka wona tseišong ka gare ga matšatši a masommenne (24) a dira bjalo gomme ge e ka šitwa ke go dira bjalo le go šitwa ke go dumelelana le kgopelo ye bjalo a laela modudi goba moagi go tšwa ka meagong yeo; goba

Dikgopelo le Dingongorego

11. (1) Motho yo mongwe le yo mongwe (go akaretša le leloko la komiti ya badudi) o tla ba tokelo ya go dira boipiletšo go bolaodi kgahlanong le ditiro goba diphetho tše dingwe le tše dingwe tša molaodi wa hostele goba molaodi yoo a nago le maikarabelo laola melawana ye.
- (2) Piletšo ye bjalo e swanetše go dirwa ka gare ga matšatši a šupago (7) ka morago ga tiragalo goba sepehtho seo go ngongoregago ka sona ka tsebišo yeo e fiwago mohlankedimogolo-phethišo le go molaodi wa hostele, gomme e tla sekišwa ka gare ga matšatši a lesommenne (14) ka morago ga tiro ye bjalo, ge go se bjalo e tla fedišwa.

- (3) Bolaodi goba mohlankedi yoo a kgethilwego ka tshwanelo o swanetše go theeletša piletšo yeo ka bonako gomme molaodi wa hostele goba mohlankedi yoo a amegago o na le tokelo ya go theeletšwa dinyakišišong gomme a ka hlagiša bohlatse bja go thekga tiro ye.
- (4) Bolaodi goba mohlankedi yoo a swerego marapo o swanetše go dira taelo ye bjalo yeo a šomišago kakanyo ya gagwe ye e lebanego mabakeng ao.
- (5) Ngongorego e ka hlagišwa le Lekgotla go akanywa go ya ka taelelo ya Molao.
- (6) Ngongorego e ka hlagišwa-
- (a) Ke mohiri goba sehlopha sa bahiri (mohiri yo mongwe le yo mongwe goba komiti ya badudi) ka morago ga ge taelo e dirilwe go ya ka karolo ya molawana (4) woo, goba ge e le gore theeltšo goba taelo e diegišwa kudu; goba
 - (b) Ke mongnaga goba sehlopha sa bengnaga (moalodi yo mongwe le yo mongwe goba sehlopha sa bolaodi).
- (7) Komiti ya badudi le bolaodi ba ka kgetha motho go šomago bjalo ka moahlodiši go eletša le go thuša Lekgotla mabapi le kgopelo goba ngongorego yeo e amago mabaka a hostele. Baahlodiši ba ba ba tla kgethwa go ya ka bjalo tupišo ya modulasetulo, ba tla ba le tokelo ya go hwetša putsetšo go tšwa go Lekgotla.
12. (1) Mabapi le dihostele tšeo di laeditšwego go šetulo 1, melawana ye e tla thoma ka letšatši la mathomo la kgwedi go latela tšatšikgwedi la phatlalatšo ya tsebišo ye.
- (2) Mabapi le dihostele, melwana ye e tla thoma ka matšatšikgwedi ao a laeditšwego ka gare ga tsebišo ya Kuranta ya Mmušo malebana le tšona.

Thaetlele ye kopana le bothomo

13. Melwana ye e bitšwa Melawana ya Tshepedišo le Taolo ya Marobalo ka Dihostele, 2001.

ŠETULO 1

SETIFIKEITI SA MODUDI WA HOSTELE

Mohlala

(BOLAODI)

(LEINA LA HOSTELE)

Se filwe motho yoo a ngwadilwego ka godimo go ya ka mabaka le maemo ao a lego ka melawaneng ya hostele yeo e akantšwego ka fase ga karolo 15 (1) ya Molao wa Khirišo ya Dintlo, 1999 le go tefo le ditshenyegelelo tša ka mehla tša rente.

Leina la modudi

Nomoro ya boitšhupo

Nomoro ya phapoši

Nomoro ya mpeto

**Molaodi wa Hostele
Tšatšikgwedi**

Dog ate your Gazette? ... read it online



www.SA Gazettes.co.za
.....

A new information Portal keeping you up to date with news, legislation, the Parliamentary programme and which is the largest pool of SA Gazette information available on the Web.

- Easily accessible through the www!
 - Government Gazettes - from January 1994
 - Compilations of all Indexes pertaining to the past week's Government Gazettes
 - All Provincial Gazettes - from September 1995
 - Parliamentary Bills - as of January 1999
- Available in full-text, with keyword searching
- Sabinet Online scans, formats, edits and organize information for you. Diagrams and forms included as images.
- No stacks of printed gazettes - all on computer. Think of the storage space you save.
- Offer Bill Tracker - complementing the SA Gazettes products.

For easy electronic access to full-text gazette info, subscribe to the SA Gazettes from Sabinet Online. Please visit us at www.sagazettes.co.za



*Looking for back copies and out of print issues of
the Government Gazette and Provincial Gazettes?*

The National Library of SA has them!

Let us make your day with the information you need ...

National Library of SA, Pretoria Division
PO Box 397
0001 PRETORIA
Tel.:(012) 321-8931, Fax: (012) 325-5984
E-mail: infodesk@nlsa.ac.za



*Soek u ou kopieë en uit druk uitgawes van die
Staatskoerant en Provinsiale Koerante?*

Die Nasionale Biblioteek van SA het hulle!

Met ons hoef u nie te sukkel om inligting te bekom nie ...

Nasionale Biblioteek van SA, Pretoria Divisie
Posbus 397
0001 PRETORIA
Tel.:(012) 321-8931, Faks: (012) 325-5984
E-pos: infodesk@nlsa.ac.za

