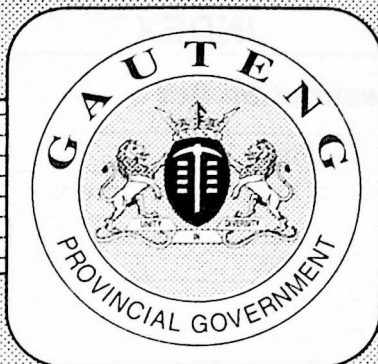


THE PROVINCE OF
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GAUTENG

Provincial Gazette Provinsiale Koerant

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Vol. 6

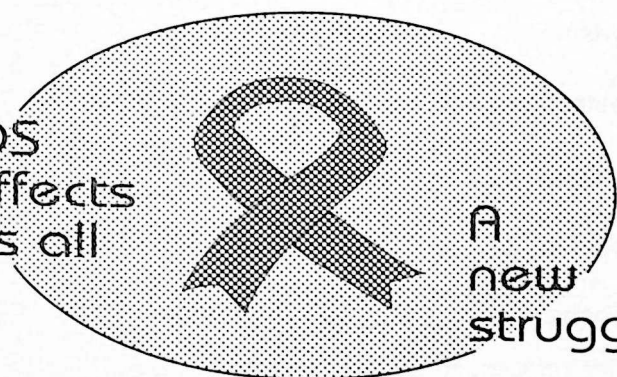
PRETORIA, 22 MARCH 2000
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No. 20

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DEPARTMENT OF HEALTH

1552	Vanderbijlpark	Gauteng Removal of Restrictions Act	Portn.1 of Erf 163 Vanderbijl Park SW5	39
1553	Vanderbijlpark	Gauteng Removal of Restrictions Act	rf 623 Vanderbijl Park SW1	40
1554	Vanderbijlpark	Amendment Scheme	135	40
1555	Vanderbijlpark	Gauteng Removal of Restrictions Act	Holding 38 Stefano Park AH	41
1556	Vanderbijlpark	Gauteng Removal of Restrictions Act	Holding 12 Vongeusaupark AH	41
1559	Vanderbijlpark	Draft Scheme	100	42
1561	Vanderbijlpark	Amendment Scheme	583	43
1558	Vereeniging/Kopanong	Town Planning and Township Ordinance	Portn. 81: Farm Rietfontein 364IR	42
1521	Western Metropolitan Local Council	Town Planning and Township Ordinance	Erven 119 & 120 Kloofendal	24
1543	Western Metropolitan Local Council	Declaration as Approved Township	Willowbrook Ext 6	35
1572	Western Metropolitan Local Council	Establishment of Township	Weltevredenpark Ext 95	49
1573	Western Metropolitan Local Council	Establishment of Township	Weltevredenpark Ext 106	50
1578	Western Metropolitan Local Council	Gauteng Removal of Restrictions Act	Erf 623 Florida Park	52
1538	Western Vaal Metropolitan Council	Local Authority Notice	Determination of Charges: Building Work	33
1581	Western Vaal Metropolitan Council	Town Planning and Township Ordinance	Erf Vanderbijl Park CW 3 Township	54

GAUTENG PROVINCIAL GAZETTE

TARIFFS FOR 1999

Effective from 1 April 1998

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L. W. MBETE, Head: Department of the Premier

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5. Die kopie van kennisgewings moet slegs op een kant van die papier GETIK wees en mag nie deel van enige begeleidende brief of dokument uitmaak nie.

6. *Alle eiename en familiename moet duidelik leesbaar wees en familiename moet onderstreep of in hoofletters getik word. Indien 'n naam verkeerd gedruk word as gevolg van onduidelike skrif, sal die kennisgewing alleen na betaling van die koste van 'n nuwe plasing weer gepubliseer word.*

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8. Eksemplare van die *Provinsiale Koerant* wat nodig mag wees ter bewys van publikasie van 'n kennisgewing kan teen die heersende verkoopprijs van die Gauteng Provinsiale Regering bestel word. Geen aanspreeklikheid word aanvaar vir die versuim om sodanige *Provinsiale Koerant(e)* te pos of vir vertraging in die versending daarvan nie.

Please Note

From now on applications for township establishment etc. which were previously published as a *Provincial Gazette Extraordinary*, will be published in the ordinary weekly *Provincial Gazette* appearing on Wednesdays.

Neem kennis

Voortaan sal aansoeke om dorpsstigting ens. wat voorheen as 'n *Buitengewone Provinsiale Koerant* gepubliseer was, in die gewone weeklikse *Provinsiale Koerant* op Woensdae verskyn.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 1490 OF 2000

LOCAL AUTHORITY NOTICE

NOTICE OF APPLICATION FOR ESTABLISHMENT OF TOWNSHIP TRANSITIONAL LOCAL COUNCIL OF BOKSBURG

The Transitional Local Council of Boksburg, hereby gives notice in terms of section 69 (6) (a) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with section 96 (3) of the said Ordinance that an application to establish the township referred to in the annexure hereto, has been received by it.

Particulars of the application will lie for inspection during normal office hours at the office of the Acting Chief Executive Officer, Office 241, Civic Centre, Trichardts Road, Boksburg for a period of 28 days from 15 March 2000.

Objections to or representations in respect of the application must be lodged with or made in writing and in duplicate to the Acting Chief Executive Officer at the above address or at P O Box 215, Boksburg, 1460 within a period of 28 days from 15 March 2000.

S. HERMAN, Acting Chief Executive Officer

ANNEXURE

Name of township: Waterlands Extension 1.

Full name of applicant: Frank Ferreira Leitao and Antonio Leitao.

Number of erven in proposed township: "Special" for general dealer, bottle store, butchery, bakery, place of refreshment, place of amusement and public garage: 1.

"Agricultural": 1.

Description of land on which township is to be established: Portion 81 (a portion of Portion 74) of the farm Vlakplaats 138 IR.

Situation of proposed township: Bordered by Waterlands Road in the west, Pelser Road in the north and Old Heidelberg Road in the east.

Reference No.: 14/19/3/W5/1 (HS).

KENNISGEWING 1490 VAN 2000

PLAASLIKE BESTUURSKENNISGEWING

KENNISGEWING VAN AANSOEK OM STIGTING VAN DORP PLAASLIKE OORGANGSRAAD VAN BOKSBURG

Die Plaaslike Oorgangsraad van Boksburg gee hiermee ingevolge artikel 69 (6) (a) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) gelees met artikel 96 (3) van die gemelde Ordonnansie kennis dat 'n aansoek om die dorp in die bylae hierby genoem, te stig deur hom ontvang is.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Waarnemende Hoof Uitvoerende Beampte, Kantoor 241, Burgersentrum, Trichardtsweg, Boksburg, vir 'n tydperk van 28 dae vanaf 15 Maart 2000.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 15 Maart 2000 skriftelik en in tweevoud by of tot die Waarnemende Hoof Uitvoerende Beampte by bovermelde adres of by Posbus 215, Boksburg, 1460 ingedien of gerig word.

S. HERMAN, Waarnemende Hoof Uitvoerende Beampte

BYLAE

Naam van dorp: Waterlands Uitbreiding 1.

Volle naam van aansoeker: Frank Ferreira Leitao en Antonio Leitao.

Aantal erwe in voorgestelde dorp: "Spesiaal" vir algemene handelaar, drankwinkel, slaghuis, bakkerij, verversingsplek, en openbare garage: 1.

"Landbou": 1.

Beskrywing van grond waarop dorp gestig staan te word: Gedeelte 81 ('n gedeelte van Gedeelte 74) van die plaas Vlakplaats 138 IR.

Ligging van voorgestelde dorp: Begrens deur Waterlandsweg in die weste, Pelserweg in die noorde en ou Heidelbergweg in die ooste.

Verwysingsnommer: 14/19/3/W5/1 (HS).

15-22

NOTICE 1491 OF 2000

ANNEXURE 3

NOTICE IN TERMS OF SECTION 5(5) OF THE GAUTENG REMOVAL OF RESTRICTIONS ACT, 1996 (ACT No. 3 OF 1996)

I, Eduard W. van der Linde, being the authorised agent of the owner, the Stanislaus Family Trust, hereby give notice in terms of Section 5(5) and 6 of the Gauteng Removal of Restrictions Act, 1996 (Act No. 3 of 1996) that I have applied to the Northern Metropolitan Local Council for the removal of Conditions (a) to (l) from Title Deed of the R.E. of Erf 337 Northcliff Extension 1, situated at 199 Frederick Drive, Northcliff.

All relevant documents relating to the application will be open for inspection during normal office hours at the Office of the E.O.: Urban Planning, 312 Kent Avenue, Randburg, for a period of 28 days from 15 March 2000.

Any person who wishes to object to the application or submit representations in respect thereof, must lodge the same in writing to the E.O.: Urban Planning, at the above address, or at Private Bag 1, Randburg, 2125, within a period of 28 days from 15 March 2000.

Date of first publication: 15 March 2000.

Address of agent: Edaurd W. van der Linde, Linprop, 83 Seventh Street, Linden, 2195.

KENNISGEWING 1491 VAN 2000

BYLAE 3

KENNISGEWING INGEVOLGE ARTIKEL 5(5) VAN DIE GAUTENG WET OP OPHEFFING VAN BEPERKINGS, 1996 (WET No. 3 VAN 1996)

Ek, Eduard W. van der Linde, synde die gemagtigde agent van die eienaar, Stanislaus Familie Trust, gee hiermee ingevolge Artikel 5(5) en 6 van die Gauteng Wet op Opheffing van Beperkings, 1996 (Wet No. 3 van 1996) kennis dat ek by Noordelike Metropolitaanse Plaaslike Bestuur, aansoek gedoen het om die opheffing van Voorwaardes (a) tot (l) uit die Titellakte van die Restant van Erf 337 Northcliff Uitbreiding 1, geleë te Frederick Rylaan 199, Northcliff Uitbreiding 1.

Alle dokumente relevant tot die aansoek lê ter insae gedurende gewone kantoorure by die Inligtingstoonbank van die Kantoor van die U.B.: Stedelike Beplanning, Kentlaan 312, Randburg, vir 'n periode van 28 dae vanaf 15 Maart 2000.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 15 Maart 2000 skriftelik by of tot die Kantoor van die U.B.: Stedelike Beplanning by bovermelde adres of tot Privaatsak 1, Randburg, 2125, ingedien of gerig word.

Datum van publikasie: 15 Maart 2000.

Adres van agent: Edaurd W. van der Linde, Linprop, Sewende Straat 83, Linden, 2195.

15-22

NOTICE 1492 OF 2000**JOHANNESBURG AMENDMENT SCHEME****SCHEDULE 8**

[Regulation 11 (2)]

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56 (1) (b) (i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

I, Desmond van As being the authorised agent of the owner of Erf 131, Kenilworth, hereby give notice in terms of Section 56 (1) (b) (i) of the Town Planning and Townships Ordinance, 1986, that I have applied to the Southern Metropolitan Local Council for the amendment of the Town Planning Scheme known as the Johannesburg Town Planning Scheme, 1979, by the rezoning of the property described above, situated on 234 Donnelly Street, Kenilworth, from Residential 4 to Residential 4 subject to conditions.

Particulars of the application will lie for inspection during normal working hours at the office of the Executive Officer: Planning, 5th Floor, B Block, Metropolitan Centre, Braamfontein, 2017, for a period of 28 days from 15 March 2000.

Objections to or representations in respect of the application must be lodged with or made in writing to the Executive Officer, Planning, at the above address or at PO Box 30848, Braamfontein, 2017, within a period of 28 days from 15 March 2000.

Address of agent: Postnet, Suite 69, Private Bag X1, Bracken Gardens, 1452.

NOTICE 1493 OF 2000**ERF 177, JANSEN PARK EXT 9****NOTICE**

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

I, Gareth Royden Poole of Intergrated Development Solutions, being the authorised agent of the owner, hereby give notice in terms of section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that I have applied to the Transitional Local Council of Boksburg for the amendment of the Town Planning Scheme in operation known as the Boksburg Town Planning Scheme, 1991, by the rezoning of Erf 177 Jansen Park Ext. 9 from "Special" to "Special" subject to conditions.

All relevant documents relating to the application will be open for inspection during normal office hours at the office of the said authorised local authority at the office of the Chief Executive Officer: Office 207, Second Floor, Civic Centre, Trichards Road, Boksburg, and at the office of Integrated Development Solutions from 15 March 2000 until 12 April 2000.

Any person who wishes to object to the application or submit representations in respect thereof must lodge the same in writing with the said authorised local authority at its address specified above or at P O Box 358 Paulshof 2056 on or before 12 April 2000.

Name and address of agent: Integrated Development Solutions, P O Box 358, Paulshof 2056, 9 Gordon Hill Road, Parktown, Johannesburg, 2000. [Tel. (011) 486-0263.] [Fax (011) 486-0308.]

KENNISGEWING 1492 VAN 2000**JOHANNESBURG WYSIGINGSKEMA****BYLAE 8**

[Regulasie 11 (2)]

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPS-BEPLANNINGSKEMA INGEVOLGE ARTIKEL 56 (1) (b) (i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

Ek, Desmond van As, synde die gemagtigde agent van die eienaar van Erf 131, Kenilworth, gee hiermee ingevolge artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ek by die Suidelike Metropolitaanse Plaaslike Raad aansoek gedoen het om die wysiging van die Dorpsbeplanningskema bekend as die Johannesburg Dorpsbeplanningskema 1979, deur die hersonering van die eiendom hierbo beskryf, geleë op Donnellystraat 234, Kenilworth, van Residensieel 4 na Residensieel 4 onderhewig aan sekere voorwaardes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Uitvoerende Beampte Beplanning, 5de Vloer, B-Blok, Metropolitaanse Sentrum, vir 'n tydperk van 28 dae vanaf 15 Maart 2000.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 15 Maart 2000 skriftelik by of tot die Uitvoerende Beampte Beplanning by bovermelde adres of by Posbus 30848, Braamfontein, 2017, ingedien of gerig word.

Adres van agent: Postnet, Suite 69, Private Bag X1, Bracken Gardens, 1452.

15-22

KENNISGEWING 1493 VAN 2000**ERF 177, JANSEN PARK EXT 9****KENNISGEWING**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPS-BEPLANNINGSKEMA INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986)

Ek, Gareth Royden Poole van Intergrated Development Solutions, synde die gemagtigde agent van die eienaar, gee hiermee kennis ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe (Ordonnansie 15 van 1986), dat ek aansoek gedoen het by die Plaaslike Oorgangsraad van Boksburg om die wysiging van die Dorpsbeplanningskema, in werking bekend as die Boksburg Dorpsbeplanningskema, 1991, deur die hersonering van Erf 177, Jansen Park Uitbr. 9 van "Spesiale" na "Spesiale" onderworpe aan sekere voorwaardes.

Alle relevante dokumentasie wat verband hou met die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die genoemde gemagtigde plaaslike bestuur by die kantoor van die Hoof Uitvoerende Beampte, Kantoor 207, Tweede Verdieping, Burgersentrum, Trichardsweg, Boksburg, en by die kantoor van Intergrated Development Solutions van 15 Maart 2000 tot 12 April 2000.

Enige persoon wat beswaar wil maak teen die aansoek of vertoë wil rig ten opsigte daarvan moet sodanige besware of vertoë skriftelik indien by of tot die genoemde gemagtigde plaaslike bestuur by bovermelde adres of by Posbus 358, Paulshof, 2056, of op voor 12 April 2000.

Naam en adres van agent: Integrated Development Solutions, Posbus 358, Paulshof 2056, 9 Gordon Hill Road, Parktown, Johannesburg, 2000. [Tel. (011) 486-0263.] [Fax (011) 486-0308.]

15-22

NOTICE 1494 OF 2000**BOKSBURG AMENDMENT SCHEME**

I, Demitrios Georgeades of Cadre Plan CC, being the authorised agents of the owners of the Stand R/95 Jet Park X7 hereby give notice in terms of Section 56(1)(b)(i) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that we have applied to the City Council of Boksburg for the amendment of the town-planning scheme known as the Boksburg Town-planning Scheme, 1991, by the rezoning of the property described above, situated c/o Yaldwyn and Jansen Streets, from "Commercial" to "Industrial 3", subject to certain conditions as stipulated in an Annexure B document and relevant town planning scheme. The additional rights of retail will be included in the Annexure B.

Particulars of the application will lie for inspection during normal office hours at the office of the Executive Director: City Planning, Fifth Floor, Boksburg City Council, c/o Market and Trichardts Streets, Boksburg, for the period of 28 days from 15 March 2000 (the date of first publication of this notice).

Objections to or representations in respect of the application must be lodged with or made in writing to the Executive Director at the above address or at P O Box 215, Boksburg, 1460, within a period of 28 days from 15 March 2000.

Address of authorised agent: P.O. Box 11165, Hatfield, 0028; 42 Frances Street, Colbyn, Pretoria. [Tel. (012) 342-2373.] [Fax (012) 342-2374.]

NOTICE 1495 OF 2000**HALFWAY HOUSE AND CLAYVILLE
AMENDMENT SCHEME**

I, Robert Bremner Fowler, being the authorized agent of the registered owner of Portion 47 of Erf 30, Halfway House, give notice in terms of Section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, that I have applied to the Midrand Metropolitan Local Council for the amendment of the town-planning scheme known as Halfway House and Clayville Town Planning Scheme, 1976, by the rezoning of the property described above, situated on the western side of Tonetti Street in Halfway House, from "Business 1" excluding retail uses to "Business 1" excluding retail but including a guest lodge (10 rooms) and a restaurant and for such other uses or amendments to development controls as the local authority may approve, subject to the same conditions (Coverage 30%; FSR 0,5; Height 2 storeys).

Particulars of the application will lie for inspection during normal office hours at the office of the Chief Executive, First Floor, Midrand Municipal Offices, Sixteenth Road, Randjespark, for the period of 28 days from 15 March 2000 (the date of first publication of this notice).

Objections to or representations in respect of the application must be lodged with or made in writing to the Chief Executive at the above address or at Private Bag X20, Halfway House, 1685, within a period of 28 days from 15 March 2000.

Address of owner: C/o Rob Fowler & Associates (Consulting Town & Regional Planners), P.O. Box 1905, Halfway House, 1685. [Tel. (011) 314-2450.] [Fax 314-2452.] (E-mail: robf@iafrica.com) (Ref. R1885.)

KENNISGEWING 1494 VAN 2000**BOKSBURG-WYSIGINGSKEMA**

Ek, Demitrios Georgeades van Cadre Plan BK, synde die gemagtigde agente van die eienaars van die Erf R/95, Jet Park X7, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No. 15 van 1986), kennis dat ons by die Stadsraad van Boksburg aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as Boksburg Dorpsbeplanningskema, 1991, deur die hersonering van die eiendom hierbo beskryf, geleë te h/v Yaldwyn en Jansen strate, Jet Park van "Kommersieël" tot "Industrieël 3", onderworpe aan sekere voorwaardes, soos uiteengesit in 'n Bylae B dokument en die betrokke dorpsbeplanningskema. Die addisionele reg van handel sal bygevoeg word in die Bylaag B.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Uitvoerende Direkteur: Stedelike Beplanning, Vyfde Vloer, Boksburg Stadsraad, h/v Market- en Trichardtsstrate, Boksburg, vir 'n tydperk van 28 dae vanaf 15 Maart 2000 (die datum van die eerste publikasie van hierdie kennisgewing).

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 15 Maart 2000 skriftelik by of tot die Uitvoerende Direkteur by bovermelde adres of Posbus 215, Boksburg, 1460, ingedien of gerig word.

Adres van gemagtigde agent: Posbus 11165, Hatfield, 0028; Francesstraat 42, Colbyn, Pretoria. [Tel. (012) 342-2373.] [Faks (012) 342-2374.]

15-22

KENNISGEWING 1495 VAN 2000**HALFWAY HOUSE EN CLAYVILLE-WYSIGINGSKEMA**

Ek, Robert Bremner Fowler, synde die gemagtigde agent van die eienaar van Gedeelte 47 van Erf 30, Halfway House, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, kennis dat ek by die Midrandse Metropolitaanse Plaaslike Raad aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as Halfway House en Clayville Dorpsbeplanningskema, 1976, deur die hersonering van die eiendom hierbo beskryf, geleë aan die westelike kant van Tonettistraat in Halfway House, van "Besigheid 1" kleinhandel uitgesluit tot "Besigheid 1" kleinhandel uitgesluit maar insluitend 'n gastehof (10 kamers) en 'n restaurant en vir sodanige ander gebruike of gewysigde ontwikkelingskontroles as wat die plaaslike bestuur mag goedkeur, onderworpe aan dieselfde voorwaardes (Dekking 30%, VRV 0,5; Hoogte 2 verdiepings).

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Hoof Uitvoerende Beampte, 1ste Verdieping, Midrand Munisipale Kantore, Sestiendeweg, Randjespark, vir 'n tydperk van 28 dae vanaf 15 Maart 2000 (die datum van eerste publikasie van hierdie kennisgewing).

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 15 Maart 2000 skriftelik by of tot die Hoof Uitvoerende Beampte by bovermelde adres of by Privaatsak X20, Halfway House, 1685, ingedien of gerig word.

Adres van eienaar: P.a. Rob Fowler & Medewerkers (Raadgewende Stads- en Streekbeplanners), Posbus 1905, Halfway House, 1685. [Tel. (011) 314-2450.] (Faks 314-2452.) (E-mail: robf@iafrica.com) (Verw. R1885.)

15-22

NOTICE 1503 OF 2000**CITY COUNCIL OF PRETORIA****FIRST SCHEDULE**

(Regulation 5)

NOTICE OF DIVISION OF LAND

The City Council of Pretoria hereby gives notice, in terms of section 6 (8) (a) of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), that an application to divide the land described below has been received.

Further particulars of the application are open for inspection at the office of the City Secretary, Room 1413, 14th Floor, Saambou Building, 227 Andries Street, Pretoria.

Any person who wishes to object to the granting of the application or to make representations in regard of the application shall submit his objections or representations in writing and in duplicate to the City Secretary at the above address or post them to PO Box 440, Pretoria, 0001, at any time within a period of 28 days from the date of the first publication of this notice.

Date of first publication: 15 March 2000.

Description of land: Holding 38, Waterkloof Agricultural Holdings.

Number and area of proposed portions:

Proposed Portion 1, in extent approximately	1,0235 ha
Proposed Remainder, in extent approximately	1,0000 ha
TOTAL	2,0235 ha

(K13/5/3/Waterkloof LBH-38)

Acting City Secretary

15 March 2000

22 March 2000

(Notice No. 269/2000)

NOTICE 1504 OF 2000**ANNEXURE 3****NOTICE IN TERMS OF SECTION 5 (5) OF THE GAUTENG REMOVAL OF RESTRICTIONS ACT, 1996 (ACT No. 3 OF 1996)**

We, Vuka Town and Regional Planners Inc., being the authorised agent of the owner of Erf 1939, Orange Grove, hereby give notice in terms of Section 5(5) of the Gauteng Removal of Restrictions Act, 1996, that we have applied to the Eastern Metropolitan Local Council for the removal of conditions 2(a), 2(c) and 2(g) contained in the title deed of Erf 1939, Orange Grove, which property is situated at 142 17th Street, Orange Grove and the simultaneous rezoning of the property from "Residential 1" subject to conditions in terms of Johannesburg Amendment Scheme 451 to "Residential 1" permitting the site to be used for offices with the consent of the Council, subject to conditions.

All relevant documents relating to the application will be open for inspection during normal office hours at the office of the said authorised Local Authority at Norwich-on-Grayston Building, Ground Floor, corner of Grayston Avenue and Linden Road, Sandton, from 15 March 2000 until 14 April 2000.

Any person who wishes to object to the application or submit representations in respect thereof, must lodge the same in writing with the said authorised Local Authority to the Executive Officer: Urban Planning and Development, Private Bag X9938, Sandton, 2146, on or before 14 April 2000.

Address of agent: Vuka Town and Regional Planners, P.O. Box 32017, Totiusdal, 0134

Tel. No. (012) 342-7831

KENNISGEWING 1503 VAN 2000**STADSRAAD VAN PRETORIA****EERSTE BYLAE**

(Regulasie 5)

KENNISGEWING VAN VERDELING VAN GROND

Die Stadsraad van Pretoria gee hiermee, ingevolge artikel 6 (8) (a) van die Ordonnansie op die Verdeling van Grond, 1986 (Ordonnansie No. 20 van 1986), kennis dat 'n aansoek ontvang is om die grond hieronder beskryf, te verdeel.

Nadere besonderhede van die aansoek lê ter insae by die kantoor van die Stadsekretaris, Kamer 1413, 14de Verdieping, Saambougebou, Andriesstraat 227, Pretoria.

Enige persoon wat teen die toestaan van die aansoek beswaar wil maak of vertoë in verband daarmee wil rig, moet sy besware of vertoë skriftelik en in tweevoud by die Stadsekretaris by bovermelde adres of aan Posbus 440, Pretoria, 0001, pos, te eniger tyd binne 'n tydperk van 28 dae vanaf die datum van eerste publikasie van hierdie kennisgewing.

Datum van eerste publikasie: 15 Maart 2000.

Beskrywing van grond: Hoewe 38, Waterkloof-landbouhoewes.

Getal en oppervlakte van voorgestelde gedeeltes:

Voorgestelde Gedeelte 1, groot ongeveer	1,0235 ha
Voorgestelde Restant, groot ongeveer	1,0000 ha
TOTAAL	2,0235 ha

(K13/5/3/Waterkloof LBH-38)

Waarnemende Stadsekretaris

15 Maart 2000

22 Maart 2000

(Kennisgewing No. 269/2000)

15-22

KENNISGEWING 1504 VAN 2000**BYLAE 3****KENNISGEWING INGEVOLGE ARTIKEL 5 (5) VAN DIE GAUTENG WET OP OPHEFFING VAN BEPERKINGS, 1996 (WET No. 3 VAN 1996)**

Ons, Vuka Town and Regional Planners Inc., synde die gemagtigde agent van die eienaar van Erf 1939, Orange Grove, gee hiermee kennis ingevolge artikel 5(5) van die Gauteng Wet op Opheffing van Beperkings, 1996 (Wet No. 3 van 1996), dat ons by die Oostelike Metropolitaanse Plaaslike Raad aansoek gedoen het vir die opheffing van voorwaardes 2(a), 2(c) en 2(g) in die titelakte van Erf 1939, Orange Grove, welke eiendom geleë is te 17de Straat 142, en die gelyktydige hersonering van die eiendom vanaf "Residensieel 1" onderworpe aan voorwaardes in terme van die Johannesburg Wysigingskema 451 na "Residensieel 1" onderworpe aan gewysigde voorwaardes om die gebruik van kantore toe te laat met die toestemming van die Stadsraad.

Alle tersaaklike dokumente wat verband hou met die aansoek is beskikbaar vir inspeksie gedurende gewone kantoorure by die kantoor van die genoemde plaaslike owerheid te Norwich-on-Graystonegebou, Grondvloer, hoek van Graystonlaan en Lindenweg, Sandton, vanaf 15 Maart 2000 tot 14 April 2000.

Enige persoon wat teen die saak beswaar wil maak of vertoë wil rig, moet sulke besware of vertoë skriftelik indien by die gemagtigde Plaaslike Bestuur gerig aan die Uitvoerende Beampste: Stedelike Beplanning en Ontwikkeling, Privaatsak X9938, Sandton, 2146, op of voor 14 April 2000.

Adres van agent: Vuka Town and Regional Planners, Posbus 32017, Totiusdal, 0134

Tel. No. (012) 342-7831

15-22

2. ISIZATHU SOKUTHI YINGANI LOBO BUFAKAZI BUNGAZANGE BETHULWE
ESIGCAWINI SOKWEHLULELA.

.....
.....
.....
.....
.....

ISICELO SOKWEDLULISA ISINQUMO SIBHEKELWE:

UNOBHALA

USUKU:

IDIPHOZI EKHOKHIWE:.....

INOMBOLO YERISITHI:

USUKU:

NOMA

INCWADI YEZIPHATHIMANDLA ZENDAWO INANYATHISELWE:

☐

CHA

☐

YEBO

NGABE UBUFAKAZI OBUSHA BUYADINGEKA YINI?

UMA IMPENDULO KUWUYEBO

WKA AMAGAMA OFAKAZI

LEFAPHA LA MATLO LA GAUTENG

MOLAOTSHISINYO WA PELE WA HO FETOLWA HA MOLAO WA MATLO WA GAUTENG, 2000

MELAWANA YA BONAMODI YA HO TRANSFERWA HA THEPA YA BODULO, 2000

Setho sa Lekgotla la Phethahatso (MEC) le ikarabellang ho tsa Matlo, ka ho latela karolo 25(2) ya Molaotshisinyo wa Pele wa ho Fetolwa ha Molao wa Matlo wa Gauteng, 2000, se entse melawana e kahara shejule ena.

SHEJULE

Ditlhaloso

1. Melawaneng ena, lentswe kapa polelo e fuweng tlhaloso e itseng ya Molao e tla nka tlhaloso eo, ntle le haebe ho bolelwa ka tsela e nngwe e fapaneng..

"monamodi" ho bolelwa motho ya kgethilweng ka ho ya ka karolo 25(2) ya Molaotshisinyo wa Pele wa ho Fetolwa ha Molao wa Matlo wa Gauteng, 2000, ho ba setho sa phanele ya bonamodi bakeng sa porojeke ya ho Trasferwa ha Thepa ya Bodulo;

"**monamodi wa boipiletso**" ho bolelwa motho ya kgethilweng ka ho ya ka karolo 25(2) ya Molaotshisinyo wa Pele wa ho Fetolwa ha Molao wa Matlo wa Gauteng, 2000, ho ba setho sa phanele ya bonamodi bakeng sa porojeke ya ho Trasferwa ha Thepa ya Bodulo;

"**motseki**" ho bolelwa motho ya kentseng tseko ho Mmuso wa Provense bakeng sa ntlo ya mmuso;

"**thepa eo ho ngangisanwang ka yona**" ke thepa ya bodulo e thuswang ka ditjhelete ke mmuso e ke keng ya transferwa ka baka la ngangisano mabapi le tsebisahalo ya batho bao e transferelwang ho bona ntle le hore ngangisano tse jwalo di ye bonamoding, mme ho kenyelletsa le ditokelo tse nang le dikgaoletso empa di sa angwe ke tsona jwalo ka ha ho hlalositswe ho karolo 1 ya Molao wa ho Fetolwa ha Ditokelo tse Itseng ho ba tsa Khiri kapa tsa Bong, 1988 (Molao wa Nomoro ya 81 wa 1988).

"**mohokahanyi wa semolao**" ho bolelwa motho ya kgethilweng ke Lefapha ho hokahanya tshebetso ya bonamodi;

"**boemedi ba semolao**" ho bolelwa ho emelwa ke motho eo e leng *advocate* kapa *attorney* kapa *attorney* e sa ntsaneng e rupellwa mosebetsing (candidate attorney), ya nang le tokelo ya ho emela; mme

"manejara wa lekeishene" ho bolelwa mohlanka wa masepala ya kgethilweng ke masepala bakeng sa ho shebana le tsamaiso ya thepa ya bodulo lekeisheneng kapa sebakeng se ka tlasa masepala.

Sepheo sa Melawana ena

2. Sepheo sa melawana ena ke ho:

- (1) ho hloma mamelo tsa boipiletso tse sebeletsang pepeneneng, tse se nang leeme, tse sebetsang hantle haholo, hape tse tshwanang tsa bonamodi le boipiletso tse tlamang ka ho ya ka molao bakeng sa porojeke ya ho Transferwa ha Thepa ya Bodulo.

Tsebiso ya Mamelo ya Bonamodi

3. (1) Batseki ba tla tsebiswa ka mohla le sebaka seo bonamodi kapa mamelo ya boipiletso e tla tshwarelwa teng, mme hona ho tla etsuwa ka tsebiso e jwalo ka e hlahellang ho Shejule ya 1 ya melawana eo a tla e nehwa ka:-
 - (a) ho romelwa ha tsebiso eo ho motseki ka boyena;
 - (b) ho romelwa ha tsebiso atereseng eo motseki a faneng ka yona foromong ya hae ya tseko mme e nehwe motho ya seng ka tlase ho dilemo tse 21 boholo; kapa
 - (c) ho siuwe tsebiso atereseng eo ha motseki kapa motho eo ho buuweng ka yena ho tema ya (b) a le siyo:-
 - (i) lebokosong la poso; kapa
 - (ii) ha lebokoso la poso le le siyo, e manangwe monyako wa ka pele wa sebaka sa bodulo.
- (2) Ha motseki a sa tsejwe atereseng eo a fanang ka yona foromong ya ho tseka, mme ho sa kgonwe ho fumanwa hore o ho kae, tsebiso eo e tla phatlalatswa koranteng bakeng sa ho tsebisa motseki eo ka mamelo ya bonamodi e tla tshwarwa.
- (3) Kamora hoba tsebiso eo ho buuweng ka yona ho molawana wa 3(2) e phatlalatswe koranteng, mamelo e jwalo e tla tswellapele mme ho be ho qetwe ka yona leha motseki a le siyo, mme hona ho tla etsuwa ka ho ya ka molawana wa 7.

Matla le Mesebetsi ya Banamodi

4.(1) Banamodi ba fuwa matla ana a latelang:

- (a) ho ba le bonamodi mererong e amanang le thepa eo ho ngangisanwang ka yona e mabapi le porojeke ya ho Transferwa ha Thepa ya Bodulo;

(b) ho bitsa dipaki ho tla fana ka bopaki ha ho hlokeha bakeng sa tharollo ya ngangisano; le

(c) ho bitsa dipaki ka ho di romela ditsebiso, jwalo ka ha ho bolelwa ho Shejule ya 2 ya melawana, hore di tlilo fana ka bopaki mererong eo ho ngangisanwang ka yona.

(2) Banamodi ba tshwanela ho etsa bonnete ba hore bohle ba amehang ngangisanong ba tsebiswa ka botlalo ke mohlanka wa provense kapa motho ofe kapa ofe ya ka kgethuwang, mabapi le tshebetso ya bonamodi, mme hona ho etsuwe pele ho qalwa ka ho nka mehato, ho kenyelletsa hona ho latelang:

(a) batho ba babedi (kapa ka hodimo ho moo) ba rometseng tseko ya ntlo e itseng ho Biro ya Matlo mme jwale ho na le ngangisano e hlokanang ho rarollwa ka bonamodi;

(b) Lefapha le kgethile basebeletsi ba molao ho namola dingangisano tse rometsweng ho Biro ya Matlo, ka tsela e sa nkeng lehlakore, e se nang leeme hape e sebeletsang pepeneneng;

(c) motseki ka mong a be le tokelo ya ho fumana boemedi ba semolao;

(d) mokgwa tshebetso o tla etsa bonnete ba hore batseki ba se nang baemedi ba molao ha ba be ka lehlakoreng le sa thabiseng ka tsela efe kapa efe, le

(e) hore batho bana ba latelang ba be teng mamelong:-

(i) toloko e tla thusa ha ho fanwa ka bopaki ba batseki;

(ii) modulasetulo wa komiti ya motse ya sebaka kapa motho ya mo kgethileng ho nka sebaka sa hae;

(iii) batseki;

(iv) baemedi ba molao ba batseki;

(v) dipaki tsa motseki; le

(vi) ditho tsa morabe

(3) Bonamodi bo tshwanela ho ngola direkotong hore tlhaloso ena ya ho qala e fuwe bohle ba amehang ngangisanong.

Matla le Mesebetsi ya Banamodi ba Boipiletso

5.(1) Banamodi ba Boipiletso ba fuwa matla ana a latelang:-

(a) ho mamela boipiletso bo hlahang mehatong ya bonamodi bo amanang le porojeke ya ho Transfera Thepa ya Bodulo;

(b) ho sheba hore na bopaki bo bong bo ka mamelwa kapa tjhe mamelong ya boipiletso; le

- (c) ho tiisetša kahlolo kapa ho hanyetsana le kahlolo mme sebakeng sa yona ho kengwe kahlolo e ntjha ya bonamodi bo tshwerweng mabapi le porojeke ya Transfera Thepa ya Bodulo.

Mesebetsi ya Bomasepala

6.(1) Bomasepala ba na le maikarabelo a:

- (a) ho hloma dikomiti tsa selehae; le
 - (b) ho fana le ho hlakisa difaele tsa ntlo le direkoto tse amanang le thepa eo ho nang le ngangisano ka yona mamelong ya bonamodi.
- (2) Bomasepala ba tshwanela ho amohela diphetho tsa tshebetso ya bonamodi mme ba nke mehato ka ho di latela.

Tsela ya ho Tsamaisa Mehato e nkuwang

7. Tsela ena e latelang e tshwanelwa ho latelwa ke banamodi ha ba tsamaisa mamelo ya bonamodi:-

(1) Monamodi a itsebise

- (a) Monamodi o tshwanela ho itsebisa, a tsebise le mohlanka ofe kapa ofe ya emetseng batseki; mme
- (b) Monamodi o tshwanela ho tsebisa batseki hore ba ka fana ka bopaki ka bobona, ba bitsa dipaki, ba hlahisa ditokomane tsa bopaki ho bontsha hore ke beng ba ntlo eo ho ngangisanwang ka yona.

(2) Ho ngolwe bopaki fatshe

- (a) Bopaki boo ho tla fanwa ka bona bo tla etswa tlasa kano kapa tiisetso mme bo ngolwe fatshe. Tokomane e bohehang e le sengolwa (transcript) sa diketsahalo tseo e tla ba le maemo a tshwanang a semolao mme e sebetse jwalo ka rekoto ya mantlha; ha fela sengolwa se jwalo se ke ke sa ba teng ka baka la ho se sebetse hantle ha disebediswa tsa ho rekota kapa tlasa mabaka afe kapa afe feela, mme bopaki bohle ngangisanong eo bo tla mamelwa hape ha taba eo e rometswe boipiletsong.

(3) Ho botsisiswe dipotso

- (a) Motho ya amehang ke ke a botsa kapa a botsisisa dipotso motho e mong hape ya amehang ya leng ngangisanong kapa paki e bitsitsweng ke motho ofe kapa ofe, empa monamodi a ka tswellapele ho botsa dipotso e le ha a batlisisa a batla ho fumana dintlha tse ka bang molemo, mme ho fihlela moo, a ka botsa motho ofe kapa ofe dipotso kapa paki neng kapa neng ka nako eo ho mametsweng taba; Ha fela monamodi a ka sebedisa kgetho ya hae a dumella motho ofe kapa ofe ya

amehang ngangisanong ho botsa motho ofe kapa ofe ya amehang kapa paki efe kapa efe potso.

(4) Bopaki bo bong

- (a) Ha ho se ho fanwe ka bopaki bohle ba batseki, monamodi a ka sebedisa boikgethelo ba hae mme a kopa manejara wa lekeishene ho fana ka bopaki bakeng sa ho hlakisa ditokomane tse itseng kapa dinoutso tse faeleng ya ntlo ya masepala kapa direkotong; mme
- (b) Modulasetulo wa komiti ya motse, e etsang dipatlisiso ka ditseko tse hlahang sebakeng sa yona, a ka kopjwa ho tla fana ka bopaki mabapi le hoo nyeweng ena.

(5) Ho mamelwe batseki

- (a) Kamora ho tlatsa bopaki, ba amehang kapa baemedi ba bona ba molao ba ka fana ka puo ho monamodi mabapi le dintlha tse ka tshehetsang nyewe ena.

(6) Kahlolo

- (a) Ha ho se ho fanwe ka bopaki kaofela taba ena e tshwanelwa ho kgutlisetswa morao bakeng sa ho neha monamodi monyetla wa ho ya hlophisa kahlolo;
- (b) Bonyane matsatsi a 10 (leshome) pele ho letsatsi leo taba ena e kgutliseditsweng morao ka lona, monamodi o tla romela kahlolo e ngotsweng fatshe ho mohokahanyi wa semolao e tla kenyelletsa dintlha tsena tse latelang:
 - (i) tlhaloso ya thepa le nomoro ya nyewe;
 - (ii) boitsebiso ba ba amehang;
 - (iii) bopaki boo ho fanweng ka bona;
 - (iv) botshepehi ba dipaki;
 - (v) dintlha tseo ho fumanweng bopaki ba tsona;
 - (vi) seemo sa semolao;
 - (vii) toka; le
 - (viii) sephetho.
- (c) Mohokahanyi wa semolao o tla sheba kahlolo a etse bonnete ba hore ho latetswe metjha yohle e hlokehang, e be o kgutlisetsa kahlolo eo ho monamodi;
- (d) Letsatsing leo e kgutliswang ka lona, monamodi o tla fana ka kahlolo eo mme a etse dikhopi tsa ka kahlolo tseo a tla di neha ba amehang;
- (e) Jwalo ka karolo ya kahlolo, monamodi o tla tsebisa ba amehang ngangisanong ka ditokelo tsa bona tsa ho etsa boipiletso kgahlanong le kahlolo; mme
- (f) Ha ho na le e mong wa bao ba amehang ya etsang qeto ya ho hula tseko ya hae qalong ya mamelo kapa ha ho se ho fihletswe tharollo mahareng a ba amehang, monamodi o tshwanela ho ngola fatshe direkotong hore ho fihletswe tharollo. Monamodi hape o tshwanela ho lokisa tokomane e ngotsweng e tla bua ka

Kahlolo le ha ba amehang ba le siyo

8. (1) Ho ka etswa qeto ka bonamodi leha motho ofe kapa ofe ya amehang a le siyo, empa ha fela monamodi a kgotsofetse hore:
- (a) taba eo e kgutliseditswe morao bonyane hanngwe ka baka la ho se be teng ha motho ya amehang;
 - (b) ho fanwe ka tsebiso e nepahetseng ya bonamodi ho motho eo ya amehang ka ho ya ka molawana wa 3; le ha
 - (c) bopaki bohle bo bong bo teng, ba molomo kapa bo ngotsweng fatshe bo fumanwe mme ho se ho loketse hore ho ka fanwa ka kahlolo.

Mamelo ya Boipiletso

9. (1) Boipiletso bo ka etswa tsebisong ya boipiletso e hlahellang ho Shejule ya 3 ya melawana ena.
- (2) Ho tla lefshwa tjhelete ya boipiletso e tla behwa ke Lefapha bakeng sa boipiletso; ntle le haebe mohokahanyi wa semolao o dumella hore boipiletso bo etsuwe ntle le tefello ha motho eo ya amehang a na le monyetla o utlwahalang wa hore o tla atleha boipiletsong boo, mme ho bonahala hore ke motho ya hlokang tjhelete mme a ke ke a kgona ho lefa tjhelete ya boipiletso boo.
 - (3) Lefapha le tla etsa bonnete ba hore ka bobedi motho ya etsang boipiletso le ya sireletsang ngangisano (respondent) ba tsebiswa ka mamelo ya boipiletso jwalo ka ha ho laelwa ke molawana wa 3.
 - (4) Mamelo ya boipiletso e tla okamelwa ke banamodi ba boipiletso ba bararo ba ikemetseng, ba tla etsa qeto ka boipiletso ka ho ya ka bopaki bo fumanweng mamelong ya pele ya bonamodi.
 - (5) Bopaki bo botjha bo ka dumellwa feela tlasa mabaka a itseng.
 - (6) Banamodi ba boipiletso ba tshwanela ho etsa bonnete ba hore bohle ba amehang ba tsebiswa hore haebe ho na le ya sa ntsaneng a tshwenyehile kamora mamelo ya boipiletso, a ka nna a etsa kopo ho Lekgotla le Phahameng hore le qhelle ka thoko sephetho seo sa bonamodi ba boipiletso.
 - (7) Mehato e tla nkuwa boipiletsong e tshwanelwa ho ngolwa fatshe ntle le mehato e nkuweng ke tlereke ya lekgotla la dinyewe.
 - (8) Ditlhophiso tsa molawana wa 7 tse mabapi le mamelo tsa bonamodi le kahlolo di tla sebetsa ka ho etsa diphetoho tse hlokehang mamelong tsa boipiletso.

- 10.(1) Motseki ha a dumellwa ho ba le botshosetsi kapa a susumeletsa motho e mong hore a fane ka bopaki ba mashano.
- (2) Ha ho motho ya tla dumellwa ho sitisa tshebetso tsa ho mamelwa ha taba bonamoding kapa boipiletsong.
- (3) Motho ofe kapa ofe ya bitsitsweng ho tla hlaha mamelong ka ho ya ka molawana wa 4(1)(c) mme a hloleha ho etsa jwalo ntle le mabaka a utlwahalang, kapa a hloleha ho fana ka bopaki kapa ho hlahisa rekoto, buka, kapa tokomane efe kapa efe eo a nang le yona kapa e tlasa taolo ya hae, e le hore o kopilwe ho etsa jwalo ka ho latela molao, kapa ya hlolehang ho dula moo mamelong ho fihlela a lokollwa hore a ka tsamaya hobane ho se ho se na dipotso tseo a ka botswang tsona ke monamodi/monamodi wa boipiletso, motho eo o tla fumanwa a le molato wa tlolo ya molao mme a ka qoswa a lefiswa faene e sa feteng R500.00 (diranta tse makgolo a mahlano) kapa a kwallwe tjhankaneng dikgwedi tse sa feteng 6 (tsheletseng).
- (4) Motho ofe kapa ofe ya tlolang molawana wa 10(1) kapa (2), yena o tla fumanwa a le molato e be o a qoswa, a lefiswe faene e sa feteng R500.00 (diranta tse makgolo a mahlano) kapa a kwallwe tjhankaneng dikgwedi tse sa feteng 6 (tsheletseng).
- (5) Ditlhophiso tsa melawana ena ha di thibele batseki ho fihlela tumellano efe kapa efe pele ho mamelo ya bonamodi.

Sehlooho se Sekgutshwane

11. Melawana ena e tla bitswa **Melawana ya Bonamodi ya ho Transferwa ha Thepa ya Bodulo, 2000**



Mohla:

THEPA: LEKEISHENE: Nomoro ya
NYEWE:

TABENG E MAHARENG A:

TSEBISO KA MAMELO YA BONAMODI

Mona o tsebiswa ka mamelo e tla tshwarwa e mabapi le ngangisano e amanang le taba e boletsweng mona ka hodimo:

SEBAKA:

MOHLA: NAKO:

O kopjwa hore o ele hloko hona ho latelang:

- 1. O kopjwa hore o etse bonnete ba hore wena le dipaki tseo o ratang ho di bitsa le be teng mamelong e boletsweng mona ka hodimo, hobane ha o/le sa be teng hoo ho ka etsa hore ho fihlelwe sephetho o ntse o le siyo.**
- 2. Batseki ba ka hlalisa ditokomane dife kapa dife tse tla tshehetsa nyewe ya bona.**
- 3. Batseki ba batlang ho sebedisa ditokelo tsa bona tsa ho ba le moemedi wa molao BA TSHWANELA HO ETSA BONNETE BA HORE ATTORNEY KAPA ADVOCATE ya bona e ba teng mohla mamelo.**

REJISTRA: BIRO YA MATLO

O FUMANE KHOPI YA TOKOMANE ENA MOHLA LA KGWEDING
YA 20.....



SAMANE
(Molawana wa 4(1)(c))

**MOLAOTSHISINYO WA PELE WA HO FETOLA MOLAO
WA MATLO WA GAUTENG, 2000**

Tabeng e amang:

SETSHA: _____ LEKEISHENE: _____

o kopjwa ho itlhahisa ka seko sa hao mona _____ mohlala la
_____ sebakeng sena _____ mme kamora moo
o tswellepele ho itlhahisa ho fihlela o ba o lokollwa ke monamodi ya tsamaisang diphuputso
tsena, mme ho itlhahiseng ha hao o tla tshwanela ho tla fana ka bopaki tlasa kano kapa
tiiso mabapi le ditaba tseo o di tsebang tse amanang le tokelo ya motho ofe kapa ofe wa
setsha se boletsweng mona ka hodimo.

O kopjwa hore o tle o tshwere hona ho latelang kapa o ho hlahise ho monamodi ya
boletsweng:

- (a) _____
(b) _____

Ha o ka hloleha ho latela se boletsweng samaneng ena o ka lefiswa faene e sa feteng R500.00
(diranta tse makgolo a mahlano) kapa a kwallwe tjhankaneng dikgwedi tse sa feteng 6
(tsheletseng).

E ngotswe letsatsing lena la di _____ tsa kgwedi ya _____ 20 _____

MONAMODI



TSEBISO YA BOIPILETSO
(Molawana wa 8)

NOMORO YA NYEWE: _____

THEPA: _____

BA AMEHANG:

LEBITSO: _____ **NOMORO YA TSEKO:** _____
(MOTHO YA ETSANG BOIPILETSO)

Nna _____ mona ke etsa boipiletso kgahlanong le sephetho
se entsweng ke _____ (monamodi) mohla la _____
ngangisanong e mabapi le tshisinyo ya bong ba ntlo ena _____.

MABAKA A BOIPILETSO:

TLHOKEHO YA BOPAKI BO BOTJHA?

EE ☐

TJHE ☐

HA E LE EE:

1. BOLELA MABITSO A DIPAKI

2. MABAKA A ENTSENG HORE HO SE KE HA FANWA KA BOPAKI BOO
MAMELONG YA BONAMODI:

BOIPILESO BO AMOHETSWE KE: _____ MOHLA: _____
(REJISTRA)

DIPOSITI E LEFUWE: _____ NOMORO YA RASITI: _____ MOHLA: _____

KAPA:

LEBITSO LA LEKGOTLA LA MOTSE LE HOKETSWE: _____

LEFAPHA LA MATLO LA GAUTENG

**MOLAOTSHISINYO WA PELE WA HO FETOLWA HA MOLAO WA MATLO WA
GAUTENG, 2000**

**MELAWANA YA BONAMODI YA HO TRANSFERWA HA THEPA YA BODULO,
2000**

**Mona ho fanwa ka tsebiso ya hore Setho sa Komiti ya Phethakatso bakeng sa Matlo sa
phatlalatsa Molaotshisinyo wa Pele wa ho Fetolwa ha Molao wa Matlo, wa Gauteng 2000
ka mokgwa o boletsweng ho Gazete ya Provense.**

**Motho ofe kapa ofe, kapa mokgatlo ofe kapa ofe o batlang ho fana ka maikutlo a ona
mabapi le melawana ena e sisingwang, a ka etsa jwalo ka ho ngola fatshe ditshekatsheko
kapa tlhahiso ya hae pele kapa ho fihlela letsatsing la di 17/04/2000 ka ho romela ka poso,
fekse kapa ho di isa ka boyena atereseng ena e latelang:**

**Ofisi ya MEC
Department of Housing
37 Sauer Street
Private Bag X79
Marshalltown
2107**

**Fekse: (011) 838 2116/7562
Mohala: (011) 355 4000/4002**

GAUTENG DEPARTMENT OF HOUSING

RESIDENTIAL LANDLORD AND TENANT AMENDMENT BILL, 2000

(AS INTRODUCED)

by

(MEC FOR HOUSING)

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

To amend the Residential Landlord and Tenant Act, 1997 so as to provide for the appointment of the deputy chairperson of the Board, the stipulation of penalties in respect of offences and to provide for incidental matters.

Amendment of the Preamble of Act 3 of 1997 as follows: -

"To provide for the regulation of landlord tenant relations in order to promote stability in the residential rental sector in the province; to lay down general principles governing conflict resolution in the residential rental sector, to provide for the investigation, mediation and determination of disputes between landlords and tenants of formal and informal private and public **[residential rental dwelling units]** dwellings in order to protect landlords and tenants against unfair and unlawful practices, and for that purpose to establish a Landlord Tenant Dispute Resolution Board; to define the functions, powers and duties of the Board; to provide for the education of landlords and tenants in regard to their rights and obligations, and for that purpose to make provision for the establishment of Landlord Tenant Information Offices; to define the functions and duties of such offices; and to provide for incidental matters.

WHEREAS there is a need to discourage unfair practices in the renting and leasing of **[residential rental dwelling units]** dwellings by

providing certainty with regard to the rights and obligations of landlords and tenants;"

Amendment of section 1 of Act 3 of 1997

2. Section 1 of the Residential Landlord and Tenant Act, 1997 (in this Act referred to as the principal Act) is hereby amended:-

(a) by the deletion and substitution of the words in the principal Act with the following definitions:

In this Act, unless the context otherwise indicates-

"Board" means the Landlord Tenant Dispute Resolution Board established under section 2;

"dwelling" **[means any room or place, whether privately or publicly owned, which is occupied as a human habitation, but does not include:**

- any hotel or club licensed in terms of any law relating to the control and supply of any liquor, or
 - any boarding house or other institution for boarders or lodgers where not fewer than ten bedrooms are available for letting to lodgers;]
- means any place occupied for residential purposes except, any hotel or club licensed under any law relating to the control and supply of liquor and any boarding house or other institution for boarders or lodgers;

"landlord" [means the owner, lessor, or sublessor of a residential rental dwelling unit, or a person acting or purporting to act as the agent of any such person.] means a person who is legally entitled to let any dwelling and includes the owner, lessor, sublessor or agent of such a person;

"MEC" means the Member of the Executive Council of the Province responsible for Housing;

"office" means a Landlord Tenant Information Office established under section 10;

"prescribed" means prescribed by regulation by the MEC in the Provincial Gazette;

"staff" means inspector , technical advisor , or any employee or officer appointed or seconded to the Board in terms of the laws governing public service;

"tenant" [means a person having the right under a rental agreement to occupy a residential rental dwelling unit irrespective of whether such an agreement has been reduced to writing or not] means a person who has a right under a lease, and includes a person who occupies the dwelling at the time of the lessee's or sublessee's death, divorce or desertion and who elects to be bound by the lease agreement;

"this Act" includes any regulations prescribed under the Act;

"Unfair practice" [means any practice or action or omission of a landlord or tenant , which unreasonably prejudices the rights or interests of any tenant or landlord , as the case may be , with regard to a residential rental dwelling unit , or which may have that effect , as defined in the regulations prescribed under section 9.] means any contravention of any provision of the Unfair Practices Regulations, 1998.

(b) by the insertion of the following definition -

"legal proceedings" means civil proceedings."

Amendment of section 4(1) (b) (bb) of Act 3 of 1997

3. Section 4 of the principal Act is hereby amended:-

(a) by the substitution of paragraph (b)(bb) of subsection (1) with the following paragraph:

"(1) The Board shall consist of not less than three and not more than five members, and shall comprise -

(b) not less than two **[or]** and not more than four members who shall be appointed by the MEC in equal number of whom-

- (bb) not more than two members shall be persons who the MEC considers to be representative of organisations and community –based groups in civil society who represent the interest of tenants **[of residential rental dwelling units]**, and such representatives are to be nominated after consultation with the said organisations and community- based groups."

- (b) by the insertion in subsection (1) of the following paragraphs-

"(c) one member of the Board designated by the MEC as the deputy chairperson of the board;"

"(d) whenever the chairperson of the board is absent or unable to fulfil any of the functions of the chairperson, the deputy chairperson of the board shall act as chairperson of the board."

Amendment of section 6 of Act 3 of 1997

4. Section 6 of the principal Act is hereby amended:-

- (a) by the substitution of paragraphs (d) and (f) of section 6 with the following paragraphs:

"(d) require any Landlord Tenant Information Office to advise the Board on any matter concerning any particular **[residential rental dwelling unit]** dwelling or concerning any complaints received from any landlord or any tenant within the area of jurisdiction of that office;

(f) in the form prescribed, summon any person to attend its proceedings to produce any book or other documents under his or her control or to disclose any other information regarding the **[residential rental dwelling unit]** dwelling which in the opinion of the Board may be of relevance to the complaint before the Board."

Amendment of section 9 of Act 3 of 1997

5. Section 9 of the principal Act is hereby amended:-

(a) by the substitution of subsection (1) with the following paragraph:

"(1) Any landlord or tenant or group of landlords or tenants may lodge a complaint with the Board concerning an unfair practice relating to a **[residential rental dwelling unit] dwelling.**"

(b) by the insertion in subsection (3) of the following paragraph:

"(r) non-payment of rent."

(c) by the substitution of subsection (5)(c) by the following paragraph:

"(c) the provision of any **[rental agreement] lease** to the extent that it does not constitute an unfair practice; and"

(d) by the substitution of subsection (6) with the following paragraph:

"(6) The Board shall not be competent to make an order regarding the amount of rental to be paid in respect of any **[residential rental dwelling unit] dwelling** but shall be competent to act as mediator in any such dispute."

Amendment of Section 10 of Act 3 of 1997

6. Section 10 of the principal Act is hereby amended:-

(a) by the substitution of subsection (1) with the following paragraph:

"(1) A local authority may apply to the MEC to establish a Landlord Tenant Information Office to advise landlords and tenants in regard to their rights and obligations in relation to the **[residential rental dwelling units] dwellings situated** within the area of such local authority's area of jurisdiction."

(b) by the substitution of subsection (3)(a) with the following paragraph-

"(a) to educate, provide information and to advise landlords and tenants with regard to their rights and obligations in relation to the

[residential rental dwelling units] dwellings within its area of jurisdiction;"

Amendment of section 11 of Act 3 of 1997

7. Section 11 of the principal Act is hereby amended:-

- (a) by the deletion of section 11 as a whole and the substitution of it with the following paragraph:

"Review

11. A decision of the Board shall be reviewable subject to the provisions on mediation and arbitration."

Amendment of section 12 of Act 3 of 1997

8. Section 12 of the principal Act is hereby amended:-

- (a) by the substitution of subsection (1) with the following paragraph:

"(1) A person on whom a subpoena has been served in the manner prescribed under this Act and who, without sufficient cause, fails to attend at the date, time and place specified in a notice served, or to remain in attendance until the conclusion of the proceedings or until he or she has been excused by the Board from further attendance, shall be guilty of an offence and liable on conviction to a fine not exceeding R300.00 or a term of imprisonment not exceeding three (3) months."

- (b) by the deletion of subsection (2) and insertion of the following paragraph-

"(2) **[A magistrate's court shall have jurisdiction to adjudicate any offence under this Act and shall be competent upon conviction to impose a fine.]** Notwithstanding anything to the contrary in any law , a magistrate's court shall have jurisdiction to impose any penalty or to make any order provided for in this Act."

- (c) by the deletion of subsection (3).

- (d) by the deletion of subsection (4).

Short title

9. This Act shall be called the Residential Landlord and Tenant Amendment Act. 2000

MEMORANDUM ON THE OBJECTIVES OF THE RESIDENTIAL LANDLORD AND TENANT AMENDMENT BILL, 1999

CONTENTS OF THE BILL

1. The definitions of certain words as they appear in the Principal Act, are ambiguous and they consequently need to be changed in order to remove the ambiguity and make them consistent with the other provisions of the Principal Act. Therefore the phrase "residential rental dwelling unit" is amended to "dwelling".
2. The Principal Act did not provide for the appointment of a Deputy Chairperson and it is accordingly amended to provide for such appointment.
3. The Principal Act did not provide for the non-payment of rental as an unfair practice, and is accordingly amended to provide for such regulation.
4. Section 11 of the Principal Act requires for a standard lease agreement to be in writing and is deleted to enable leases to be either in writing or verbal.

FINANCIAL IMPLICATIONS

The amendments to the Principle Act, contemplated in the Residential Landlord and Tenant Amendment Bill, 2000 will have no direct financial implications on the Department.

GAUTENG DEPARTMENT OF HOUSING

RESIDENTIAL LANDLORD AND TENANT AMENDMENT BILL, 2000

Notice is hereby given that the Member of the Executive Committee for Housing intends to promulgate the Residential Landlord and Tenant Amendment Bill, 2000 in the form set out in this Provincial Gazette.

Any person or organisation wishing to comment on these proposed regulations may lodge written comments or representations on or before the 17/04/2000 by posting, faxing or handing them at the following address:

**Office of the MEC
Department of Housing
37 Sauer Street
Private BAG X79
Marshalltown
2107**

**Fax: (011) 838 2116/7562
Tel: (011) 355 4000/4002**

GAUTENG DEPARTEMENT VAN BEHUISING

RESIDENSIEELE VERHUURDER EN HUURDER WYSIGINGS AKTE, 2000

(SOOS BEKENDGESTEL)

deur

(LUR VIR BEHUISING)

ALGEMENE VERKLARENDE NOTA:

[] Woorde in vet druk, in vierkantige hakkies verwys na uitlatings uit die bestaande wetgewing.

_____ Woorde onderstreep met 'n soliede lyn verwys na invoegings by die bestaande wetgewings.

"AKTE"

Om die Residensieële Verhuurder en Huurder Akte, 1997 te wysig om sodoende voorsiening te maak vir die aanstelling van die ondervoorsitter van die Raad, die bepaling van straf in die geval van oortredings en om voorsiening te maak vir onvoorsiene sake.

Laat dit dus soos volg deur die Provinsiale Wetgewer verorden word: -

Wysiging van die Konsiderans van Akte 3 van 1997 soos volg: -

1. Die Konsiderans van die hoof Akte word hiermee gewysig:

"Om voorsiening te maak vir die regulering van verhuurder, huurder verhoudings om sodoende stabiliteit in die residensieële huur sektor in die provinsie te bevorder, om algemene beginsels neer te lê, om konflik te beheer in die residensieële huur sektor, om voorsiening te maak vir die ondersoek, bemiddeling en beëindiging van dispute tussen die verhuurders en huurders van formele en informele, private en publieke [residensieële huur wooneenhede] wonings om sodoende verhuurders en huurders te beskerm teen onregverdige en onwettige praktyke, en vir die doel om 'n Verhuurder, Huurder Dispuut Agendaraad daar te stel; om die funksies, magte en pligte te definieer; om voorsiening te maak vir die opleiding van verhuurders en huurders met betrekking tot hul regte en verpligtinge, en vir die doel om voorsiening te maak vir die daarstelling van Verhuurder Huurder Inligting kantore; om die funksies en pligte van sulke kantore te definieer en om vir onvoorsiene sake voorsiening te maak.

Daar is 'n behoefte om onregverdige praktyke in die huur en verhuring van [residensieële huur wooneenhede] wonings te ontmoedig

deur sekerheid te verskaf met betrekking tot die regte en verpligtinge van verhuurders en huurders;"

Wysiging van afdeling 1 van Akte 3 van 1997

2. Afdeling 1 van die Residensieële verhuurder en Huurder Akte, 1997 (in hierdie Akte na verwys as die hoof Akte) word hiermee gewysig:-

(a) met die skraping en vervanging van woorde in die hoof Akte met die volgende beskrywings:

In hierdie Akte, tensy die konteks andersins aandui-

beteken "Raad" die Verhuurder, Huurder Dispuut Agendaraad, gevestig onder afdeling 2;

"woning" [beteken enige kamer of plek, of dit privaat of publiek besit word, wat bewoon word as 'n menslike bewoning maar sluit nie die volgende in nie:

- Enige hotel of klub gelisensieer in terme van enige wet wat betrekking het op die beheer en voorsiening van enige alkohol, of
- Enige losieshuis of ander instelling vir loseerders of kosgangers waar nie minder as tien slaapkamers beskikbaar is vir uithuur aan loseerders nie;] beteken enige plek wat bewoon word vir residensieële doeleindes behalwe, enige hotel of klub gelisensieer onder enige wet wat betrekking het op die beheer en voorsiening van alkohol en enige losieshuis of ander instelling vir loseerders of kosgangers;

"verhuurder" [beteken die eienaar, verhuurder, sub verhuurder van 'n residensieële huur wooneenheid, of 'n persoon wat optree of voorneem om op te tree as agent vir enige so 'n persoon.] beteken 'n persoon wat wettiglik geregtig is om enige woning te verhuur en sluit die eienaar, verhuurder, sub verhuurder of agent van enige so 'n persoon in.

"LUR"" beteken die Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir behuising."

"kantoor" beteken 'n Verhuurder Huurder Inligtings kantoor tot stand gebring onder afdeling 10.

"voorgeskrif" betyeken voorgeskryf deur regulasies deur die LUR in die Provinsie se Gazette

"personeel" beteken inspekteur, tegniese adviseur, of enige werknemer of klerk aangestel of gesekondeer aan die Raad in terme van die wet wat publieke dienste beheer

"huurder" [**beteken 'n persoon wat die reg het onder 'n huur ooreenkoms om 'n residensieële huur wooneenheid te bewoon ongeag of so 'n ooreenkoms op skrif neergelê is of nie**] beteken 'n persoon wat die reg het onder 'n huurkontrak en sluit in 'n persoon wat die woning bewoon ten tye van die huurder of sub huurder se dood, egskeiding of afvalligheid en wat verkies om gebonde te bly aan die huur ooreenkoms;

"hierdie akte" sluit in enige regulasies voorgeskryf onder die Akte;

"Onregverdige praktyke" __[beteken enige praktyke of handelinge of uitlatings van 'n verhuurder of huurder, wat die regte of belange van enige huurder of verhuurder onregverdig benadeel, na gelang van omstandighede, in verband met 'n residensieële huur wooneenheid, of wat 'n effek sal hê soos beskryf in die regulasies voorgeskryf onder afdeling 9.] beteken enige oortredings van enige bepaling van die Onregverdige Praktyke Regulasies, 1998.

(b) met die invoeging van die volgende definisie -

"wetlike geding" beteken siviele geding."

Wysiging van afdeling 4(1) (b) (bb) van Akte 3 van 1997

3. Afdeling 4 van die hoof Akte word hiermee gewysig:-

(a) met die vervanging van paragraaf (b) (bb) van onderafdeling (1) met die volgende paragraaf:

"(1) Die raad sal bestaan uit nie minder as drie en nie meer as vyf lede nie, en sal bestaan uit -

(b) nie minder as twee **[of]** en nie meer as vier lede wat deur die LUR aangestel sal word in gelyke hoeveelhede van wie-

(bb) nie meer as twee lede persone sal wees wie die LUR ag om verteenwoordigend te wees van organisasies en gemeenskap gebaseerde groepe in die siviele gemeenskap te wees wat die belange van die huurders **[van residensieële huur wooneenhede]** verteenwoordig, en hierdie verteenwoordigers sal genomineer word na konsultasie met die genoemde organisasies en gemeenskaps gebaseerde groepe."

(b) met die invoeging in sub afdeling (1) van die volgende paragrawe-

"(c) een lid van die Raad aangewys deur die LUR as die ondervoorsitter van die raad;"

"(d) wanneer die voorsitter van die raad afwesig is of nie van magte is om enige van die funksies van die voorsitter te vervul nie, sal die ondervoorsitter van die raad optree as die voorsitter van die raad."

Wysiging van afdeling 6 van Akte 3 van 1997

4. Afdeling 6 van die hoof Akte word hiermee gewysig:-

(a) Met die vervanging van paragrawe (d) en (f) van afdeling 6 met die volgende paragrawe:

"(d) vereis van enige Verhuurder Huurder Inligting Kantoor om die Raad in kennis te stel van enige saak rakende enige spesifieke **[residensieële huur wooneenheid]** woning of aangaande enige klagtes ontvang van enige verhuurder of enige huurder binne die regsgebied van daardie kantoor;

(f) in die vorm voorgeskryf, enige persoon daag om sy verrigtinge by te woon om enige boek of ander dokumente onder sy of haar beheer te lewer of om enige ander inligting aangaande die **[residensieële huur**

wooneenheid] woning te openbaar wat in die opinie van die raad verband mag hou met die klagte voor die raad."

Wysiging van afdeling 9 van Akte 3 van 1997

5. Afdeling 9 van die hoof Akte word hiermee gewysig:-

(a) Met die vervanging van sub afdeling 91) met die volgende paragraaf:

"(1) enige verhuurder of huurder of groep verhuurders of huurders mag 'n klagte indien by die Raad aangaande enige onregverdige praktyke wat betrekking het op 'n **[residensieële huur wooneenheid]** woning."

(b) met die invoeging in sub afdeling (3) van die volgende paragraaf:

"(r) nie-betaling van huur."

(c) met die vervanging van sub afdeling (5)(c) met die volgende paragraaf:

"(c) die voorsiening van enige **[huur ooreenkoms]** huurkontrak in soverre dit nie onregverdige praktyke omvat nie; en"

(d) met die vervanging in sub afdeling (6)) met die volgende paragraaf:

"(6) Die Raad sal nie bevoeg wees om 'n opdrag te gee aangaande die bedrag van huur wat betaal moet word ten opsigte van enige **[residensieële huur wooneenheid]** woning nie, maar sal bevoeg wees om op te tree as bemiddelaar in so 'n dispuut"

Wysiging van Afdeling 10 van Akte 3 van 1997

6. Afdeling 10 van die hoof Akte word hiermee gewysig:-

(a) met die vervanging van sub afdeling (1) met die volgende paragraaf:

"(1) 'n Plaaslike owerheid mag aansoek doen by die LUR om 'n Verhuurder Huurder Inligtings kantoor op te rig om verhuurders en huurders advies te gee aangaande hulle regte en verpligtinge ten opsigte van die [residensieële huur wooneenhede] wonings geleë binne in die area van so 'n plaaslike owerheid se area van wetsgewing."

(b) met die vervanging van sub afdeling (3)(a) met die volgende paragraaf-

"(a) om op te lei, inligting te verskaf en om verhuurders en huurders advies te gee aangaande hulle regte en verpligtinge ten opsigte van die [residensieële huur wooneenhede] wonings binne sy area van wetsgewing;"

Wysiging van Afdeling 11 van Akte 3 van 1997

7. Afdeling 11 van die hoof Akte word hiermee gewysig:-

(a) Met die skraping van afdeling 11 as 'n geheel en die vervanging daarvan met die volgende paragraaf:

"Hersiening

11. 'n Besluit van die Raad sal hersienbaar wees onderhewing aan die voorwaardes van bemiddeling en arbitrasie

Wysiging van Afdeling 12 van Akte 3 van 1997

8. Afdeling 12 van die hoof Akte word hiermee gewysig:-

(a) met die vervanging van sub afdeling (1) met die volgende paragraaf:

"(1) 'n Persoon wat gedagvaar is op 'n manier wat deur hierdie Akte voorgeskryf is en wie, sonder genoegsame rede, versuim om op te daag op die datum, tyd en plek gespesifiseer in die kennisgewing, of om beskikbaar te bly totdat die verrigtinge afgehandel is of totdat hy of sy verskoon is deur die Raad van verdere beskikbaarheid sal skuldig wees aan 'n oortreding en sal homself blootstel aan 'n boete van nie meer as R300.00 of 'n termyn van tronkstraf van nie meer as drie (3) maande nie."

- (b) met die skraping van sub afdeling (2) en die byvoeging van die volgende paragraaf-

"(2) [**'n landdroshof sal by magte wees om enige oortreding onder hierdie Akte te beoordeel en sal bevoeg wees om met skuldig bevinding 'n boete af te dwing**] Ongeag enige iets tot die teendeel in enige wet, sal 'n landdroshof by magte wees om enige boete af te dwing of enige skikking te maak waarvoor voorsiening gemaak is in hierdie Akte."

- (c) met die skraping van sub afdeling (3).

- (d) met die skraping van sub afdeling (4).

Kort titel

9. Hierdie akte sal die Residensiële Verhuurder en Huurder Wysigings Akte, 2000 genoem word.

MEMORANDUM OOR DIE DOELWITTE VAN DIE RESIDENSIEËLE VERHUURDERS EN HUURDERS WYSIGINGS AKTE, 1999

INHOUD VAN DIE AKTE

1. Die beskrywings van sekere woorde soos hulle verskyn in die Hoof Akte, is dubbelsinnig en hulle moet dus verander word om sodoende die dubbelsinnigheid te verwyder en hulle ooreenstemmend te maak met die ander voorskrifte van die Hoof Akte. Die frase "residensieële huur wooneenheid" word dus gewysig na "woning".
2. Die Hoof Akte het nie voorsiening gemaak vir die aanstelling van 'n ondervoorsitter nie en dit is dien ooreenkomstig gewysig om voorsiening te maak vir so 'n aanstelling.
3. Die Hoof Akte het nie voorsiening gemaak vir die nie-betaling van huur as 'n onregverdige praktyk nie, en is dien ooreenkomstig gewysig om voorsiening te maak vir so 'n regulasie.
4. Afdeling 11 van die Hoof Akte vereis dat die standaard huur ooreenkoms skriftelik moet wees en is geskraap om toe te laat dat huurkontrakte skriftelik of verbaal kan wees.

FINANSIEËLE IMPLIKASIES

Die wysigings aan die Hoof Akte, beoog in die Residensieële Verhuurder en Huurder Wysigings Akte, 2000 sal geen direkte financial implikasies vir die departement hê nie.

GAUTENG DEPARTEMENT VAN BEHUISING

RESIDENSIEËLE VERHUURDER EN HUURDER WYSIGINGS AKTE, 2000

Kennis word hiermee gegee dat die Lid van die Uitvoerende Raad vir Behuising van voornemens is om die Residensieële Verhuurder en Huurder Wysigings Akte, 2000 te openbaar te maak in die vorm soos voorgelê in hierdie Provinsiale Gazette.

Enige persoon of organisasie wat graag kommentaar wil lewer oor hierdie voorgestelde regulasies mag skriftelike kommentaar of protes aanteken voor of op die 17/04/2000 deur dit te pos, te faks, of dit in te handig by die volgende adres:

Kantoor van die LUR
Departement van Behuising
37 Sauer Straat
Privaat Sak X79
Marshalltown
2107

Faks: (011) 838 2116/7562
Tel: (011) 355 4000/4002

NOTICE 1618 OF 2000

UMNYANGO WEZEZINDLU EGAUTENG

UMTHETHOSIVIVINYO WOMQASHISI WENDAWO YOKUHLALA KANYE
NOMQASHI, 2000

(NJENGOBA WETHULWE)

ngu

MEC WEZEZINDLU

AMANOTHI OKUCACISA:

[] Amagama abhalwe kubakaki abayisikwele akhombisa umthetho okhona.

_____ Amagama adwetshelwe ngomugqa
ngaphansi akhombisa okufakiwe kumthetho okhona.

"UMTHETHOSIVIVINYO"

Ukuze kuchitshiyelwe uMthetho waBaqashisi beziNdawo zoKuhlala kanye naBaqashi, 1997 ukuze kwazeke ukukhetheka kwesekela likasihlalo weBhodi, ukucaciswa ngokusobala kwezinhlawulo ngokuphathelene namacala kanye nokuhlelela izigameko ezingenzeka.

Noma ngabe umiswe isiShayamthetho sesiFundazwe njengokulandelayo:-

Ukuchibiyelwa kwesiQalo soMthetho 3 ka 1997 njengokulandelayo:-

1. Isiqalo soMthetho omkhulu lapha sichitshiyelwe:

"Ukuze kuhlelelwe isiqondiso sobudlelwane obuphakathi kobuhlobo bukamqashisi kanye nomqashisi ukuze kukhuthazwe uzinzo kumkhakha wokurenta izindawo zokuhlala esifundazweni; ukuze libeke phansi imigomo eyengamele ukusonjululwa kwezimpikiswano kumkhakha wokurentela izindawo zokuhlala, ukuhlelela uphenyo, ukulamula kanye nokutholakala kwezimpikiswano phakathi kwabaqashisi bezindawo zokuhlala kanye nabaqashi abahlelekile kanye nabangahlelekile abazimele kanye nabangazimele [**bamayunithi endawo yokuhlala arentelwayo**] bezindawo zokuhlala ukuze kuvikelwe abaqashisi bezindawo zokuhlala kanye nabaqashi ezenzweni ezingalungile futhi ezingekho emthethweni, futhi ngenhloso yokusungula iBhodi yokuXazulula iziMpikiswano phakathi kwaBaqashisi kanye naBaqashi; ukuze kucaciswe imisebenzi, amandla kanye nemisebenzi yeBhodi; ukufundisa abaqashisi kanye nabaqashi mayelana namalungelo kanye nezibopho zabo, kanye nenhloso yokwenza izimiso zokusungula iHhovisi lokuthola uLwazi ngoKuqashisa kanye nangoKuqasha; ukuchaza okumelwe kanye nokufanele kwenziwe yilawo mahhovisi; futhi ukuhlelela izigameko ezingenzeka.

LAPHO kunesidingo sokuvimbela isenzo esingasihle ekurenteni kanye nasekuqasheni **[amayunithi endawo yokuhlala arentwayo]** indawo yokuhlala ngokuletha isiqiniseko ngokuphathelele namalungelo kanye nezibopho zomqashisi kanye nomqashi;"

Ukuchitshiyelwa kwesigaba 1 soMthetho 3 1997

2. Isigaba 1 soMthetho woMqashisi weNdawo yoKuhlala kanye noMqash, 1997 (kuloMthetho abizwa ngokuthi ngumthetho omkhulu) lapha uyachitshiyelwa:-

(a) ngokususa kanye nokushintsha amagama kuMthetho omkhulu ngalezi zincazelo ezilandelayo:

KuloMthetho, ngaphandle uma okuqondiwe kukhonjiswe ngenye indlela-

"IBhodi" kusho iBhodi lokuXazulula iziMpikiswano zaBaqashisi kanye naBaqashi ngaphansi kwesigaba 2;

"indawo yokuhlala" [kusho noma iliphi ikamelo noma indawo, yomuntu noma yomphakathi, ekuhlala kuyo abantu, kodwa akubandakanyi:

- noma iliphi ihotela noma ikilabhu enelayisensi ngokusho kwanoma imuphi umthetho ophathelene nokulawulwa kanye nokunikezelwa kotshwala, noma
- noma iyiphi indlu yokubhoda noma esinye isikhungo sababhodile noma abahlala kuyo lapho kunamakamelo okulala angangephansi kwayishumi akhona ukuba aqashiswe kwabahlalayo;] kusho noma iyiphi indawo ekuhlalwa kuyo ngaphandle, kwehotela noma ikilabhu enelayisensi ngaphansi kwanoma imuphi umthetho ophathelene nokulawulwa kanye nokunikezwa kotshwala kanye noma iyiphi indlu yokubhoda noma isiphi esinye isikhungo sababhodile noma abahlalayo;

"umqashisi" [kusho umnikazi, umnikazi ngokwesivumelwane sokuqasha, noma umnikazi ngokwesivumelwano sokuthenga sokuqasha iyunithi yendawo yokuhlala erentelwayo, noma umuntu omele noma osebenza njenge-ejenti yanoma imuphi umuntu.] kusho ukuthi umuntu ngokusemthethweni onelungelo lokuqashisa indawo yokuhlala futhi kubandakanya umnikazi, umnikazi ngokwesivumelwano

sokuqashiselana, umnikazi ngokokuthenga sakuqasha noma i-ejenti yalowo muntu;

"MEC" kusho iLunga loMkhandlu oShaya iMithetho lesiFundazwe eliphathelene nezeZindlu;

"ihhovisi" kusho iHhovisi loLwazi lwaBaqashisi kanye naBaqashi elisungulwe ngaphansi kwesigaba 10;

"okumisiwe" kusho okumiswe yisiqodiso seMEC kuGazethi yesiFundazwe;

"umsebenzi" kuchaza umhloli, umeluleki kwezobuchwepheshe (technical advisor), noma imuphi umqashi noma umsebenzi okhethwe noma ophakamiswe kuBhodi ngokusho kwemithetho ephethe imisebenzi kahulumeni;

"umqashi" [kushiwo umuntu onelungelo ngaphansi kwesivumelwano sokurenta ukuba ahlale kuyunithi yendawo yokuhlala leso sivumelwano singabhalwa phansi noma singabhalwa] kusho umuntu onelungelo ngaphansi kwesivumelwano sokuqashiselana, futhi kubandakanya umuntu ohlala kuleyo ndawo ngesikhathi sokushona kobeyiqashile, ukwehlukana noma ukuhamba futhi okhetha ukuboshelwa isivumelwano sokuqashiselana;

"loMthetho" ubandakanya noma iziphi iziqondiswana ezibekwe ngaphansi kwawo;

"Isenzo esingalungile"[sisho noma isiphi isenzo noma ukwenza noma ukugenzi komqashisi noma umqashi, okuthi ngokungafanele yenzelele noma yenzele phansi noma imuphi umqashisi noma umqashi, njengoba kungaba njalo, ngokuphathelene neyunithi yendawo yokuhlala erentelwayo, noma engabanjalo, njengoba kuchaziwe kuziqondiso ezibekwe ngaphansi kwesigaba 9.] kuchaza ukuphulwa kwanoma isiphi isimo seSiqondiso soKungaziphathi ngemganelo, 1998.

(b) ngokufaka lencazelo elandelayo-

"isinyathelo sangokomthetho" kuchaza isinyathelo sasenkantolo ekungeyona yamacala egazi."

Ukuchibiyelwa kwesigaba 4(1) (b) (bb) soMthetho 3 ka 1997

3. Isigaba 4 soMthetho omkhulu lapha siyachibiyelwa:-

- (a) ngokushintsha isigaba (b)(bb) sesigatshana (1) ngalesi sigatshana esilandelayo:
 - “(1) Ibhodi lizokwenziwa ngamalunga angangephansi kwamathathu futhi angabi ngaphezulu kwamahlanu, futhi azobandakanya-
 - (b) amalunga angangengaphansi kwamabili **[noma]** futhi angaphezulu kwamane azokhethwa yiMEC ngokwesibalo esilinganayo sabo-
 - (bb) abantu abangengaphezulu kwababili iMEC ibathatha njengabamele amaqembu ezinhlangano kanye nemiphakathi kwezenhlalo abamele abaqashi **[bamayunithi endawo yokuhlala]**, futhi labo abamele lezo zinhlangano kufanele bakhethwe ngemuva kokuxoxisana nalezo zinhlangano kanye nalawo maqembu asuka emphakathini.”
- (b) ngokufaka isigatshana (1) salezi zigaba ezilandelayo-
- (c) ilunga elilodwa leBhodi elikhonjwe yiMEC njengesekela likasihlalo webhodi;”
- (d) ngaso sonke isikhathi uma usihlalo webhodi engekho noma engakwazi ukwenza noma imiphi imisebenzi kasihlalo, isekela likasihlalo webhodi kufanele lithathe njengosihlalo webhodi.”

Ukuchibiyelwa kwesigaba 6 soMthetho 3 ka 1997

4. Isigaba 6 soMthetho omkhulu lapha siyachibiyelwa:-

- (a) ngokushintsha izigaba (d) kanye no (f) wesigaba 6 ngalezi zigaba ezilandelayo:
 - “(d) kudingeka noma iliphi iHhovisi loLwazi ngezaBaqashisi kanye naBaqashi liluleke iBhodi nganoma iluphi udaba oluphathelele **[iyunithi yendawo erentelwa ukuhlala]** nendawo yokuhlala noma ngokuphathelele nanomaisiphi isikhalazo esitholakele kunoma imuphi umqashisi noma umqashi kuleyo ndawo ihhovisi elinamandla kuyo;

- (f) kufomu elihlelelwe lokhu, kubizwe noma imuphi umuntu ukuba eze ecaleni akhiphe noma iziphi izincwadi noma amapheshana anawo noma aveze noma iluphi olunye ulwazi oluphathelele [neyunithi yendawo yokuhlala] nendawo yokuhlala okuthi ngokubona kweBhodi lungahambisana nesikhalazo esiphambi kweBhodi."

Ukuchibiyelwa kwesigaba 9 soMthetho ka 1997

5. Isigaba 9 soMthetho omkhulu lapha siyachibiyelwa:-

(a) ngokushintsha isigatshana (1) ngalesi sigaba esilandelayo:

"(1) Noma imuphi umqashisi noma umqashi noma ngabe iliphi iqembu labaqashisi kanye nelabaqashi lingafaka isikhalazo kuBhodi esiphathelene nesenzo esingalungile esimaqondana [neyunithi yendawo yokuhlala erentelwayo] nendawo yokuhlala."

(b) ngokufaka kusigatshana (3) salesi sigaba esilandelayo:

"(r) ukungakhokhwa kwerenti."

(c) ngokushintsha isigatshana (5)(c) ngalesi sigaba esilandelayo:

"(c) isimiso sanoma isiphi [isivumelwano sokurentelana] isivumelwano sokuqashiselana kangangoba ukwenzeka kwaso akwenzi isenzo esingafanelekile; futhi"

(d) ngokushintsha isigatshana (6) ngalezi zigaba ezilandelayo:

"(6) Ibhodi angeke ikwazi ukwenza umyalelo ophathelene nenani lemali yerenti ekufanele ikhokhwe ngokuphathelele nanoma iyiphi [iyunithi erentelwayo yendawo yokuhlala] indawo yokuhlala kodwa ingakwazi ukuba umlamuli kulempikiswano enjalo."

Ukuchibiyelwa kweSigaba 10 soMthetho 3 ka 1997

6. Isigaba 10 soMthetho omkhulu lapha siyachibiyelwe:-

(a) ngokususa isigatshana (1) ngalesi sigaba esilandelayo:

"(1) Umkhandlu wendawo ungafaka isicelo kuMEC ukuze usungule iHhovisi loLwazi laBaqashisi kanye naBaqashi ukuze liluleke

abaqashisi kanye nabaqashi ngokuphathelene namalungelo kanye nezibopho ngokuphathelene **[namayunithi endawo yokuhlala erentelwayo]** nendawo yokuhlala etholakala endaweni ekulawula lowo masipala."

(b) ngokushintsha isigatshana (3)(a) galesi sigaba esilandelayo-

"(a) ukufundisa, ukunikeza imininingwane kanye nokululeka abaqashisi kanye nabaqashi ngokuphathelene namalungelo kanye nezibopho eziphathelene **[namayunithi endawo yokuhlala erentelwayo]** nezindawo zokuhlala endaweni engaphansi kwayo;"

Isichibiyelo sesigaba 11 soMthetho 3 ka1997

7. Isigaba 11 soMthetho omkhulu lapha siyachibiyelwe:-

(a) ngokususa isigaba 11 sesisonke kanye nokushintsha ngalesi sigaba esilandelayo:

"Ukubukeza

11. Isinqumo seBhodi singabukezeka ngokusho kwezimiso zokulamula kanye nokuhlulela."

Ukuchibiyela isigaba 12 soMthetho 3 ka 1997

8. Isigaba 12 soMthetho omkhulu lapha siyachibiyelwa:-

(a) ngokushintsha isigabana (1) ngalesi sigaba esilandelayo:

"(1) Umuntu ekuthi anikezwe amasamanisi ngendlela emisiwe ngaphansi kwaloMthetho futhi othi, ngaphandle kwesizathu esinelisayo, ahluleke ukufika ngosuku, gesikhathi kanye nasendaweni ebekiwe kusaziso anikwe sona, noma ahlale kuze kube udaba luyaphethwa noma kuze kusho iBhodi ukuthi usengahamba angabe eseza, uzoba necala futhi angagwetshwa inhlawulo engeqi ku R300.00 noma isikhathi ejele esingeqi ezinyangeni entathu (3)."

(b) ngokususa isigatshana (2) futhi kufakwe isigaba esilandelayo-

"(2)

[Inkantolo yemantshi izoba nokulawula ekutheni inqume udaba ngaphansi koMthetho futhi izokwenza kahle ngokufanele ngesikhathi ikhipha inhlawulo.] Kungabibikho okunye okuphikisana nanoma imuphi umthetho, inkantolo kamanthsi izoba negunya lokuthi ibeke inhlawulo noma ikhiphe noma imuphi umyalelo ovumelekile ngokoMthetho."

(c) ngokususa isigatshana (3).

(d) ngokususa isigatshana (4).

Isihloko esifushane

9. Lomthetho uzobizwa ngokuthi nguMthetho oChibiyelwe waBaqashisi beziNdawo zoKuhlala kanye naBaqashi.

**IMEMORANDAMU NGEZINHLOSO ZOMTHETHOSIVIVINYU
WABAQASHISI BEZINDAWO ZOKUHLALA KANYE NABAQASHI, 2000**

OKUQUKETHWE NGUMTHETHOSIVIVINYO

1. Izincazelo zamagama athile njengoba zivela kuMthetho oMkhulu, ziyindida kodwa ngokunjalo zidinga ukushintshwa ukuze kususwe indida futhi zenziwe zihambisane nezinye izimiso zoMthetho oMkhulu. Ngakhoke umshwana "iyunithi yendawo yokuhlala ekhokhelwa irenti".
2. UMthetho oMkhulu awukuhlelele ukukhethwa kweSekela likaSihlalo kanti ngokunjalo uyachibiyelwa ukuze uhlelele lokho.
3. Umthetho oMkhulu awukuhlelelanga ukungakhokhwa kwerenti njengesenzo esingalungile, kanti ngokunjalo ngakhoke uyachibiyelwa ukuze uhlelele lesi siqondiso
4. Isigaba 11 soMthetho oMkhulu sidinga ukuthi isivumelwano esimile sokuthenga sakuqasha sibhalwe phansi futhi sisusiwe ukuze ukuthenga sakuqasha kwenzeke ngokubhala phansi noma ngomlomo.

UKUKHOKHWA KWEZIMALI

Ukuchibiyelwa koMthetho oMkhulu, okutholakala kuMthethosivivinyo oChibiyelwe waBaqashisi beziNdawo zoKuhlala kanye naBaqashi, 2000 angeke kwenze uMnyango kubekhona izimali ozikhokhayo.

UMNYANGO WEZEZINDLU EGAUTENG

**UMTHETHOSIVIVINYO OCHIBIYELWE WAZABAQASHISA NGENDAWO
ZOKUHLALA KANYE NABAQASHI, 2000**

Isaziso lapha siyanikezelwa ukuthi iLunga leKomidi eliShaya iMithetho kwezeZindlu lihlose ukumisa uMthethosivivinyo oChibiyelwe wezaBaqashisa ngeNdawo yoKuhlala kanye naBaqashi, 2000 efomini elibekiwe kuGazethi yesiFundazwe.

Noma ubani noma inhlangano efisa ukuphawula kulezi ziqondiso ezihlongozwayo bangabhala akushoyo noma bathumele ngomhlaka noma ngaphambi kuka 17/04/2000 ngeposi, ngefekisi akulethe kuleli kheli elilandelayo:

Office of the MEC
Department of Housing
37 Sauer Street
Private BAG X79
Marshalltown
2107

Ifekisi: (011) 838 2116/7562
Ucingo: (011) 355 4000/4002

NOTICE 1618 OF 2000

LEFAPHA LA MATLO LA GAUTENG**SETSHWANTSHO SA MOLAO WA DIPHETHOHO SA MONGA SEBAKA LE
MOHIRI, 2000**

(JWALOKA HA SE TSEBISITSWE)

ke**(MEC WA MATLO)**

[] Mantswe a ngotsweng ka botenya a ka masakaneng a bontsha dintlha tse tlohetsweng melaong e teng.

_____ Mantswe a sehetsweng mola a bontsha dintlha tse kentsweng melaong e teng.

"SETSHWANTSHO SA MOLAO "

Ho fetola Molao wa Bodulo wa Monga sebaka le Mohiri wa, 1997 hore o fane ka monyetla wa ho kgetha motlatsi wa modulasetulo wa Lekgotla, tlhaloso ya dikotlo ho ya ka ditlolo tsa molao le ho lokisetsa dintlha tse hlahang ka kotsi.

Le ha se fetisitswe ke Palamente ya Profensi ka mokgwa o latelang: -

Phethoho ya Selelekela sa Molao 3 wa 1997 ka mokgwa o latelang: -

1. Selelekela sa Molao o moholo se a fetolwa:

"Ho kenyeletsa dikamano tsa molawana wa monga sebaka le mohiri ho ntshetsapele botsitso dibakeng tsa ho hira tsa bodulo profensing; ho rala maano a akaretsang a laolang tharollo ya diqabang dibakeng tsa bodulo , ho kenyeletsa le diphuputso, bonamodi le maikemisetso a diqabang pakeng tsa beng ba dibaka le bahiri ba dibaka tsa poraefete le tsa setjhaba [**dibaka tsa bodulo tse hirilweng**] dibaka tsa bodulo hore ho tle ho sireletswe beng ba dibaka le bahiri kgahlanong le ditshwaro tse mpe tse seng molaong, mme ka baka la sepheo seo sa ho theha Lekgotla la Tharollo ya Diqabang la Monga sebaka le Mohiri; ho hlalosa mesebetsi , matla a Lekgotla; ho fana ka thuto bakeng beng ba dibaka le bahiri ho ya ka ditokelo tsa bona le boitlamo ba bona, mme ka baka la seo sepheo sa ho ba le sebaka sa monyetla wa ho theha Dikantoro tsa Lesedi tsa Monga sebaka le Mohiri; ho hlalosa mesebetsi ya dikantoro tseo ; le ho ba le sebaka sa ditaba tse amanang le dikotsi.

Moo ho nang le tihokeho ya ho se kgothaletse tshwaro e mpe madaapi le ho renta le ho hira[dibaka tsa bodulo tse hirwang] dibaka tsa bodulo ka ho netefatsa ho ya ka ditokelo le boitlamo ba beng ba dibaka le bahiri;"

Ho fetolwa ha karolo 1 ya Molao 3 wa 1997

2. Karolo 1 ya Molao wa Bodulo wa Monga sebaka le Mohiri wa 1997(Molang ona o hlaloswang ele Molao o moholo) e a fetolwa:-

(a) ka ho hlakolwa le ho kenya mantswe a mang molaong o moholo ka ditlhaloso tse latelang :

Molaong ona , ntle le ha feela moelelo o bontsha ka tsela e nngwe-

"Lekgotla" le bolela Lekgotla la Tharollo ya Diqabang tsa Monga sebaka le Mohiri le thehilweng tlasa karolo 2;

"sebaka sa bodulo" [se bolela phapusi efe kapa efe kapa sebaka, le ha e le ya poraefete kapa e le ya setjhaba, eo eleng sebaka sa bodulo sa batho , empa se sa kenyeletse :

- Hotele efe kapa efe kapa klelapo e nang le laesense ho ya ka molao ofe kapa ofe o amanang le taolo le phepelo ya jwala bofe kapa bofe, kapa
- Ntlo efe kapa efe ya ho hirwa kapa sebaka sefe kapa sefe sa ho hirwa seo ho se nang diphapusi tsa boroko tse ka tlase ho tse leshome bakeng sa ho hirwa ke bahiri;] e bolela sebaka sefe kapa sefe se sebedisetswang ho dula batho ntle le hotele kapa klelapo e nang le laesense tlasa molao ofe kapa ofe o tsamaisanang le taolo le phepelo ya jwala le ntlo efe kapa efe ya ho hirwa kapa sebaka sefe kapa sefe se ka sebediswang ke bahiri;

"monga sebaka" [ho bolela monga sebaka , motho ya hirisang, kapa motho ya hirisang karolo ya sebaka sa bodulo sa ho hirwa , kapa motho ya tshwereng mokobobo kapa ya ikemiseditseng ho tshwara mokobobo wa boemedi sebakeng sa motho ofe kapa ofe ya jwalo.] o bolela motho ya nang le tokelo ya molao ya ho hirisang sebaka sefe kapa sefe sa bodulo mme ho kenyeletswa monga sebaka, mohirisi kapa moemedi wa motho eo;

"MEC" e bolela Setho sa Lekgotla la Phethahatso sa Profensi se ikarabellang ho tsa Matlo;

"kantoro" e bolela kantoro ya lesedi ya Monga sebaka le Mohiri e thehilweng tlasa karolo 10;

"tlhaloso" e bolela tlhaloso ya molao e entsweng ke MEC Koranteng ya mmuso wa Profensi;

"basebetsi" e hlalosa mohlahlubi, moeletsisi wa tsa thegniki, kapa mosebetsi ofe kapa ofe kapa ofisiri e hirilweng kapa e kgethilweng ho thusa Lekgotla ho ya ka melao ya taolo ya tshebeletso tsa setjhaba;

"mohiri " **[o hlalosa motho ya nang le tokelo tlasa tumellano ya ho hira ho dula sebakeng sa bodulo se hirilweng ho sa kgathaletsehe hore tumellano e jwalo e ngotswe fatshe kapa tjhe]** ke motho ya nang le tokelo ho ya ka kadimo, mme o kenyeletsa motho ya dulang sebakeng sa bodulo nakong ya ho hloka-hala ha mohirisi, kapa nakong ya tlhalano kapa karohano mme ya ikgethelang ho tlangwa ke tumellano ya ho hirisa;

"molao ona o akaretse molawana ofe kapa ofe o hlaloswang tlasa Molao ona;

"tshwara e mpe" **[e bolela ketso efe kapa efe kapa kgato efe kapa efe kapa ho se kenyeletswe ha monga sebaka le mohiri, hoo ka mabaka a fokolang ho ka bakang kgatello ya ditokelo kapa ditabatabelo tsa mohiri kapa monga sebaka ofe kapa ofe , ka moo ho ka bang ka teng , ho ya ka sebaka sa bodulo se hiriswang , kapa se ka bang le tshusumetso e jwalo , jwalo ka ha e hlaloswa molawaneng wa karolo 9.]** e bolela thunthetso efe kapa efe ya karolo efe kapa efe ya Melawana ya Tshwara e Mpe, 1998.

(b) ka ho kenya tlhaloso e latelang -

"tsamaiso ya molao" e bolela tsamaiso ya molao ya setjhaba ."

Phetholo ya karolo 4(1) (b) (bb) ya Molao wa 3 wa 1997

3. Karolo 4 ya Molao o moholo e a fetolwa :-

(a) Ka ho kenya tema e latelang sebakeng sa tema ya (b)(bb) ya karolwana (1) :

"(1) Lekgotla le tla ba le ba ditho tse seng ka tlase ho tharo mme hape e seng ho feta tse hlano, mme le tla thehwa ka –

(b) eseng ka ditho tse ka tlase ho pedi[**kapa**] le eseng ho feta tse nne tse tla behwa ke MEC ka palo e lekanang le eo -

(bb) Ditho tse sa feteng tse pedi e tla ba batho ba beilweng ke MEC ho ba baemedi ba mekgatlo le dihlopha tsa setjhaba ka hara setjhaba ba emetseng ditabatabelo tsa bahiri[**ba dibaka tsa bodulo tse hirilweng**], mme baemedi ba jwalo ba kgethwa kamora dipuisano le mekgatlo e boletsweng le dihlopha tsa setjhaba."

(b) ka ho kenya karolwana (1) ya ditema tse latelang-

"(c) setho se le seng sa Lekgotla se kgethilweng ke MEC ho ba motlatsi wa modulasetulo wa lekgotla;"

"(d) nakong efe kapa efe ha modulasetulo wa lekgotla a le siyo kapa a sa kgone ho phetha mesebetsi efe kapa efe ya bodulasetulo , motlatsi wa modulasetulo wa lekgotla o tla tshwara mokobobo jwalo ka modulasetulo wa lekgotla."

Phetholo ya karolo 6 ya Molao 3 wa 1997

4. Karolo 6 ya Molao o moholo e a fetolwa:-

(a) Ka ho ntsha ditema tsa (d) le (f) tsa karolo 6 mme ho kene ditema tse latelang:

"(d) ho hlokeha kantoro ya Lesedi ya Monga sebaka le Mohiri ho eletsa Lekgotla ka dintlha dife kapa dife tse amanang le taba efe kapa efe [**sebaka sa bodulo se**

hirisitsweng] sebaka sa bodulo kapa mabapi le ditletlebo dife kapa dife tse fumanweng ho monga sebaka kapa mohiri tlasa sebaka se welang tlasa sebaka seo sa kantoro eo;

- (f) ka mokgwa o hlalositsweng, efa mang kapa mang disamane ho tla kenela tsamaiso mme a ntshe le buka efe kapa efe kapa ditokomane tse ka tlasa taolo ya hae kapa ho phatlalatsa lesedi lefe kapa lefe mabapi le **[sebaka sa bodulo se hirisitsweng]** sebaka sa bodulo seo ho ya ka Lekgotla e ka nnang ya ba se ka amana le tletlebo e ka pela Lekgotla."

Phetholo ya karolo 9 ya Molao wa 3 wa 1997

5. Karolo 9 ya Molao o moholo e a fetolwa:-

- (a) Ka ho kenya tema e latelang sebakeng sa karolwana (1):

"(1) Monga sebaka kapa mohiri ofe kapa ofe kapa sehlopha sa beng ba dibaka kapa bahiri ba ka nna ba kenya tletlebo le Lekgotla mabapi le tshwaro e mpe e amanang le **[sebaka sa bodulo se hiriswang]** sebaka sa bodulo."

- (b) ka ho kenya tema e latelang sebakeng sa karolwana (3) :

"(r) ho se lefshwe ha rente."

- (c) ka ho kenya tema ena e latelang sebakeng sa karolwana (5)(c):

"(c) ho fana ka **[tumellano ya ho hira]** kadimo efe kapa efe ka tlhokomelo ya hore e keke ya kenyeletsa tshwaro e mpe; le"

- (d) ka ho kenya tema e latelang sebakeng sa karolwana (6):

"(6) Lekgotla ha le a dumellwa ho etsa taolo mabapi le tjhelete ya rente e tliho lefshwa ho ya ka **[sebaka sefe kapa sefe sa bodulo se hirisitsweng]** sebaka sa bodulo empa o tla ba le bokgoni ba ho ba monamodi ho qabang e tjena."

Ho fetolwa ha Karolo 10 ya Molao wa 3 wa 1997

6. Karolo 10 ya Molao o moholo e a fetolwa:-

(a) Ka ho kenya tema e latelang sebakeng sa karolwana (1):

"(1) Mmasepala wa haufi a ka etsa kopo ho MEC mabapi le ho theha kantoro ya lesedi ya Monga sebaka le Mohiri ho tla tsebisa beng ba dibaka le bahiri ka ditokelo le ditlamo tsa bona ho ya ka **[dibaka tsa bodulo tse hirisitsweng]** dibaka tsa bodulo tse tikolohong e haufi le e laolwang ke mmasepala eo."

(b) Ka ho kenya tema e latelang sebakeng sa karolwana (3)(a)-

"(a) ho rupella , ho fana ka lesedi le ho eletsisa beng ba dibaka le bahiri ka ditokelo tsa bona le ditlamo tsa bona ho ya ka **[dibaka tsa bodulo tsa ho hirwa]** dibaka tsa bodulo tikolohong e laolwang ke yona;"

Ho fetolwa ha karolo 11 ya Molao 3 wa 1997

7. Karolo ya 11 ya Molao o moholo e a fetolwa:-

(a) Ka ho hlakola karolo 11 yohle le ho kenya sebakeng sa yona tema e latelang:

"Ho lekolwa hape

11. Qeto ya Lekgotla e tla shejwa hape ho ya ka karolo tse itseng bonamoding le abitreisheneng."

Ho fetolwa ha karolo 12 ya Molao 3 wa 1997

Karolo ya 12 ya Molao o moholo e a fetolwa :-

(a) Ka ho tlosa karolo e nyane ya (1) mme ho kene tema e latelang:

"(1) Motho mang kapa mang ya fuweng lengolo la ho hlaha kgotla ho ya ka mokgwa o hlahositsweng tlasa Molao ona mme ya tla, ntle le sesosa se felletseng , a hlolehe ho tla ka letsatsi le beilweng, nako le sebaka tse hlahositsweng tsebising eo a e fuweng, kapa hore a dule a ntse a tla ho fihlela ho phethelwa tsamaiso ya nyewe kapa ho fihlela Lekgotla le mo lokolla hore a se ke a tla ditsamaisong tse ding tsa dinyewe , o tla fumanwa a le molato wa qoso mme ha se a qositswe mme a ahlotswee a fanwe tjhelete e sa feteng diranta tse 300 kapa a hlole tjhankaneng nako e sa feteng dikgwedi tse tharo(3)"

(b) ka ho hlakola karolo ya (2) mme o kenye tema e latelang-

"(2) **[Lekgotla la mmaseterata le tla ba le taolo ya ho mamela tlolo efe kapa efe tlasa Molao ona mme le tla ba le matla a ho ntsha faene ha ho ka ba le kahlolo ya ho fumanwa molato.]** Le ha ho ka ba le phehisano efe kapa efe ya molao ,lekgotla la dinyewe la mmaseterata le tla ba le matla a ho fana ka kotlo efe kapa efe kapa ho ntsha taolo efe kapa efe eo Molao ona o fanang ka yona."

(c) ka ho hlakola karolo ya (3).

(d) ka ho hlakola karolo ya (4).

Sehlooho

9. Molao ona o tla bitswa Molao wa Diphethoho tsa Bodulo wa Monga sebaka le Mohiri, 2000.

MEMORANDAMO WA MAIKEMISETSO A SETSHWANTSHO SA MOLAO WA DIPHETHOHO TSA BODULO SA MONGA SEBAKA LE MOHIRI, 1999

DIKAHARE TSA SETSHWANTSHO SA MOLAO

1. Ditlhaloso tsa mantswe a itseng jwalo ka ha di hlahella ho Molao o Moholo, di habedi mme di tshwanela ho fetolwa hore ho tle ho tloswe bobedi bona mme di tsitse jwalo ka dikarolo tse ding tsa Molao o Moholo. Ka hoo sekapolelo sena "sebaka sa bodulo se hirilweng " se fetolelwa hoba "sebaka sa bodulo".
2. Molao o moholo ha o dumelle hore ho kgethwe Motlatsa wa Modulasetulo mme o a fetolwa ho fana ka monyetla wa kgetho e jwalo.
3. Ha ho moo Molao o Moholo o bolelang hore ho se lefshwe ha rente ke tshwaro e mpe , mme o fetolwa hantle feela ho dumella molawana o jwalo.
4. Karolo 11 ya Molao o moholo e batla hore tumellano ya kadimo e mahareng mme e ngolwe fatshe mme e ka nna ya hlakolwa ho fana ka monyetlwa wa hore ditumellano ebe tse ngotsweng kapa tsa molomo.

DITJHELETE TSE TLA AMEHANG

Diphethoho tse entsweng ho Molao o Moholo, tse lebelletsweng ho Setshwantsho sa Molao wa Diphethoho wa Bodulo wa Monga sebaka le Mohiri, 2000 di ke ke tsa ba le tshusumetso ya ditjhelete ho Lefapha.

LEFAPHA LA MATLO LA GAUTENG

**SETSHWANTSHO SA MOLAO WA BODULO WA MONGA SEBAKA LE
MOHIRI, 2000**

Ho fanwa ka tsebisano ya hore Setho sa Komiti ya Phethahatso ya matlo se ikemiseditse ho etsa kgweeletso ya ho kenya Setshwantsho sa Molao wa Bodulo sa Monga sebaka le Mohiri , 2000 ka mokgwa oo se hlalosewang Koranteng ena ya mmuso wa Profensi.

Motho ofe kapa ofe kapa mokgatlo ofe kapa ofe o lakatsang ho hlahisa maikutlo ka melawana ena e sisintsweng ba kanna ba fana ka maikutlo a ngotsweng kapa ho ipuella ka la kapa pele ho 17/04/2000 ka ho romela ka poso, fexe kapa ho a romela atereseng e latelang:

**Kantoro ya MEC
Lefapha la Matlo
37 Sauer Street
Private BAG X79
Marshalltown
2107**

**Fax: (011) 838 2116/7562
Tel: (011) 355 4000/4002**

GAUTENG DEPARTMENT OF HOUSING

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

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

UNFAIR PRACTICES AMENDMENT REGULATIONS, 2000

I, Paul Mashatile, Member of the Executive Council responsible for Housing in the Province of Gauteng, hereby, under section 9 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997), make the amendment regulations in the schedule.

Given under my hand at Johannesburg this 24th day of January Two Thousand.

P. MASHATILE
MEC: HOUSING

SCHEDULE

Amendment of regulation 2 of the Unfair Practices Regulations

1. Regulation 2 is hereby amended: -

(a) by the substitution of regulation 2 with the following regulation:

"(2) Any person who contravenes any provision[s] of these regulations thereby commits an unfair practice."

AMENDMENT OF Regulation 3 of the Unfair Practices Regulations

2. Regulation 3 is hereby amended:-

- (a) by the substitution of regulation 3(1) with the following regulation:

"3(1) The rights and duties of a landlord and tenant set out in these regulations apply to a landlord and tenant even if the lease **[agreement]** between them has not been reduced to writing."

Amendment of regulation 4 of the Unfair Practices Regulations

3. Regulation 4(1)(e) is hereby amended by the addition of the words: -

"provided that the tenant at the commencement of the lease accepts that the **[maintain the inside of the]** dwelling and other structures including all windows, are in good order and repair, the landlord may cause the tenant to pay for repairs thereto, fair wear and tear excepted;"

Amendment of regulation 5 of the Unfair Practices Regulations

4. Regulation 5 is hereby amended: -

- (a) by the substitution of regulation 5 with the following regulation:

" A landlord must not -"

- (b) by the substitution of regulation 5(3) with the following regulation:

"(3) fail to pay interest to the tenant at the end of **[each year of]** the lease, on any deposit held **[for a period of one year or longer from the commencement of the term of the lease]** by the landlord on behalf of the tenant;"

- (c) by the substitution of regulation 5(4) with the following regulation:

"(4) fail to hold a deposit in **[a separate]** an interest-bearing account which interest may not be less than the rate applicable to a savings account with a financial institution and fail to **[or]** provide notice to the tenant of the bank and account number in which a deposit is held by the landlord on behalf of the tenant **[:provided that a landlord may deduct the bank charges from the interest earned on the deposit and if the interest earned is insufficient a landlord may deduct the bank charges from the capital amount];**"

5. Regulation 6 is hereby amended:-

- (a) by the substitution of the whole of regulation 6 with the following regulation:

"Rentals

- 6(1) A landlord must issue a receipt to a tenant upon each payment of rental, which receipt must contain at least the following information –

- (a) the name of the tenant;
- (b) the name of the landlord;
- (c) the name and signature of the person receiving payment;
- (d) the address of the dwelling;
- (e) the amount paid by the tenant;
- (f) the date on which payment was made; and
- (g) the period for which payment was made.

- (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 into such bank account, the deposit slip will constitute the tenant's receipt and the landlord will be exempt from complying with the provisions of subregulation (1).

- (3) A landlord's failure to comply with subregulation (1) shall not preclude the landlord from instituting proceedings to recover the rental if the tenant pays the rental by cheque into the landlord's specified bank account, and such cheque is dishonoured for non-payment.

- (4) A tenant must pay the rental due under the lease.

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

- (6) A tenant must notify the landlord in writing within one (1) month of receipt of the notice under subregulation (5) that the tenant wishes to contest the increase, failing which the increase will be deemed to take effect when the two (2) month period expires, unless the tenant lodges a complaint, subject to subregulation (7), with the Board for mediation under section 9(6) of the Act.

- (a) the amount of rates and taxes payable to the local authority;
 - (b) the costs of water, electricity, gas, refuse and sewerage;
 - (c) rentals payable by other tenants, if any;
 - (d) general costs of maintaining the dwelling;
 - (e) risk reserve for maintenance; and
 - (f) return on investment.
- (8) A tenant must not disclose the information provided under subregulation (7) to a third party without the consent of the landlord."

Amendment of regulation 9 of the Unfair Practices Regulations

6. Regulation 9 is hereby amended:-

- (a) by the deletion of regulation 9(4):

"(4) **[Criminal proceedings may not be instituted out of a magistrates court under section 12(2) of the Act unless the Board has issued a certificate in the prescribed form, to the effect that a complaint has been lodged with the Board and that the complaint has not been successfully resolved.]"**
- (b) by the substitution of the number of the regulation: 9(5) by the number 9(4).
- (c) by the substitution of regulation 9(5) with the following regulation:

"(4) Any person who commits an unfair practice shall be guilty of an offence and upon conviction will be liable to a fine or to imprisonment not exceeding three (3) years or to both such fine and imprisonment, and the court convicting such a person may in addition to any sentence impose the following punishments upon such a person:

 - (i) to make payment of compensation to any person or persons who suffered damages as a result of such an unfair practice on or before a date determined by the court and such an order shall have the effect of a civil judgement in favour of the person or persons in whose favour it was made; or
 - (ii) to carry out any specific act to remedy an unfair practice on or before a date determined by the court."

Short title

7. These regulations shall be called the Unfair Practices Amendment Regulations, 2000.

GAUTENG DEPARTMENT OF HOUSING

RESIDENTIAL LANDLORD AND TENANT AMENDMENT BILL, 2000

UNFAIR PRACTICES AMENDMENT REGULATIONS, 2000

Notice is hereby given that in terms of section 9 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997), the Member of the Executive Committee for Housing intends to promulgate the Unfair Practices Amendment Regulations, 2000 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 17/04/2000 by posting, faxing or handing them in at the following address:

Office of the MEC
Department of Housing
37 Sauer Street
Private BAG X79
Marshalltown
2107

Fax: (011) 838 2116/7562
Tel: (011) 355 4000/4002

GAUTENGSE DEPARTEMENT VAN BEHUISING

WET OP RESIDENSIËLE VERHUURDERS EN HUURDERS, 1997 (WET 3 VAN 1997)

ALGEMENE VERDUIDELIKING:

[] Woorde in tussen tekshakies wat donker gedruk is, dui op gedeeltes wat nou weggelaat word uit die bestaande artikels.

_____ Woorde wat onderstreep is, dui op gedeeltes wat nou bygevoeg word by bestaande artikels.

WYSIGINGSREGULASIES OP ONREGVERDIGE PRAKTYKE, 2000

Ek, Paul Mashatile, Lid van die Uitvoerende Raad verantwoordelik vir behuising in die Gauteng-provinsie, wysig hiermee die regulasies in die skedule kragtens artikel 9 van die Wet op Residensiële Verhuurders en Huurders, 1997 (Wet 3 van 1997).

Onderteken te Johannesburg, hierdie 24th dag van Januarie Tweeduisend.

P. MASHATILE
LUR: BEHUISING

SKEDULE

Wysiging van regulasie 2 van die Regulasies op Onregverdige Praktyke.

1. Regulasie 2 word hiermee gewysig: -

(a) deur regulasie 2 te vervang met die volgende regulasie:

"(2) Enige persoon wat enige voorwaarde[s] van die regulasies oortree en so 'n onregverdige praktyk bedryf."

Wysiging van regulasie 3 van die Regulasies oor onregverdige praktyke

2. Regulasie 3 word soos volg gewysig:-

(a) deur regulasie 3(1) te vervang met die volgende regulasie:

"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."

Wysiging van regulasie 4 van die Regulasies oor onregverdige praktyke

3. Regulasie 4(1)(e) word hiermee gewysig met die toevoeging van die volgende woorde: -

"besef dat daar net aangedring kan word op betaling vir herstelwerk aan die gebou mits die huurder met die aanvang van die huurooreenkoms aanvaar dat die [binnekant van die] gebou en alle ander strukture, insluitend vensters, [in stand en heel hou] in 'n goeie toestand is, maar met inagneming van normale slytasie waarvoor die huurder nie verantwoordelik gehou kan word nie."

Wysiging van regulasie 5 van die Regulasies oor onregverdige praktyke

4. Regulasie 5 word hiermee gewysig: -

(a) deur regulasie 5 te vervang met die volgende regulasie:

"n Eienaar kan nie –"

(b) deur subregulasie 5(3) te vervang met die volgende subregulasie:

"(3) versuim om rente op enige deposito **[wat vir 'n tydperk van een jaar of langer gehou is na die aanvang van die huurtermyn, te betaal nie]** aan die huurder te betaal aan die einde van die huurtermyn nie;"

(c) deur subregulasie 5(4) te vervang met die volgende subregulasie:

"(4) versuim om 'n deposito in 'n **[afsonderlike]** rente-draende rekening te hou of vir die huurder kennis te gee van die bank en die rekeningnommer waar die deposito deur die eienaar gehou word namens die huurder nie. Die rente op die rentedraende rekening mag nie minder wees as die rente wat betaalbaar is op 'n spaarrekening by 'n finansiële instansie nie. **[Die eienaar kan egter enige bankkoste**

rente wat verdien is nie genoeg is om dit te dek nie, kan die eienaar die bankkoste van die kapitaalbedrag aftrek];"

Wysiging van regulasie 6 van die Regulasies oor onregverdige praktyke

5. Regulasie 6 word hiermee gewysig: -

- (a) deur die hele regulasie 6 te vervang met die volgende regulasie:

"Huur

- 6(1) 'n Eienaar moet elke keer as 'n huurder die huur betaal 'n kwitansie uitreik vir die betaling en die kwitansie moet ten minste die volgende inligting aandui:

- (a) naam van die huurder;
- (b) naam van die eienaar;
- (c) naam en handtekening van die persoon wat die betaling ontvang;
- (d) die adres van die woonplek;
- (e) die bedrag wat die huurder betaal;
- (f) die datum waarop die bedrag betaal is; en
- (g) die tydperk waarvoor die bedrag betaal is.

- (2) As die eienaar ingestem het dat die huur en ander uitgawes in 'n bepaalde bankrekening betaal moet word en die huurder betaal die bedrag in die eienaar se bankrekening wat so aangedui is, word die depositostrokke beskou as die huurder se kwitansie en die eienaar hoef dan nie te voldoen aan die voorwaardes van subregulasie (1) nie.

- (3) As 'n eienaar versuim om te voldoen aan subregulasie (1), verhoed dit nie die eienaar om regstappe in te stel om huur te vorder as die huurder die huurbedrag per tjek in die eienaar se gespesifiseerde bankrekening betaal en die tjek word nie deur die bank betaal nie.

- (4) 'n Huurder moet die huur wat verskuldig is kragtens die huurooreenkoms betaal.

- (5) 'n Eienaar moet 'n huurder ten minste twee (2) maande skriftelik kennis gee van die voorneme om die huur die verhoog.

- (6) 'n Huurder kan die eienaar skriftelik binne een (1) maand nadat die kennisgewing wat in subregulasie (5) voorsien word, ontvang is in kennis stel dat die huurder die verhoging bevraagteken. Versuim om

- die tipe van twee (2) maande verstrek het, tensy die huurder 'n klag by die Raad, wat voorsien word vir mediasie in artikel 9(6) van die Wet, indien onderhewig aan subregulasie (7).
- (7) As 'n klag by die Raad ingedien word vir mediasie, moet die eienaar die volgende inligting voorsien –
- (a) die eiendomsbelasting wat aan die plaaslike owerheid betaalbaar is;
 - (b) die koste van water, elektrisiteit, gas, vullisverwydering en riolering;
 - (c) die huur wat deur ander huurders in die gebou, indien enige, betaalbaar is;
 - (d) algemene koste van die instandhouding van die gebou;
 - (e) risiko-reserwe vir instandhouding; en
 - (f) opbrengs op belegging.
- (8) 'n Huurder mag nie die inligting wat voorsien word onder subregulasie (7) aan 'n derde party bekend maak sonder die toestemming van die eienaar nie."

Wysiging van regulasie 9 van die Regulasies oor onregverdige praktyke

6. Regulasie 9 word hiermee gewysig: -

- (a) deur die hele regulasie 9(4) te skrap:
- "[(4) Kriminele regstappe kan nie by 'n Landdroshof ingestel word kragtens artikel 12(2) van die Wet nie, tensy die Raad 'n sertifikaat, soos dit voorgeskryf is, uitreik waarin gemeld word dat 'n klag by die Raad ingedien is en dat die probleem nie suksesvol opgelos kon word nie.]"**
- (b) deur die nommer 9(5) te vervang met die nommer 9(4) .
 - (c) deur regulasie 9(5) te vervang met die volgende regulasie:
- "(4) Enige persoon wat 'n onregverdige praktyk bedryf is skuldig aan 'n oortreding en kan 'n boete of tronkstraf van hoogstens drie (3) jaar, of 'n boete en tronkstraf opgelê word as die persoon skuldig bevind word. Verder kan die hof wat die persoon skuldig bevind aan die oortreding, enige van die volgende strawwe opleë:**
- (i) te beveel dat kompensasie aan enige persoon of persone wat skade gely het as gevolg van die onregverdige praktyk en dat die

betaal moet word. Die gevolg van so 'n bevel is dat uit 'n juridiese oogpunt
is ten gunste van die persoon in wie se guns dit bepaal is; of

- (ii) te beveel dat enige spesifieke daad gedoen moet word om die
onregverdige praktyk uit die weg te ruim en dat dit op of voor 'n
datum wat deur die hof vasgestel sal word, gedoen moet word."

Kort titel

7. Die regulasies is bekend as die Regulasies oor Onregverdige Praktyke, 2000.

GAUTENGSE DEPARTEMENT VAN BEHUISING

WET OP RESIDENSIËLE EIENAARS EN HUURDERS, 1997 (WET 3 VAN 1997)

WYSIGINGSREGULASIES OP ONREGVERDIGE PRAKTYKE, 2000

Kennis word hiermee gegee, kragtens artikel 9 van die Wet op Residensiële Eienaars en Huurders, 1997 (Wet 3 van 1997), dat die Lid van die Uitvoerende Komitee vir Behuising en Grondsake voornemens is om die WYSIGINGSREGULASIES OP ONREGVERDIGE PRAKTYKE, 2000 te promulgeer soos dit in die Skedule uiteengesit is.

Enige persoon of organisasie wat kommentaar wil lewer op die voorgestelde regulasies, kan voor of op 17/04/2000 skriftelike kommentaar of voorleggings indien deur dit per pos, per faks of per hand in te dien by die volgende adres:

Kantoor van die LUR
Departement van Behuising
Sauerstraat 37
Privaatsak X79
MARSHALLTOWN
2107

FAKS: (011) 838-2116/7562
TEL: (011) 355-4000/4002

UMNYANGO WEZEZINDLU EGAUTENG

UMTHETHO WABAQASHISI BENDAWO ZOKUHLALA KANYE
NOMQASHI, 1997 (UMTHETHO Ongunombolo 3 ka 1997)

AMANOTHI OKUCACISA

[] Amagama abhalwe kubakaki abayisikwele akhombisa okushiye emthethweni okhona.

_____ Amagama adwetshelwe ngomugqa ngaphansi
akhombisa okufakiwe kumithetho ekhona.

IZIQONDISO EZIYIZICHIBIYELO EZIPHATHELENE NENQUBO
ENGAFANELE, 2000

Mina, Paul Mashatile, iLungu loMkhandlu elibhekene neZezindlu kuSifundazwe saseGauteng, ngalokhu, ngaphansi kwesigaba 9 soMthetho waBaqashisa ngeZindawo zoKuhlala kanye naBaqashi, 1997 (uMthetho oNgunombolo 3 ka 1997), ngenza lezi ziqondiso kule sheduli.

Zikhishwa ngokwemvume yami eJohannesburg izinsuku ziyi 24th ku January kunyaka weziNkulungwane eZimbili.

P. MASHATILE
MEC: WEZEZINDLU

ISHEDULI

Izichibiyelo zesiqondiso 2 zeziQondiso zeNqubo engafanele

1. Isiqondiso 2 lapha sichibiyelwe:-

(a) ngokushintsha isiqondiso 2 ngalesi siqondiso esilandelayo:

“(2) Noma yumuphi umuntu owaphula noma iziphi [iz]iphakamiso zalezi ziqondiso ngalokho wenza inqubo engalungile.”

Izichibiyelo zesiqondiso 3 zeziQondiso zeNqubo engafanele

2. Isiqondiso 3 lapha sichibiyele:-

(a) ngokushintsha isiqondiso 3(1) ngalesi siqondiso esilandelayo:

() [isivumelwane]
zisebenza kumqashisi nakumqashi ngisho noma [isivumelwane]
ukuqashiselana phakathi kwabo bobabili akubhaliwe."

Isichibiyelo sesiqondiso 4 seziQondiso zeNqubo engafanele

3. Isiqondiso 4(1)(e) lapha sichibiyelwe ngokwengezwa kwamagama:-

"ingobo nje uma kungukuthi umqashi ekuqaleni kokuqashiselana ukuvumile ukuthi [uzoyigcina ikahle] indawo engaphakathi yesakhiwo sokuhlala kanye nezinye izakhiwo kubandakanya namafasitela, kusesimeni esikahle futhi kulungisiwe, oqashisa ngendawo angakhokhisa umqashi imali yokulungisa, ebe ngaphandle eshiya engabandakanyi izinto eziguga ngokudleka;"

Isichibiyelo sesiqondiso 5 seziQondiso zeNqubo engafanele

4. Isiqondiso 5 lapha sichibiyelwe:-

(a) ngokushintshwa kwesiqondiso 5 ngalesi siqondiso esilandelayo:

"Umqashisi akufanele-"

(b) ngokushintsha isiqondiso 5(3) ngalesi siqondiso esilandelayo:

"(3) ahluleke ukukhokha inzalo kumqashi ekupheleni [kwalowo nalowo nyaka] ukuqashiselana, kunoma iyiphi imali eyisibambiso ebanjwe [isikhathi esiwunyaka owodwa noma eside kunalokho kusukela beqala ukuqashiselana] ngumqashisi eyibambela umqashi;"

(c) ngokususa isiqondiso 5(4) ngalesi siqondiso esilandelayo:

"(4) ukuhluleka ukubamba imali eyisibambiso ku-akhawunti [eseceleni] enemali engenayo inzalo yayo engeke ibe ngaphansi kwesilinganiso esisebenza ku-akhawunti yokonga kusikhungo sezimali futhi ahluleke[noma] anikeze isaziso kumqashi inombolo yasebhange lapho kufakwe khona imali ngumqashisi enzela umqashi [:ingobo nje uma umqashisi engakhipha imali ebanjwa ibhange enzalweni etholakele kumali efakiwe bese kuthi uma inzalo etholakele inganele umqashisi angakhipha leyo mali ebanjwa ebhange kule mali ekhona];"

5. Isiqondiso 6 lapha sichibiyelwe:-

(a) ngokushintsha isiqondiso 6 sonke ngalesi siqondiso esilandelayo:

"Ukurenta

6(1) Umqashisi kukafanele anikeze umqashi ilisidi ngaso sonke isikhathi uma ekhokha irenti, lelo risidi ekufanele libe nalemininingwane elandelayo-

- (a) igama lomqashi;
- (b) igama lomqashisi;
- (c) igama nokusayina komuntu owamukela imali eyisibekelo;
- (d) ikheli lale ndawo yokuhlala; futhi
- (e) inani lemali ekhokhwe ngumqashi
- (f) usuku lemali eyakhokhwa ngalo.
- (g) isikhathi imali ekhokhelwa sona

(2) uma ngabe umqashisi enikeze igunya lokuba inkokhelo yerenti kanye neyezinye izindleko zikhokhwe ku-akhawunti yasebhangi elithile lakhe, kanti-ke uma umqashi ekhokha imali yerenti eyikhokhela kuleli bhangi, isiliphu sasebhangi sesizothathwa njengelisidi yomqashi. Kanjalo-ke, umqashi uzokhululeka, akasezukulubandakanyeka kulokhu okuqukethwe emtheshwaneni (1).

(3) Ukwehluleka komqashi ukuba agcine okuqukethwe emtheshwaneni (1) akumvimbeli (umqashi) ukuba athathe izinyathelo zokuba abuye athole imali yerenti uma ngabe umqashi ekhokha imali yerenti ngesheke ku-akhawunti yomqashi yasebhengi bese kutholakala ukuthi leli sheke alamukeleki.

(4) Umqashi kufanele akhokhe irenti efunekayo ngokwesivumelwano sabo.

(5) Umqashisi kumele anikeze umqashi inothisi yezinyanga ezimbili ebhalwe phansi, eyazisa ngokukhushulwa kwerenti okuzokwenzeka.

Umqashi kufanele ukuba azise oqashisayo ngokuba abhale phansi uma eyichitha indaba yokukhushulwa kwerenti. Lokhu makwenziwe ngesikhathi esingangenyanga ethole inothisi engaphansi komtheshwana (5), uma lokhu kungenziwa, sekusho ukuthi ukukhuphuka kwerenti kuzothathwa njengento ezoqalisa ukwenzeka lapho isikhathi sezinyaga ezimbili sesiphela, ngaphandle kokuba

kufanele ukuba anikeze okulandelayo -

- (a) inani lemali eyizintela elikhokhelwa abedolobha;
 - (b) inani lemali yamanzi, ugesi, igesi, imfucumfucu nododi kanye nendle;
 - (c) irenti ekhokhwa ngabanye abaqashi, uma ngabe ikhona;
 - (d) izindleko ezivamile ezisetshenziselwa ukulungisa indawo;
 - (e) imali ebekelwe ukubhekena nezingozi ezingenzeka, okuzolungiswa ngayo, kanye
 - (f) nenzuzo etholakala emalini egcinelwe ukuba izale
- (8) Umqashi akafanele ukuba adalule, komunye umuntu, ulwazi olusemtheshwaneni (7) ngaphandle kwemvume yomqashisi."

Isichibiyelo sesiqondiso 9 seziQondiso zeNqubo engafanele

6. Isiqondiso 9 lapha sichibiyelwe:-

- (a) ngokususwa kwesiqondiso 9(4):
- "(4) **[Izinyathe zongokomthetho angeke zithathwe enkantolo kamantshi ngokusho kwesigaba 12(2) soMthetho ngaphandle uma iBhodi selinikeze ngesitifiketi ngokulandela ifomu elibekiwe, sisho ukuthi isimangalo sesifakiwe eBhodini futhi asikaxazululwa kahle.]"**
- (b) ngokushintsha inombolo yesiqondiso: 9(5) ngenombolo 9(4).
- (c) ngokushintsha isiqondiso 9(5) ngalesi siqondiso esilandelayo:
- "(4) Noma imuphi umuntu owenza isenzo esingafanelekile uzoba necala uma selimhlale kuzofanele akhokhe inhlawulo noma agwetshwe kungeqi eminyakeni emithathu (3) noma kwenzeke kokubili akhokhe inhlawulo futhi aboshwe futhi inkantolo ebeka icala loyo muntu ingathi ukwengeza esigwebeni ifake lezi zizeziso ezilandelayo kuloyo muntu:
- (i) ukukhokha imbuyiselo kunoma imuphi umuntu noma abantu abalahlekelwe ngenxa yesenzo sakhe esingafanelekile ngosuku noma ngaphambi kosuku olunqunywe inkantolo futhi loyo myalo futhi lokho kungasekelwa nayisinqumo senkanto yamacala okungewona awobugebengu ivune umuntu noma abantu ebebekade bevuniwe; noma
- (ii) ukwenza isenzo esingafanelekile

7. Lezi ziqondiso zizobizwa ngokuthi Iziqondiso zeziChibiyelo zeZenzo eziNgafanele, 2000.

**UMTHETHO WAZABAQASHISI BEZINDAWO ZOKUHLALA KANYE
NABAQASHI, 1997 (UMTHETHO ONGUNOMBOLO 3 KA 1997)**

IZIQONDISO ZEZICHIBIYELO ZEZENZO EZINGAFANELE, 2000

Isaziso lapha siyanikezwa ukuthi ngokusho kwesigaba 9 soMthetho wezaBaqashisi beziNdawo zoKuhlala kanye naBaqashi, (uMthetho oNgunombolo 3 ka 1997), iLunga leKomidi eliNqumayo eNdlini lihlose ukumisa ngokusemthethweni Iziqondiso zeZenzo eziNgafanele, 2000 efomini elilungisiwe kusheduli.

Noma ubani noma inhlangothi efisa ukuphawula ngalezi ziqondiso ezihlongozwayo ezilandelayo angabhala phansi ukuphawula kwakhe noma eze yena buqu ngomhlaka noma ngaphambi komhlaka 17/04/2000 ngokuposa, ngokufekisa noma ngokuletha kuleli kheli elilandelayo:

Office of the MEC
Department of Housing
37 Sauer Street
Private BAG X79
Marshalltown
2107

Ifekisi: (011) 838 2116/7562
Ucingo: (011) 355 4000/4002

LEFAPHA LA MATLO LA GAUTENG

**MOLAO WA BODULO WA MONGA SEBAKA LE MOHIRI WA 1997
(MOLAO WA NOMORO 3 wa 1997)**

TLHALOSO E AKARETSANG:

[] Mantswe a ngotsweng ka botenya ka masakaneng a bontsha mantswe a tlohetsweng melao e fetisitsweng e ntseng e le teng.

 Mantswe a thaletsweng mola a bontsha dintlha tse kentsweng ho melao e fetisitsweng e ntseng e le teng.

MELAWANA YA DIPHETHOHO YA TSHWARO E MPE, 2000

Nna, Paul Mashatile, Setho sa Lekgotla la Phethahatso se ikarabellang ho tsa Matlo Profensing ya Gauteng, ka baka la sena, tlasa karolo 9 ya Molao wa Bodulo wa Monga sebaka le Mohiri wa, 1997 (Molao wa nomoro. 3 wa 1997), ke etsa diphethoho melawaneng e shejuleng.

Ke saenne ke le motseng wa Gauteng ka la 24th mohla wa la January Dikete tse Pedi.

P. MASHATILE
MEC: MATLO

SHEJULE

Phetholo ya molawana wa 2 wa Melawana ya Tshwaro e Mpe

1. Molawana wa 2 o a fetolwa: -

(a) molawana wa 2 o nkelwa sebaka ke molawana o latelang:

"(2) Motho ofe kapa ofe ya thunthetsang **[di]** karolo efe kapa efe ya melawana ena o etsa tshwaro e mpe."

Phetholo ya molawana wa 3 wa Melawana ya Tshwaro e Mpe

2. Molawana wa 3 o a fetolwa:-

(a) o nkelwa sebaka ke molawana wa (3)1:

"3(1) Ditokelo le mesebetsi ya monga sebaka le mohiri tse hlalositsweng melawaneng di tla sebetsa le ha kadimo[**tumellano**] pakeng tsa bona e so ka e ngolwa fatshe."

Phetholo ya molawana wa 4 wa Melawana ya Tshwaro e Mpe

3. Molawana 4(1)(e) o fetolwa ka ho tlatseletsa ka mantswe: -

"ntle le ha feela mohiri qalong ya kadimo a ka amohela hore [**tlhokomelo ya dikahare tsa**] sebaka le dintho tse ding ho akaretswa difensetere tsohle, di maemong a matle mme a di lokise, monga sebaka sa bodulo a ka etsa hore mohiri a lefelle tse tla lokiswa, ho amohelwa tse senyehileng le tse tabohileng;"

Phetholo ya molawana wa 5 wa Melawana ya Tshwaro e Mpe

4. Molawana wa 5 o a fetolwa: -

(a) molawana wa 5 o nkelwa sebaka ke molawana o latelang:

" Monga sebaka ha a lokela ho-"

(b) ka ho nkelwa sebaka ke molawana wa 5(3):

"(3) hloleha ho lefa mohiri tswala mafelong a [**selemo se seng le se seng**] kadimo , ho depositi e nngwe le e nngwe e tshwerweng[**nakong e ka etsang selemo kapa ho feta ho tloha maqalong a nako ya khiri**] ke monga sebaka boemong ba mohiri;"

(c) molawana wa 5(4) o nkelwa sebaka ke molawana wa:

"(4) hloleha ho tshwara depositi akhaontong e etsang tswala[**e sa tshwaneng**] eo tswala e ka se beng ka tlase ho sekgahla se sebediswang akhaontong ya poloko e etsweng le banka mme e hlolehe ho [kapa] fana ka tsebiso ho mohiri wa banka le nomoro ya akhaonto moo depositi e tshwerweng teng ke monga sebaka boemong ba mohiri [**ha ho ka etsahala hore monga sebaka a hule ditjeo tsa banka ho tswala e fumanweng ho depositi le haeba tswala e fumanweng e sa lekane monga sebaka a ka hula ditjeo tsa banka ho tjhelete yohle ya ho qala**];"

5. Molawana wa 6 o a fetolwa:-

- (a) molawana wa 6 ohle o nkelwa sebaka ke molawana o latelang

"Ho renta

- 6(1) Monga sebaka o lokela ho fa mohiri resiti ha a fumana tefo e nngwe le enngwe ya rente, resiti eo e tshwanetse ho ba le lesedi le latelang –

- (a) lebitso la mohiri;
- (b) lebitso la monga sebaka ;
- (c) lebitso le tshaeno ya motho ya amohelang tefo;
- (d) aterese ya sebaka sa bodulo;
- (e) tjhelete e lefilweng ke mohiri;
- (f) letsatsi leo tefello eo e lefilweng ka lona; le
- (g) nako eo tefello ena e etsweng ka yona.

- (2) Haeba monga sebaka a dumelletse tefello ya rente le ditshenyehelo tse ding ho kena akhaontong e ikgethang ya banka ya monga sebaka le haeba mohiri a lefa rente akhaontong e jwalo ya banka ,resiti ya ho kenya tjhelete e tla ba le resiti ya mohiri mme monga sebaka a ke ke a kengwa hore a ikobele dikarolo tsa molawana o monyenyanane wa (1)

- (3) Ho hloleha ha monga sebaka ho sebetsa ho ya ka karolwana ya molawana wa(1) ho ke ke ha thibela monga sebaka ho hlahlela nyewe hore a fumane rente haeba mohiri a lefa rente ka tjheke akhaontong e ikgethang ya banka, mme tjheke e jwalo e sa amohelwe hobane ho se tjhelete.

- (4) Mohiri o tshwanetse ho lefa rente e lebelletsweng ho ya ka tumellano ya kadimo.

- (5) Monga sebaka o lokela ho fa mohiri tsebiso e ngotsweng ya bonnyane dikgwedi tse pedi(2) ya maikemisetso a ho nyolla rente.

- (6) Mohiri o tshwanetse ho tsebisa monga sebaka sa bodulo ka ho mo ngolla nakong ya kgwedi e le nngwe (1) kamora hore a fumane tsebiso tlasa karolwana ya molawana wa (5) hore o lakatsa ho phehisana le nyollo eo, ho seng jwalo nyollo e tla kena tshebetsong ha nako ya dikgwedi tse pedi(2) e fela , ntle le le ha feela mohiri a ka hlahlela tletlebo , ho ya ka karolo ya molawana wa (7), le Lekgotla la bonamodi tlasa karolo 9(6) ya Molao.

- (7) Haeba ho hlahletswe tletlebo le Lekgotla mabapi le bonamodi, monga

- (a) tjhelete ya dirates le taxes e lefuwang mmasepala wa haufi;
 - (b) ditjeo tsa metsi, motlakase, kgase, matlakala le dikgwerekgwere;
 - (c) rente e lefuwang ke bahiri ba bang, haeba ba le teng;
 - (d) ditjeo tse akaretsang tsa ho hlokomela sebaka sa bodulo;
 - (e) tjhelete e behetsweng kotsi ya tlhokomelo; le
 - (f) phaello ya matsete.
- (8) Mohiri ha a lokela ho phatlalatsa lesedi leo ho fanwang ka lona tlasa karolo ya molawana wa (7) ho motho e mong wa boraro ntle le tumello ya monga sebaka."

Phetholo ya molawana 9 wa Melawana ya Tshwaro e Mpe

6. Molawana wa 9 o a fetolwa:-

- (a) ka ho hlakola molawana wa 9(4):
- "(4) **[Ho ke ke ha ritelwa nyewe kante ho lekgotla la mmaseterata tlasa karolo ya 12(2) ya Molao ntle le ha Lekgotla le fane ka sethifikeiti foromong e hlalositsweng , ho ya ka hore ho entswe tletlebo le Lekgotla le hore tletlebo ha ya rarollwa ka katleho.]"**
- (b) ka ho kengwa ha nomoro ya molawana: 9 (5) e nkelwe sebaka ke 9(4).
- (c) Ka ho kengwa ha molawana o latelang bakeng sa molawana 9(5):
- "(4) Motho ofe kapa ofe ya etsang tshwaro e mpe o tla fumanwa a le molato wa tlolo ya molao mme ha a ka qoswa o tla faenwa kapa a kwallwe tjhankaneng eseng ho feta dilemo tse tharo(3) kapa a ahlolwe ka tsona di le pedi, a faenwe le hona ho kwallwa tjhankaneng ,mme lekgotla le fumanang motho eo a le molato le ka nna la tlatselletsa kahlolo ya hae ka ho mo sotla ka tse latelang:
- (i) ho lefa moputso ho motho ofe kapa ofe kapa batho bafe kapa bafe ba senyehetsweng ka baka la tshwaro e tjena e mpe ka la kapa pele ho letsatsi le beilweng ke lekgotla la dinyewe le hore taelo e tjena e tla ba le tshusumetso kahlolong ya nyewe mme e tshehetsa motho kapa batho bao kahlolo e ba tshehetsang;
kapa

- (ii) ho etsa molao ofe kapa ofe o ikgethang ho lokisa tshwaro e mpe ka la kapa pele ho letsatsi le beilweng ke lekgotla la dinyewe."

Sehlooho

7. Melawana ena e tla bitswa Melawana ya Phetholo ya Tshwaro e Mpe, 2000.

I, Paul Mphahlele, Member of the Executive Council of the Province of Northern Cape, do hereby declare that the following Regulations have been approved by the Council of the Province of Northern Cape, and that they shall have effect from the date of their publication in the Gazette.

Given under my hand at Johannesburg this 24th day of January 1997.

P. MPHAHLELE
MEMBER OF THE EXECUTIVE COUNCIL

SIGNED

Amendment of regulation 1 of the Provincial Regulations

1. Regulation 1 is hereby amended:

(a) by the substitution of some of the words with the following definitions:

LEFAPHA LA MATLO LA GAUTENG

**MOLAO WA BODULO WA MONGA SEBAKA LE MOHIRI WA
1997(MOLAO WA NOMORO 3 WA 1997)**

MELAWANA YA DIPHETHOHO TSA TSHWARO E MPE, 2000

Ho fanwa ka tsebiso tlasa karolo 9 ya Molao wa Bodulo wa Monga sebaka le Mohiri, 1997 (Molao wa nomoro 3 wa 1997), setho sa Komiti ya Phethahatso ya Matlo se ikemiseditse ho etsa kgweeletso ka Molawana wa Tshwaro e Mpe ,2000 ka mokgwa o hlaloswang Shejuleng.

Motho ofe kapa ofe kapa mokgatlo ofe kapa ofe o lakatsang ho hlahisa maikutlo ka melawana ena e sisintsweng a ka nna a fana ka maikutlo a hae a ngotsweng kapa a ipuella ka la pele ho 17/04/2000 ka ho romela ka poso, ho romela fexe kapa ho a romela atereseng e latelang:

Kantoro ya MEC
Lefapha la Matlo
37 Sauer Street
Private BAG X79
Marshalltown
2107

Fax: (011) 838 2116/7562

Tel: (011) 355 4000/4002

NOTICE 1620 OF 2000

GAUTENG DEPARTMENT OF HOUSING**RESIDENTIAL LANDLORD AND TENANT ACT, 1997 (ACT NO. 3 OF 1997)**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from the existing document.

_____ Words underlined with a solid line indicate insertions in the existing enactment's.

**LANDLORD AND TENANT DISPUTE RESOLUTION BOARD
PROCEDURAL AMENDMENT REGULATIONS, 2000**

I, Paul Mashatile, Member of the Executive Council responsible for Housing in the Province of Gauteng, hereby, under section 13 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997), make the amendment regulations contained in the schedule.

Given under my hand at Johannesburg this 24th day of January Two Thousand.

P. MASHATILE
MEC: HOUSING

SCHEDULE**Amendment of regulation 1 of the Procedural Regulations****1. Regulation 1 is hereby amended-**

(a) by the substitution of some of the definitions with the following definitions:

"**arbitration**" means a process through which a Board member or any nominee of the Board assists parties to resolve a dispute, and issues a ruling, which is final and binding on the parties;

"**complainant**" means a person who lodges a complaint with the Board, and **[the]** such a complaint falls within the jurisdiction of the Board;

"**mediation**" means a voluntary process in terms of which a Board member or a nominee of the Board assists parties to resolve a dispute, but does not issue a ruling which binds parties;

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

"**respondent**" means a person against whom a complaint has been lodged with the Board; and

"**unfair practices regulations**" means the unfair practices regulations made under section 9 of the Act.

Amendment of regulation 2 of the Procedural Regulations

2. Regulation 2 is hereby amended-

(a) by the substitution of sub-regulation 1 with the following sub-regulation:

"[Filing] Lodging complaints

2(1) A landlord or tenant or group of landlords or tenants may lodge a complaint with the Board **[for]** concerning a dwelling, which is or was the subject of an agreement between the parties, by **[filing]** lodging a signed written complaint on the form appearing in Schedule RB1".

by the substitution of paragraph (a) of sub-regulation 2 with the following paragraph:

"(2) Complaints must be **[filed]** lodged -

(a) by mail or facsimile."

(c) by the addition after sub-regulation 2 of the following sub-regulation:

"(3) A complaint shall be deemed to be lodged on the date upon which the complaint is received by the Board."

Amendment of Regulation 3 of the Procedural Regulations

3. Regulation 3(1) is hereby amended-

(a) by the substitution of sub-regulation 1 with the following sub-regulation:

"3(1) A complaint will be considered to be within the Board's jurisdiction-

(a) if it concerns a dwelling situated in the Gauteng Province; and

(b) **[if the complaint emanates from the Gauteng Province]** if the complaint constitutes an unfair practice."

(b) by the substitution of sub-regulation 2 with the following sub-regulation:

"(2) If the complaint is not within the jurisdiction of the Board, the complainant **[must]** shall be -

(a) notified in writing within thirty (30) days of receipt of the complaint that the Board cannot act on the **[matter]** complaint;

(b) advised that he or she may within thirty (30) days of the date of such **[notice]** notification make a request for the **[full]** Board to review the decision on jurisdiction; and

(c) where possible, **[the complainant will be]** given an appropriate referral within thirty (30) days of receipt of the complaint."

Amendment of regulation 4 of the Procedural Regulations

4. Regulation 4 is hereby amended-

(a) by the substitution of paragraph (c) of sub-regulation 4(1) with the following paragraph:

"4(1) The following steps must be taken in respect of any complaint lodged that falls within the jurisdiction of the Board -

- (c) the complainant must be contacted to obtain any additional information required to provide a full and complete description of the **[matter]** complaint."

Amendment of regulation 5 of the Procedural Regulations

5. Regulation 5 is hereby amended-

- (a) by the substitution of sub-regulation (1) with the following sub-regulation:

"5(1) If all parties to the dispute are willing to attempt informal resolution the **[matter]** complaint must be **[assigned]** allocated to a staff member who will attempt to **[mediate]** resolve the dispute informally."

- (b) by the substitution of sub-regulation (2) with the following sub-regulation:

"(2) Any complaint **[concerning a matter]** which falls within the jurisdiction of the Board and which is not resolved informally must be **[assigned]** allocated to a Board member for the purpose of making an assessment under section 9(4) of the Act to determine if it can be disposed of summarily."

- (c) by the substitution of sub-regulation (3) with the following sub-regulation:

"(3) The Board member **[must]** shall determine whether -

- (a) the complaint constitutes an unfair practice, violation of the common law or breach of a lease **[agreement]**;
- (b) if the complaint does constitute an unfair practice, whether **[any relief can be provided to remedy the complaint,]** the dispute can be resolved through mediation or arbitration or otherwise; and
- (c) if there is a factual dispute the facts should be viewed in an equitable manner."

- (d) by the substitution of sub-regulation (4) with the following sub-regulation:

"(4) If the Board member determines that the complaint does not constitute an unfair practice or that **[no relief could be provided he or she shall]** the dispute can not be resolved through mediation or arbitration or otherwise, the Board [must] shall-

- (a) notify the complainant in writing within thirty (30) days of such determination, that the Board will take no action;
- (b) if possible furnish the complainant with an appropriate referral;
- (c) advise the complainant that **[the decision]** such determination is subject to review by the **[full]** Board, which may either **[affirm]** confirm the decision of the **[individual]** Board member or reinstate the **[matter]** complaint **[on the docket of the Board]**, if the complainant so requests within thirty (30) days of the date of such [notice] notification;
- (d) if the complainant does not request review by the **[full]** Board, record **[the disposition of the matter in the file and the matter shall be closed]** that the complaint has been disposed of and close the file."

Amendment of regulation 6 of the Procedural Regulations

6. Regulation 6 is hereby amended-

- (a) by the substitution of regulation 6 with the following regulation:

"6. All **[matters]** complaints, which are not **[resolved through preliminary resolution]** dismissed for lack of jurisdiction or resolved summarily or informally, may be reviewed to determine if further investigation is required prior to submission to mediation or arbitration. If further investigation is required –

- (a) **[a]** the Board **[member]** **[must]** shall attempt to obtain the required information voluntarily, and record all the efforts made to obtain the information in the file;
- (b) if the information cannot be obtained voluntarily, then a Board member shall issue a subpoena in the prescribed form;
- [(c) a Board member responsible for the investigation of a complaint may subpoena any landlord or tenant or other person who may be able to provide information concerning the complaint in terms of section 6(e) and (f) of the Act, when the information cannot be obtained by agreement of a landlord, tenant or other person.]**

- [(d)] (c) the subpoena shall be in the form appearing in Schedule RB2, and shall identify with particularity the information sought, and shall specify the date, time and place for the person to appear and give information or provide the books, and or documents."

Amendment of regulation 7 of the Procedural Regulations

7. Regulation 7 is hereby amended-

- (a) by the substitution of sub-regulation (1) with the following sub-regulation:

"7(1) If a **[matter]** complaint is not dismissed for lack of jurisdiction, or **[disposed of]** resolved summarily or **[settled]** informally, the Board shall, following the investigation, if any, make a **[formal]** determination [that] as to whether a dispute exists and inform the parties within thirty (30) days in writing of **[its]** such determination."

- (b) by the substitution of sub-regulation (2) with the following paragraphs:

"(2) Once it has been determined that a dispute exists, the staff member shall enquire from the parties whether they wish to have their dispute resolved through **[the process of]** mediation or arbitration. If they choose the latter course, then, the **[matter]** complaint shall be referred [,] to the **[full board or alternatively at least three members of the]** Board for the appointment of an arbitrator. Once an arbitrator has been appointed, the matter shall be processed under the arbitration provisions of these regulations."

Amendment of regulation 8 of the Procedural Regulations

8. Regulation 8 is hereby amended-

- (a) by the substitution of sub-regulation (1) with the following sub-regulation:

"8(1) **[Matters]** Disputes in which investigations have been completed, and which have not been summarily dismissed, **[must]** shall be **[assigned]** allocated to a Board member for mediation. If there is no Board member available to conduct the mediation timeously **[in a timely manner]** or if the **[Chairperson]** chairperson reasonably believes that the mediation **[will]** should be **[best]** conducted by a mediator who is not a member of

the Board, then a mediator shall be appointed in terms of Section 6(a) of the Act."

(b) by the deletion of sub-regulation (2):

"(2) **[The mediation hearing shall proceed once the agreement to mediate as appearing in Schedule RB4 has been entered into between the relevant parties.]**"

(c) by the substitution of sub-regulation (3) with the following sub-regulation:

"**[(3)](2)** The mediation process shall be conducted as follows -

(a) the mediator shall **[explicitly]** discuss the issue of confidentiality with the parties prior to the commencement of any mediation. If a party requests that information be kept confidential either during the course of the mediation or afterwards, and the **[other]** parties agree to mediate under those terms, the **[explicit provisions of the confidentiality]** agreement to keep such information confidential shall be made part of **[mediation]** any agreement arrived at through mediation;

(b) the mediator shall at the outset inform the parties that **[he/she]** 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 **[his]** the mediator's;

(c) the mediator **[will also]** shall inform the parties **[involved]** that the mediation may **[process will]** be conducted as follows -

(i) each party will be given an opportunity **[of outlining]** to state their case;

(ii) each party **[can]** may at any stage of the **[proceedings]** mediation recess into a caucus **[,in another room or office]**;

(iii) **[if the respective party does not have any objection thereto, then the mediator shall]** the mediator may with the consent of the party concerned attend the caucus **[meeting]** and make suggestions and proposals aimed at settling the dispute; and

(iv) **[if the party in a caucus does not have any objection, then the mediator shall]**the mediator may with the

consent of the party concerned convey any proposal, attitude or indication or suggestion stemming from a caucus **[meeting]** to the other party.

- (d) the mediator shall **[conduct mediation only in those disputes in which she or he can be impartial with respect to all of the parties and the subject matter of the dispute]** mediate the dispute impartially;
- (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;

[(f) the mediator shall not conduct mediation unless the parties, after being informed of any actual or potential conflict, give their consent and the mediator determines that the conflict is not so significant as to cast doubt on the integrity of the process or himself/herself the mediators]; and

[(g)] (f) if at any time the mediator **[believes]** forms the opinion that **[any]** a party to a mediation is unable to understand and participate fully in the **[proceedings]** mediation due to mental impairment, emotional disturbance, intoxication, language barriers or any other reason[s], the mediator shall limit the scope of the mediation, to a level consistent with the **[parties']** party's ability to participate **[and/]or** **[make a recommendation]** recommend that the party **[may]** obtain appropriate assistance **[in order]** to continue with the **[process]** mediation, or **[terminate the mediation process]** postpone such mediation."

(d) by the substitution of sub-regulation (4) with the following sub-regulation:

"**[(4)](3)** The mediator **[must]** shall attempt to obtain **[testimony]** evidence or documents voluntarily, which **[he or she]** 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."

(e) by the substitution of sub-regulation (5) with the following sub-regulation:

"**[(5)](4)** If the required **[testimony]** evidence or documentation cannot be obtained voluntarily, the mediator shall issue a subpoena in the prescribed form in terms of sections 6(e) and (f) of the Act."

(f) by the substitution of sub-regulation (6) with the following sub-regulation:

"[(6)](5) The **[issuance]** issuing of the subpoena shall be authorised by the Board member conducting the mediation."

(g) by the substitution of sub-regulation (7) with the following sub-regulation:

"[(7)](6) If a person who is not a member of the Board is conducting the mediation, a request **[for issuance of]** to issue [of] a subpoena must be submitted to a member of the Board."

(h) by the substitution of sub-regulation (8) with the following sub-regulation:

"[(8)](7) A mediation **[process]** must be completed within thirty (30) days of the first mediation hearing. [If however, this is not possible, then the process] However this thirty (30) day period may be extended **[beyond thirty (30) day]** with the consent of the Board."

(i) by the substitution of sub-regulation (9) with the following sub-regulation:

"[(9)](8) If the parties cannot reach agreement through mediation, then the **[matter will]** dispute may with the consent of the parties be referred for arbitration on such terms as the parties may agree."

(j) by the substitution of sub-regulation (10) with the following sub-regulation:

"[(10)](9) **[If however, a mediation process has failed because of a wilful, intentional or any other act or omission, which has the effect to prevent, stifle frustrate or abort the process of mediation to take place, then the Board or its members member shall issue a certificate appearing in Schedule RB6 to the effect that litigation cannot take place by one party against the other because mediation has not taken place.]** If a dispute has not been successfully resolved because a party has failed or refused to attend a mediation or because a party has, through an act or omission, prevented or frustrated a mediation from taking place, then a Board member may issue a certificate complying substantially with Schedule RB6 to the effect that legal proceedings cannot be instituted by the party who has failed or refused to attend a mediation or who has prevented or frustrated mediation from taking place against the other party and the dispute may be referred for prosecution under regulation 9(1)(e) of the Unfair Practices Regulations,1998."

(k) by the deletion of sub-regulation (11):

"[(11) **The provisions of subregulation (10) shall also apply if a party fails, refuses or neglects to attend a mediation meeting and/or process.]"**

(l) by the substitution of sub-regulation (12) with the following sub-regulation:

"[(12)](10) 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 file. 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."

(m) by the substitution of sub-regulation (13) with the following sub-regulation:

"[(13)](11) If the mediation does not result in an agreement, the mediator shall **[prepare a report summarising the evidence, and make a determination as to whether the evidence shows that there has been a violation of the unfair practices regulations.]**

- (a) prepare a report summarising the issues in dispute;
- (b) determine whether the issues in dispute show that there has been a violation of the unfair practices regulations ; and
- (c) issue a certificate appearing in Schedule RB6 to the effect that the mediator has not been able to mediate the dispute successfully."

(n) by the substitution of sub-regulation (14) with the following sub-regulation:

"[(14)](12) If the mediator is not a member of the Board the report must be forwarded to a Board member who must review it to **[determine]** confirm whether the **[evidence]** issues indispute show[s] that there has been a violation of the unfair practices regulations."

(o) by the substitution of sub-regulation (15) with the following sub-regulation:

"[(15)](13)(a) If the Board member conducting the mediation determines that there has been no violation of the unfair practices regulations, the complainant must be **[advised]** notified that the **[matter will be dismissed and further that the decision]** Board will not pursue the complaint further and that such determination is subject to review by the [full] Board if the complainant so requests in writing within thirty (30) days of the date appearing in the notification.

(a) if the complainant does not request review by the **[full]** Board, the **[individual]** Board member shall record the disposition of the matter in the file **[and the matter]** which shall be closed."

(p) by the substitution of sub-regulation (16) with the following sub-regulation:

"[(16)] (14)(a) Any party to a **[matter]** dispute, which resulted in an agreement through mediation, who alleges that the [an] other party has failed to comply with the agreement, may **[seek relief by]** report[ing] the **[allegations]** alleged failure to the Board [person who conducted the mediation];

(b) upon receipt of a report alleging failure to comply with the agreement the Board **[mediator]** shall make inquiries **[about]** with the person alleged to have breached the agreement. The mediator shall first attempt to resolve **[the matter]** any dispute regarding compliance with the mediation agreement informally;

(c) if the parties to the dispute agree, the Board **[mediator]** may conduct further mediation to resolve any dispute regarding compliance with the **[mediation]** agreement reached through mediation; and

(d) if a dispute about compliance with **[a]** an **[mediation]** agreement reached through mediation cannot be resolved informally or through further mediation, the mediator shall refer the **[matter]** dispute to the Board **[for purposes of determining]** to determine whether enforcement action will be taken in terms of this regulation **[11]."**

Amendment of regulation 9 of the Procedural Regulations

9. Regulation 9 is hereby amended-

- (a) by the substitution of sub-regulation (1) with the following sub-regulation:

"9(1) The Board may, with the written agreement of the parties, nominate or appoint an arbitrator from its members or under section 6[(9)] (a) of the Act for the purpose of arbitration, subject to such terms as agreed upon by the parties."

- (b) by the deletion of sub-regulation (2):

"[(2) In determining whether to nominate or appoint an arbitrator the Board shall take into consideration, the nature of the question of law and facts raised in the dispute, the complexity of the dispute and the public interest.]"

- (c) by the substitution of sub-regulation (3) with the following sub-regulation:

"[(3)](2) [In order] [t] To determine the dispute fairly and quickly, and to deal with the substantial merits of the dispute the arbitration hearings must be held as soon as practicably possible after the agreement to arbitrate as appearing in Schedule RB5 has been entered into between the relevant parties."

- (d) by the substitution of the number of sub-regulation: (4) by the number (3).

- (e) by the substitution of paragraph (b) of sub-regulation (4) with the following paragraph:

"[(4)](3)(b) require the parties to the arbitration to deliver pleadings or statements of claim and defence or require any party to give particulars of [his] any claim or counterclaim, and allow any party to amend his pleadings or statements of claim or defence;"

- (f) by the substitution of paragraph (c) of sub-regulation (4) with the following paragraph:

"(4)(c) require any party to the arbitration to allow inspection of any goods or property involved in the dispute, which is in [his] a party's possession or under [his] a party's control; and"

(g) by the substitution of paragraphs (d) (ii); (v); and (vi) of sub-regulation (4) with the following paragraphs:

- "(4)(d) (ii) administer oaths in the prescribed form to, or take the affirmations of [,] the parties and witnesses appearing to give evidence;
- (v) with the consent of the parties or on an order of court, receive[d] evidence given by affidavit; and
- (vi) inspect any goods or property **[involved in the references]** which is the subject of the dispute."

(h) by the substitution of sub-regulation (5) with the following sub-regulation:

"**[(5)](4)** If the arbitrator determines that the **[testimony]** evidence of witnesses or the production of books or documents is necessary **[to]** for a fair resolution of the **[matter]** dispute and that such **[testimony]** evidence or books or documents cannot be obtained voluntarily, the arbitrator may apply to the Board for the **[issuance]** issuing of a subpoena under the provision of sections 6(e) and (f) of the Act whereby –"

(i) by the substitution of the number of sub-regulation: (6) by the number (5).

(j) by the substitution of the number of sub-regulation: (7) by the number (6).

(k) by the substitution of the number of sub-regulation: (8) by the number (7).

(l) by the substitution of the number of sub-regulation: (9) by the number (8).

Amendment of regulation 10 of the Procedural Regulations

10. Regulation 10 is hereby amended-

(a) by the substitution of paragraphs (c); (e); (g); (m); (n); (o); (p); and (q) of sub-regulation (1) with the following paragraphs:

"10(1) **[Inspectors have the following functions]** The functions of inspectors are to -

- (c) **[hold consultations]** consult with complainants and respondents and record all the information received;
 - (e) give evidence[,] before the Board when requested to do so;
 - (g) contact any local authority to determine **[the amount of arrears in]** arrears rates and taxes owed in respect of a dwelling;
 - (m) serve subpoenas on any **[party]** 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 of the therein named person at the place of residence, employment or business of the person therein named who, in the Board's opinion may be able to provide any information concerning a complaint, to appear before the board as contemplated in section 6(c) of the Act and to produce any book or any other document as the Board may determine;
 - (n) assist the **[Technical Advisor]** technical advisors in conducting any preliminary inquiry to provide a complete record of all relevant information acquired through inspections and investigations;
 - (o) submit applications to a **[Magistrate Court]** magistrate's court to prosecute when instructed by the Board to do so;
 - (p) deliver written recommendations of the Board to parties against whom action will be taken for non-compliance with the unfair practices regulations; and
 - (q) do anything in the reasonable execution of their functions and duties required by the Act or the Board."
- (b) by the substitution of paragraphs (a); (b); (d); (e); (f); and (h) of sub-regulation (2) with the following paragraphs:
- "(2) The **[technical advisers perform the following]** functions of the technical advisors are to -
- (a) receive written complaints, open files and enter the **[cases]** complaints on the computerised case record system;

- (b) review complaints and screen [**cases**] complaints in respect of the jurisdiction of the Board and advise complainants accordingly in writing;
- (c) keep records about the status of [**matters**] complaints and their outcomes on the system;
- (d) [**assign matters**] allocate disputes to Board members for resolution;
- (e) schedule mediation and arbitration hearings and notify parties about the place, date and time of such hearings in writing; and
- (f) mechanically record proceedings [**on**] in mediation and at arbitration hearings."

Amendment of regulation 11 of the Procedural Regulations

11. Regulation 11 is hereby amended-

- (a) by the substitution of sub-regulation (1) with the following sub-regulation:

"11(1) The Board or a party may seek enforcement of [**Arbitration**] arbitration awards under the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965) and mediation agreements awards or in the absence of an agreement, enforcement of the unfair practices regulations in terms of section 12(2) and 12(3) of the Act in a court of law."

Amendment of regulation 12 of the Procedural Regulations

12. Regulation 12 is hereby amended-

- (a) by the substitution of paragraph 12(1)(b) of sub-regulation (1) with the following paragraph:

"12(1)(b) all decisions of individual Board members exercising the powers delegated to them shall be subject to review by the [**full**] Board at the request of any party or any other member of the Board."

Short title

- 13. These regulations are called the Landlord and Tenant Dispute Resolution Board Procedural Amendment Regulations, 2000.

SCHEDULE OF FORMS

The prescribed forms are hereby amended-

- (a) by the substitution of RB1: Complaint Form with the following RB1: Complaint Form



GAUTENG DEPARTMENT OF HOUSING

**LANDLORD TENANT DISPUTE
RESOLUTION BOARD**

RB1

**COMPLAINT FORM FOR THE LANDLORD AND TENANT DISPUTE RESOLUTION
BOARD**

FOR OFFICIAL USE

REFERENCE NO:

A. PARTICULARS OF COMPLAINANT

SURNAME:

FORENAMES (S):

NAME OF ASSOCIATION (S):

ID NUMBER:

BUSINESS /RESIDENTIAL ADDRESS:

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:			
CONTACT NUMBER:	TEL:		FAX:
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:	
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:	
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

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 ☐

NAME OF COMPLAINANT: _____

SIGNATURE: _____

DATE: _____

FOR OFFICIAL USE

NAME OF MEMBER OF STAFF: _____

SIGNATURE: _____

DATE OF RECEIPT OF COMPLAINT: _____

(b) by the substitution of RB2: Subpoena Form with the following RB2: Subpoena Form

NAME _____
 NO. _____
 DATE _____

LIST OF COMPLAINTS

STATUS OF COMPLAINT

HAS AN COMPLAINT FOR THIS BUILDING BEEN SUBMITTED BEFORE
 YES ☐ NO ☐

NAME OF COMPLAINANT _____
 SIGNATURE _____
 DATE _____

REMARKS

DATE OF RECEIPT OF COMPLAINT _____



GAUTENG DEPARTMENT OF HOUSING

LANDLORD TENANT DISPUTE
RESOLUTION BOARD

RB2

SUBPOENA FOR THE LANDLORD TENANT DISPUTE RESOLUTION BOARD

FOR OFFICIAL USE

CASE/FILE NO: LT

HELD AT:

*In the matter between :

..... Complainant

and

..... Respondent

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/memberand/or asat

*In the above mentioned complaint for the purpose of an investigation, hearing, mediation, arbitration or order and/or to produce 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>

NOTE: It is an offence in terms of Section 12 of the Residential Landlord and Tenant Act, 1997 and the Regulations promulgated thereunder not to comply with this Subpoena. If convicted you may be liable to a fine or to imprisonment, not exceeding three years or to both a fine and imprisonment

DATED AT : **ON THIS THE** **DAY OF**

BOARD MEMBER/SECRETARIAT

* Delete words not applicable

FOR OFFICIAL USE

I, the undersigned certify that I have served this subpoena 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:.....

* Delete whichever is not applicable



GAUTENG DEPARTMENT OF HOUSING

LANDLORD TENANT DISPUTE
RESOLUTION BOARD

RB3

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 in another form that the person considers binding on that persons conscience.

PART: 1

Oath or affirmation by person subpoenaed to appear before the Board in terms of section 6 (e) & (f) of the Residential Landlord and Tenant Act, 1997.

"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

Board Member

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 Landlord Tenant Dispute Resolution Board, 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 Board, and the other way around.

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

(*Delete what is not applicable).

Deponent

Board Member

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 Landlord Tenant Dispute Resolution Board conducted in terms of section 6 (e) and (f) of the Residential Landlord and Tenant Act, 1997 *by hand/mechanical means* as ordered by the chairperson of the Board 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 Landlord Tenant Dispute Resolution Board in terms of section 6 (e) and (f) of the Residential Landlord and Tenant Act, 1997 made by me or another person.

(*Delete what is not applicable)

Deponent

Board Member

(d) by the deletion of RB4: Mediation Form in entirety.

LANDLORD TENANT DISPUTE
RESOLUTION BOARD

NOT

File

Landlord

Agreement between My/Ourselves and the Landlord/Tenant in
dispute of the property located with the Landlord/Tenant Dispute Resolution
Board.

Agreed to _____ on the _____ day of _____ 20____

Signature

NAME

(PLEASE PRINT)

Witness 1

Witness 2

(e) by the substitution of RB5: Arbitration Form with the following RB5: Arbitration Form.



GAUTENG DEPARTMENT OF HOUSING

LANDLORD TENANT DISPUTE
RESOLUTION BOARD

RB5

**AGREEMENT TO ABRITRATE FOR THE LANDLORD
TENANT DISPUTE RESOLUTION BOARD**

I/We: _____

residing at _____ do
hereby consent to arbitration between My/Ourselves and the Landlord /Tenant in
respect of the complaint lodged with the Landlord Tenant Dispute Resolution
Board.

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

SIGNATURE: _____

NAME: _____
(PLEASE PRINT)

WITNESS 1: _____

WITNESS 2: _____

- (f) by the substitution of RB6: Magistrate Form with the following RB6: Magistrate Form.

RESOLUTION BOARD

AGREEMENT TO ARRANGE FOR THE LANDLORD

do hereby consent to arbitration between myself and the Landlord/Tenant in

case of the complaint lodged with the Landlord/Tenant Dispute Resolution

Board.

Signed at _____ on this _____ day of _____

SIGNATURE _____

NAME _____

(PLEASE PRINT)

WITNESS 1 _____

WITNESS 2 _____



GAUTENG DEPARTMENT OF HOUSING

LANDLORD TENANT DISPUTE
RESOLUTION BOARD

RB6

**CERTIFICATE TO THE MAGISTRATE IN TERMS OF SECTION 9 (8) READ WITH
SECTION 4 (b) OF RESIDENTIAL LANDLORD AND TENANT ACT NO.3 OF 1997**

[THE MAGISTRATE
MAGISTRATES COURT] NB. TO BE DELETED

Sir/Madam

Re: CERTIFICATE IN TERMS OF SECTION 9(8) OF THE RESIDENTIAL LANDLORD AND TENANT
ACT (NO.3 OF 1997) OF THE PROVINCE OF GAUTENG.

IN THE MATTER BETWEEN :

REFERENCE NUMBER:

AND

COMPLAINANT

RESPONDENT

A complaint has been lodged with the Landlord and Tenant Dispute Resolution Board established in terms
of the Act mentioned above by the [aforesaid] Complainant,
..... against the [said] respondent

The complaint relates to an unfair practice as defined in the Act and the Regulations promulgated
thereunder in that the complaint refers to.....

A mediation meeting was called for on.....but it did not materialize as the aforesaid
Landlord/Tenant failed to attend the meeting.

Therefore no legal proceedings can be instituted in this matter by the said
..... against.....

Yours faithfully

CHAIRPERSON:
LANDLORD TENANT DISPUTE RESOLUTION BOARD

GAUTENG DEPARTMENT OF HOUSING

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

REGULATIONS ON THE LANDLORD TENANT DISPUTE RESOLUTION BOARD PROCEDURES

Notice is hereby given in terms of section 13 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997), that the Member of the Executive Committee for Housing intends to promulgate Landlord and Tenant Procedural Amendment Regulations, 2000 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 17/04/2000 by posting, faxing or handing them in at the following address:

Office of the M.E.C
Department of Housing
37 Sauer Street
Private Bag X79
MARSHALLTOWN
2107

Fax: (011) 838 2116/7562
Tel: (011) 355 4000/4002

KENNISGEWING 1620 VAN 2000

GAUTENGSE DEPARTEMENT VAN BEHUISING

WET OP RESIDENSIËLE EIENAARS EN HUURDERS, 1997 (WET 3 VAN 1997)

ALGEMENE VERDUIDELIKING:

[] Woorde in tussen tekshakies wat donker gedruk is, dui op gedeeltes wat nou weggelaat word uit die bestaande artikels.

_____ Woorde wat onderstreep is, dui op gedeeltes wat nou bygevoeg word by bestaande artikels.

WYSIGING VAN REGULASIES TEN OPSIGTE VAN PROSEDURES, 2000

Ek, Paul Mashatile, Lid van die Uitvoerende Raad verantwoordelik vir behuising in die Gauteng-provinsie, wysig hiermee die regulasies in die skedule, kragtens artikel 13 van die Wet op Residensiële Eienaars en Huurders, 1997 (Wet 3 van 1997).

Onderteken te Johannesburg op hierdie 24th dag van Januarie Tweeduisend.

P. MASHATILE
LUR: BEHUISING

SKEDULE

Wysiging van regulasie 1 van die Regulasies oor prosedures

1. Regulasie 1 word soos volg gewysig -

(a) deur sekere van die definisies te vervang met die volgende definisies:

"arbitrasie" beteken 'n proses waarin 'n lid van die Raad of 'n persoon wat deur die Raad genomineer word, partye bystaan om 'n dispuut te besleg en 'n besluit neem oor die saak, welke besluit finaal is en alle betrokke partye daartoe verbind;

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

"mediasie" beteken 'n vrywillige proses waartydens 'n lid van die Raad of 'n persoon wat deur die raad genomineer is, partye bystaan om 'n dispuut te besleg, sonder om 'n besluit te neem wat die partye daartoe verbind.

"party" beteken 'n persoon wat deelneem aan die meganismes wat die Raad toepas, soos mediasie, arbitrasie of enige ander meganisme wat toegepas word om dispute te besleg;

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

"regulasies oor onregverdige praktyke" beteken die regulasies oor onregverdige praktyke wat in artikel 9 van die Wet uiteengesit word.

Amendment of regulation 2 of the Procedural Regulations

2. Regulاسie 2 word soos volg gewysig -

(a) deur sub-regulasie 1 te vervang met die volgende sub-regulasie:

Indien van klagtes

"2(1) 'n Eienaar of huurder, of groep eienaars of huurders kan 'n klagte by die Raad indien oor 'n woonplek wat deel vorm of gevorm het van 'n ooreenkoms tussen die partye, deur 'n skriftelike klag in te vul en in te dien in die vorm wat in Skedule RB1 verskyn;"

(b) deur paragraaf (a) van subregulasie 2 te vervang met die volgende paragraaf:

Klagtes moet –

(a) per pos of per faks ingedien word;

"(3) 'n Klag sal beskou word asof dit ingedien is op die datum waarop die klag by die Raad ontvang word."

Wysiging van regulasie 3 van die Regulasies oor prosedures

3. Regulasie 3(1) word soos volg gewysig -

(a) deur subregulasie 1 te vervang met die volgende subregulasie:

"3(1) 'n Klag sal beskou word asof dit binne die jurisdiksie van die Raad val -

(a) as dit verband hou met 'n woonplek wat in die Gauteng-provinsie geleë is;
en

(b) **[as die klag in die Gauteng-provinsie ontstaan]** as die klag handel
oor 'n onregverdige praktyk."

(b) deur subregulasie 2 te vervang met die volgende subregulasie:

"(2) As die klag nie binne die jurisdiksie van die Raad val nie, moet die eiser -

(a) binne dertig (30) dae in kennis gestel word dat die Raad nie in die
[saak] klag kan optree nie;

(b) in kennis gestel word dat hy of sy binne dertig (30) dae na die datum van
sodanige kennisgewing die Raad kan versoek om die besluit oor die
jurisdiksie te hersien; en

(c) waar moontlik, binne dertig (30) dae na ontvangs van die klagte 'n
toepaslike verwysing kry."

Wysiging van regulasie 4 van die Regulasies oor prosedures

4. Regulasie 4 word soos volg gewysig -

(a) deur paragraaf (c) van subregulasie 4(1) te vervang met die volgende
paragraaf:

"4(1) Die volgende stappe moet gedoen word ten opsigte van enige klag wat
ingedien word en binne die jurisdiksie van die Raad val -

(c) die eiser moet geraadpleeg word as daar addisionele inligting nodig
is om die **[saak]** klag volledig te beskryf en te omskryf;"

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

"mediasie" beteken 'n vrywillige proses waartydens 'n lid van die Raad of 'n persoon wat deur die raad genomineer is, partye bystaan om 'n dispuut te besleg, sonder om 'n besluit te neem wat die partye daartoe verbind.

"party" beteken 'n persoon wat deelneem aan die meganismes wat die Raad toepas, soos mediasie, arbitrasie of enige ander meganisme wat toegepas word om dispute te besleg;

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

"regulasies oor onregverdige praktyke" beteken die regulasies oor onregverdige praktyke wat in artikel 9 van die Wet uiteengesit word.

Amendment of regulation 2 of the Procedural Regulations

2. Regulasie 2 word soos volg gewysig -

(a) deur sub-regulasie 1 te vervang met die volgende sub-regulasie:

Indien van klagtes

"2(1) 'n Eienaar of huurder, of groep eienaars of huurders kan 'n klagte by die Raad indien oor 'n woonplek wat deel vorm of gevorm het van 'n ooreenkoms tussen die partye, deur 'n skriftelike klag in te vul en in te dien in die vorm wat in Skedule RB1 verskyn;"

(b) deur paragraaf (a) van subregulasie 2 te vervang met die volgende paragraaf:

Klagtes moet –

(a) per pos of per faks ingedien word;

"(3) 'n Klag sal beskou word asof dit ingedien is op die datum waarop die klag by die Raad ontvang word."

Wysiging van regulasie 3 van die Regulasies oor prosedures

3. Regulasie 3(1) word soos volg gewysig -

(a) deur subregulasie 1 te vervang met die volgende subregulasie:

"3(1) 'n Klag sal beskou word asof dit binne die jurisdiksie van die Raad val -

(a) as dit verband hou met 'n woonplek wat in die Gauteng-provinsie geleë is;
en

(b) **[as die klag in die Gauteng-provinsie ontstaan]** as die klag handel
oor 'n onregverdigde praktyk."

(b) deur subregulasie 2 te vervang met die volgende subregulasie:

"(2) As die klag nie binne die jurisdiksie van die Raad val nie, moet die eiser -

(a) binne dertig (30) dae in kennis gestel word dat die Raad nie in die
[saak] klag kan optree nie;

(b) in kennis gestel word dat hy of sy binne dertig (30) dae na die datum van
sodanige kennisgewing die Raad kan versoek om die besluit oor die
jurisdiksie te hersien; en

(c) waar moontlik, binne dertig (30) dae na ontvangs van die klagte 'n
toepaslike verwysing kry."

Wysiging van regulasie 4 van die Regulasies oor prosedures

4. Regulasie 4 word soos volg gewysig -

(a) deur paragraaf (c) van subregulasie 4(1) te vervang met die volgende
paragraaf:

"4(1) Die volgende stappe moet gedoen word ten opsigte van enige klag wat
ingedien word en binne die jurisdiksie van die Raad val -

(c) die eiser moet geraadpleeg word as daar addisionele inligting nodig
is om die **[saak]** klag volledig te beskryf en te omskryf;"

Wysiging van regulasie 5 van die Regulasies oor prosedures

5. Regulasie 5 word soos volg gewysig –

(a) deur subregulasie 1 te vervang met die volgende subregulasie:

"5(1) As al die partye wat betrokke is by 'n dispuut gewillig is om die **[saak]** klaag te probeer besleg, moet die saak **[verwys]** toegewys word **[na]** aan 'n lid van die personeel wat sal probeer om die **[saak]** klaag informeel te besleg."

(b) deur subregulasie 2 te vervang met die volgende subregulasie:

"(2) Enige klag **[wat betrekking het op 'n saak]** wat binne die jurisdiksie van die Raad val, wat nie op 'n informele wyse besleg kan word nie, moet **[verwys]** toegewys word **[na]** aan 'n lid van die Raad sodat dit beoordeel kan word op grond van artikel 9(4) van die Wet om te bepaal of dit summier besleg kan word."

(b) deur subregulasie 3 te vervang met die volgende subregulasie:

"(3) Die lid van die Raad moet bepaal of -

(a) die klag betrekking het op onregverdige praktyke, 'n oortreding van die gemene reg, of kontrakbreuk van 'n huurooreenkoms;

(b) **[enige hulp verleen kan word]** die dispuut besleg kan word by wyse van mediasie, arbitrasie of andersins, **[om die redes vir die klag op te los,]** as die klag nie betrekking het op 'n onregverdige praktyk nie; en

(c) dit 'n feitelike dispuut is, in welke geval die feite op 'n onpartydige wyse hersien moet word."

(d) deur subregulasie 4 te vervang met die volgende subregulasie:

"(4) As die lid van die Raad bepaal dat die klag nie betrekking het op 'n onregverdige praktyk nie, **[of dat daar nie hulp verleen kan word in die saak nie, moet hy of sy]** of dat die dispuut nie by wyse van mediasie of arbitrasie of andersins besleg kan word nie, moet die Raad -

(a) die eiser binne dertig (30) dae nadat dit bepaal is, skriftelik in kennis stel dat die Raad nie enige stappe gaan doen nie;

(b) die eiser van 'n toepaslike verwysing voorsien, indien nodig;

(c) die eiser inlig dat die besluit onderhewig is aan hersiening deur die **[hele]** Raad, wat die besluit van die **[individuele]** Raadslid kan bevestig, of die **[saak]** klag heropen as 'n saak wat die aandag van die Raad behoort te geniet, indien die eiser dit binne dertig (30) dae na die datum van die kennisgewing so versoek;

(d) die wyse waarop die saak hanteer is aanteken en die saak sluit as die eiser nie versoek dat die **[volle]** Raad die saak hersien nie."

Wysiging van regulasie 6 van die Regulasies oor prosedures

6. Regulasie 6 word soos volg gewysig –

(a) deur regulasie 6 te vervang met die volgende regulasie:

"6. Alle **[sake]** klagtes wat nie **[deur middel van voorlopige resolusies]** informeel of summier besleg kan word nie of nie besleg kan word omdat dit nie onder die Raad se jurisdiksie val nie, kan hersien word om te bepaal of 'n verdere ondersoek nodig is voordat dit vir mediasie of arbitrasie verwys word. Indien verdere ondersoek nodig is -

(a) moet 'n lid van die Raad probeer om die vereiste inligting vrywillig te bekom en alle pogings om die inligting te bekom in die lêer aanteken;

(b) moet 'n lid van die Raad 'n subpoena uitreik op die voorgeskrewe wyse, as die inligting nie vrywillig verkry kan word nie;

[(c) kan 'n lid van die Raad wat verantwoordelik is vir die ondersoek van 'n klag, enige eienaar of huurder of ander persoon wat die inligting kan verskaf oor die saak subpoena kragtens artikels 6(e) en (f) van die Wet as die inligting nie met die instemming van die eienaar, huurder of ander persoon verkry kan word nie; en]

[(d)] (c) die subpoena moet uitgereik word in die vorm wat in Skedule RB2 voorgeskryf word, moet aandui watter inligting versoek word en moet aandui op watter datum, tyd en waar die persoon moet verkyn om die inligting te verskaf of om die boeke en/of dokumente te voorsien."

Wysiging van regulasie 7 van die Regulasies oor prosedures

7. Regulasie 7 word soos volg gewysig –

(a) deur subregulasie 1 te vervang met die volgende subregulasie:

"7(1) As 'n [**saak**] klag nie weggewys word op grond van gebrekkige jurisdiksie nie, of as dit nie summier afgewys word of informeel geskik word nie, moet die Raad, na die ondersoek, indien enige, [**formeel**] verklaar dat daar 'n dispuut bestaan en albei partye binne dertig (30) dae inlig oor die verklaring."

(b) deur subregulasie 2 te vervang met die volgende paragrafe:

"(2) Sodra daar bepaal is dat daar 'n dispuut bestaan, moet die personeellid by die partye uitvind of hulle die dispuut wil besleg deur middel van mediasie of arbitrasie. As hulle arbitrasie kies, moet die [**saak**] klag na die [**volle**] Raad verwys word, [**of na ten minste drie lede van die Raad**] sodat 'n arbiter aangestel kan word. Sodra 'n arbiter aangestel is, moet die saak verwerk word op grond van die regulasies vir arbitrasie wat hierin uiteengesit word."

Wysiging van regulasie 8 van die Regulasies oor prosedures

8. Regulasie 8 word soos volg gewysig -

(a) deur subregulasie 1 te vervang met die volgende paragrafe:

"8(1) As die ondersoek in 'n dispuut [**saak**] afgehandel is en die saak is nie summier afgewys nie, moet [**die saak**] dit vir mediasie verwys word na 'n lid van die Raad. As daar nie 'n lid van die Raad beskikbaar is om die mediasie betyds af te handel nie, of as die [**V**]voorsitter redelikerwys glo dat die mediasie beter hanteer sal word deur 'n persoon wat nie 'n lid van die Raad is nie, kan 'n bemiddelaar aangestel word kragtens artikel 6(a) van die Wet."

(b) deur subregulasie 2 te skrap:

"[(2) **Die mediasie-verhoor kan voortgaan sodra al die partye ingestem het tot mediasie volgens die voorskrifte wat vervat is in die ooreenkoms wat in Skedule RB4 verskyn.]"**

(c) Deur subregulasie 3 te vervang met die volgende subregulasie:

"[(3)] (2) Die mediasieproses moet dan soos volg uitgevoer word -

- (a) die bemiddelaar moet die saak van vertroulikheid **[baie]** duidelik stel aan al die partye, voordat enige mediasie begin. As 'n party versoek dat die inligting vertroulik gehou word tydens mediasie of daarna en die **[ander]** partye stem in tot mediasie met so 'n voorwaarde, moet die vertroulikheidsaspek in die mediasie-ooreenkoms opgeneem word as deel van enige **[die]** ooreenkoms wat aangegaan word op grond van die mediasieproses.
- (b) die bemiddelaar moet van meet af die partye in kennis stel dat die bemiddelaar net optree as tussenganger om die dispuut te probeer besleg en dat die besluit wat so geneem word, die partye se besluit is en nie die bemiddelaar se besluit nie;
- (c) die bemiddelaar moet ook die **[betrokke]** partye inlig dat die mediasie **[-proses]** soos volg uitgevoer kan **[gaan]** word -
 - (i) elke party kry 'n geleentheid om sy/haar/hulle saak te stel;
 - (ii) elke party kan op enige **[punt in die prosedure]** stadium tydens mediasie versoek om **[na 'n ander kantoor of vertrek]** te verdaag vir koususdoeleindes;
 - (iii) **[as die onderskeie partye nie beswaar het daarteen nie, kan]** die bemiddelaar kan met die toestemming van die **betrokke party** die koususvergadering bywoon en voorstelle maak of advies gee om die dispuut te probeer besleg; en
 - (iv) **[as die party wat kousus nie 'n beswaar het daarteen nie, kan]** die bemiddelaar kan met die toestemming van die **betrokke party** enige voorstel, gevoel, aanduiding, of gedagte wat uit die kousus mag spruit, aan die ander party oordra.
- (d) die bemiddelaar moet net sake bemiddel as hy/sy onpartydig is **[kan wees ten opsigte van al die partye en die saak waaroor die dispuut handel];**
- (e) die bemiddelaar moet alle werklike of potensiele sake waaroor daar 'n botsing van belange kan wees blootlê aan al die partye en mag nie in so

'n geval optree as bemiddelaar in die dispuut nie;

[die bemiddelaar mag nie 'n saak bemiddel tensy die partye, nadat hulle ingelig is van werklike of potensiële botsings van belange, toestem daartoe nie en die bemiddelaar bepaal dat die botsing van belange nie van so 'n wesenlike aard is dat dit die integriteit van die proses of van hom-/haarself kan benadeel nie;]

[(g)] (f) as die bemiddelaar ooit voel dat enige party wat deelneem aan die mediasieproses nie die prosedure verstaan of ten volle deelneem daaraan nie op grond van verstandelike gestremdheid, emosionele versteurings, dronkenskap/bedwelming, taalprobleme of enige ander rede, kan die bemiddelaar die omvang van die mediasie beperk tot 'n vlak wat ooreenstem met al die partye se vermoëns om deel te neem en/of aanbeveel dat die party behoorlike hulp verkry om voort te gaan met die proses, of besluit om die mediasieproses **[te beëindig]** uit te stel."

(d) deur subregulasie 4 te vervang met die volgende subregulasie:

"[(4)] (3) Die bemiddelaar moet probeer om die **[verklarings]** bewyse of dokumente wat nodig geag word op 'n vrywillige grondslag te bekom van persone wat nie partye is in die mediasieproses nie en moet alle pogings om die inligting te bekom in die lêer aanteken."

(e) deur subregulasie 5 te vervang met die volgende subregulasie:

"[(5)] (4) As die **[verklaring]** bewyse of dokumentasie nie op 'n vrywillige grondslag bekom kan word nie, moet die bemiddelaar 'n subpoena uitreik soos dit uiteengesit is kragtens artikels 6(e) en (f) van die Wet."

(f) deur subregulasie 6 te vervang met die volgende subregulasie:

"[(6)] (5) Die Raadslid wat die saak hanteer moet 'n subpoena goedkeur voordat dit uitgereik kan word."

(g) deur subregulasie 7 te vervang met die volgende subregulasie:

"[(7)] (6) As die mediasie hanteer word deur 'n persoon wat nie 'n lid van die Raad is nie, moet 'n versoek om 'n subpoena uit te reik, ingedien word by 'n lid van die Raad."

(h) deur subregulasie 8 te vervang met die volgende subregulasie:

"[(8)] (7) 'n Mediasieproses moet binne dertig (30) dae na die eerste mediasieverhoor afgehandel wees. As dit nie moontlik is nie, kan die proses met die toestemming van die Raad verleng word."

(i) deur subregulasie 9 te vervang met die volgende subregulasie:

"[(9)] (8) As die partye nie deur mediasie instemming bereik nie, moet die [saak] dispuut met die toestemming van die partye en op grond van die partye se voorwaardes verwys word vir arbitrasie."

(j) deur subregulasie 10 te vervang met die volgende subregulasie:

"[(10)] (9) **[As 'n mediasieproses faal op grond van doelbewuste, doelgerigte optrede of enige ander optrede of versuim, wat die mediasieproses verhoed, vertraag, versteur of in die wiele ry, kan die Raad of die Raadslede 'n sertifikaat, soos dit uiteengesit is in RB6, uitreik wat aandui dat litigasie nie deur die een party teen die ander ingestel kan word nie, omdat mediasie nie kon plaasvind nie.]**
As 'n dispuut nie suksesvol besleg kan word nie, omdat 'n party versuim of geweier het om die mediasieproses by te woon, of omdat 'n party deur optrede of versuim om op te tree die mediasieproses in die wiele gery het, kan 'n Raadslid 'n sertifikaat uitreik wat in wese voldoen aan Skedule RB6, waarin genoem word dat die party wat versuim het of geweier het om die verrigtinge by te woon, of wat die mediasieproses in die wiele gery het, nie geregtig is daarop om regstappe teen die ander party in te stel nie en dat die dispuut verwys kan word vir vervolging kragtens regulasie 9(1) (e) van die Regulasies met betrekking tot onregverdigde praktyke, 1998."

(k) deur subregulasie 11 te skrap:

"[(11)] **Die voorwaardes van subregulasie (10) is ook van toepassing as 'n party versuim, weier of nalaat om 'n mediasievergadering en/of -prosedure by te woon.]"**

(l) deur subregulasie 12 te vervang met die volgende subregulasie:

"[(12)] (10) Die partye kan nie op enige wyse gedwing word om 'n ooreenkoms te bereik nie. As die mediasieproses lei tot 'n ooreenkoms, moet dit skriftelik saamgevat en onderteken word deur al die partye en die

bemiddelaar. Dit moet dan so in die lêer aangeteken word. Voordat die partye versoek word om die ooreenkoms te onderteken, moet die bemiddelaar seker maak dat elke party die ooreenkoms ten volle verstaan en dat die partye dit vrywillig aangaan."

(m) deur subregulasie 13 te vervang met die volgende subregulasie:

"[(13)] (11) As die mediasieproses nie lei tot 'n ooreenkoms nie, moet die bemiddelaar **['n verslag voorberei waarin die getuienis opgesom word en die bemiddelaar moet bepaal of die getuienis daarop dui dat daar onregverdige praktyke voorgekom het en die regulasies oortree is.]**

- (a) 'n kort opsomming van die sake waaroor die dispuut handel opstel;
- (b) vasstel of die sake waaroor die dispuut handel aandui dat die regulasies oor onregverdige praktyke oortree is; en
- (c) 'n sertifikaat kragtens Skedule RB6 uitreik waarin aangedui word dat die bemiddelaar nie daarin kon slag om die dispuut suksesvol te besleg nie."

(n) deur subregulasie 14 te vervang met die volgende subregulasie:

"[(14)] (12) As die bemiddelaar nie 'n lid van die Raad is nie, moet die verslag aan 'n lid van die Raad gestuur word. Die Raadslid moet dit dan hersien en **[bepaal]** of die **[getuienis]** sake waaroor die dispuut handel daarop dui dat daar onregverdige praktyke voorgekom het."

(o) deur subregulasie 15 te vervang met die volgende subregulasie:

- "[(15)] (13)(a) As die Raadslid wat die mediasie hanteer bepaal dat daar nie enige oortreding of onregverdige praktyk was nie, moet die eiser van die besluit, dat die Raad nie die klag verder gaan voer nie, in kennis gestel **[word dat die saak afgewys is]** en dat die besluit deur die **[volle]** Raad hersien kan word as die eiser dit skriftelik binne 30 (dertig) dae na die datum op die kennisgewing so versoek;
- (b) as die eiser nie versoek dat die saak deur die **[volle]** Raad hersien word nie, moet die **[individuele]** Raadslid die verloop van die saak in die lêer aanteken en die saak sluit."

(p) deur subregulasie 16 te vervang met die volgende subregulasie:

- "[(16)] (14)(a) As die partye ooreenkom oor 'n saak na 'n mediasieproses, kan enige van die partye hulp versoek op grond van bewerings dat die ander party nie aan die ooreenkoms se vereistes voldoen het nie, deur die beweerde oortreding aan te meld by die Raad [die persoon wat die mediasie hanteer het];
- (b) sodra die **[bemiddelaar]** Raad 'n verslag ontvang waarin beweer word dat daar nie voldoen is aan die ooreenkoms nie, moet die **[bemiddelaar]** Raad ondersoek instel na die persoon wat na bewering die vereistes verontagsaam het. Die bemiddelaar moet eers probeer om enige dispuut oor die wyse waarop voldoen word aan die mediasie-ooreenkoms [die saak] informeel op te los;
- (c) as die partye wat betrokke is by die dispuut oor die wyse waarop voldoen is aan die mediasie-ooreenkoms instem daartoe, kan die **[bemiddelaar]** Raad verder probeer om die dispuut deur mediasie te besleg; en
- (d) as 'n dispuut oor die wyse waarop voldoen is aan die mediasie-ooreenkoms nie informeel of deur verdere mediasie besleg kan word nie, kan die bemiddelaar die **[saak]** dispuut na die Raad verwys sodat bepaal kan word of enige stappe gedoen moet word om optrede af te dwing kragtens die regulasie [11]."

Wysiging van regulasie 9 van die Regulasies oor prosedures

9. Regulasie 9 word soos volg gewysig -

(a) deur subregulasie 1 te vervang met die volgende subregulasie:

- "9(1) Kan die Raad, met die skriftelike toestemming van die partye, 'n arbiter aanstel of nomineer uit die lede van die Raad of kragtens artikel 6**[(9)]** (a) van die Wet vir die doel van arbitrasie, onderhewig aan sodanige bepalings waaroor die partye ooreengekom het."

(b) deur subregulasie (2) te skrap:

"[(2) Moet die Raad die aard van die wet en die feite wat gemeld is in die dispuut, asook die kompleksiteit van die dispuut en die openbare belang in ag neem, as bepaal moet word of 'n arbiter genomineer of aangestel moet word.]"

(c) deur subregulasie (3) te vervang met die volgende subregulasie

"[(3)] (2) Moet die dispuut so regverdig en vinnig as moontlik bepaal word en moet daar so gou as moontlik aandag gegee word aan die substantiewe meriete van dispuut. Daarom moet die arbitrasieverhoor so gou as wat prakties moontlik is gehou word nadat die partye ooreengekom het om 'n arbiter te gebruik, soos dit voorgeskryf word in Skedule RB5."

(d) deur subregulasie 4 se (4) te vervang met (3):

"[(4)] (3)(a) Kan die Raadslid of genomineerde persoon wat die arbitrasie lei - van enige van die partye eis, onderhewig aan wettige besware, om inligting bloot te lê oor dokumentasie, deur middel van 'n beëdigde verklaring of deur onder eed verklarings af te lê en deur die betrokke dokumente beskikbaar te stel vir inspeksie;"

(e) deur subregulasie (b) van 4 te vervang met die volgende subregulasie

"[4] 3(b) van die partye wat deelneem aan die arbitrasieproses eis om pleitstukke in te dien of verklarings oor eise of verweer af te lê, of van enige van die partye eis om besonderhede van die eis of teeneis in te dien en enige party toelaat om **[sy/haar]** enige pleitstukke of verklarings oor die eis of verweer te wysig;"

(f) deur subregulasie (c) van 4 te vervang met die volgende subregulasie

"(4)(c) van enige van die partye wat deelneem aan die arbitrasieproses te eis om goedere of eiendom wat in **[sy/haar]** die party se besit of beheer is en wat betrokke is by die dispuut te laat inspekteer; en"

(g) deur paragrawe (d) (ii), (d) (v) en (d) (vi) van subregulasie 4 te vervang met die volgende paragrawe:

"(ii) kan die voorgeskrewe eed afgelê word, of kan die partye en getuies wat moet verskyn om getuienis af te lê bevestig word;

(v) kan getuienis wat per beëdigde verklaring gelewer word aanvaar word, mits die partye daartoe instem of indien dit kragtens 'n hofbevel toegelaat word; en

(vi) kan enige goedere of eiendom **[waarna verwys word in die stukke]**, waaroor die dispuut handel, geïnspekteer word."

(h) deur subregulasie 5 te vervang met die volgende subregulasie:

"**[(5)]**(4) Kan die arbiter aansoek doen by die Raad dat 'n subpoena uitgereik word kragtens die voorwaardes van artikels 6(e) en (f) van die Wet, as die arbiter voel dat die **[getuienis]** bewyse van 'n getuie of die lewering van boeke of dokumente nodig is om die dispuut op 'n regverdige wyse te besleg en die **[getuienis]** bewyse of boeke of dokumente nie vrywillig verskaf word nie en die Raad kan dan –"

(i) deur subregulasie 6 se (6) te vervang met (5)

(j) deur subregulasie 7 se (7) te vervang met (6)

(k) deur subregulasie 8 se (8) te vervang met (7)

(l) deur subregulasie 9 se (9) te vervang met (8)

Wysiging van regulasie 10 van die Regulasies oor prosedures

10. Regulasie 10 word soos volg gewysig -

(a) deur paragrawe (c), (e), (g), (m), (n), (o), (p) en (q) van subregulasie 1 te vervang met die volgende paragrawe:

"10(1) Inspekteurs moet die volgende funksies verrig -

(c) eisers en respondente ondervra en en al die inligting wat so ontvang word aanteken;

(e) getuienis aflê voor die Raad as hulle versoek word om dit te doen;

(g) enige plaaslike owerheid skakel om te bepaal hoeveel eiendomsbelasting agterstallig is vir enige woonplek;

(m) subpoenas beteken op enige **[party]** persoon, deur 'n ware kopie

persoonlik aan 'n persoon te oorhandig, of as so 'n persoon nie beskikbaar is nie, 'n ware kopie te oorhandig aan 'n persoon wat oënskynlik ouer is as 16 jaar en oënskynlik saam met die persoon woon of in diens is van dieselfde werkgewer as die persoon wat in die subpoena genoem word, op die plek die persoon wat so genoem word woon, werk of sake doen, as die persoon na die Raad se mening in staat mag wees om enige inligting wat verband kan hou met 'n klag te voorsien. Die persoon wat in die subpoena genoem word, moet dan voor die Raad verskyn soos voorsien word in artikel 6(c) van die Wet en moet enige boek of ander dokument wat die Raad mag bepaal voorsien;

- (n) die tegniese adviseurs bystaan met enige voorlopige ondersoek om 'n volledige rekord van alle betrokke inligting wat verkry is deur inspeksies en ondersoeke te voorsien;
- (o) aansoeke vir vervolging by 'n Landdroshof indien as die Raad opdrag gee dat dit gedoen moet word;
- (p) skriftelike aanbevelings van die Raad lewer aan partye wat vervolgt gaan word op grond van oortredings ten opsigte van onregverdige praktyke; en
- (q) enige iets anders doen wat nodig mag wees om funksies en pligte uit te voer wat redelikerwys deur die Raad verwag word."

(b) deur paragrawe (a), (b), (d), (e), (g) en (h) van subregulasie 2 te vervang met die volgende paragrawe

"(2) Die tegniese adviseurs verrig die volgende funksies -

- (a) ontvang skriftelike klagtes, open lêers, voer **[gevalle]** klagtes in die gerekenariseerde rekordstelsel in;
- (b) hersien klagtes en doen sifting van gevalle ten opsigte van die jurisdiksie van die Raad en stel eisers in kennis skriftelik in kennis van besluite;
- (c) hou rekords van **[sake]** klagtes in stand op die stelsel en dui aan hoe sake besleg is;

- (d) wys [**sake**] dispute toe aan lede van die Raad sodat dit besleg kan word;
- (e) [**doen skedule-mediasie en -arbitrasie**] skeduleer mediasie- en arbitrasieverhore en stel partye skriftelik in kennis van die plek, datum en tyd van gehore; en
- (f) hou 'n meganiese rekord (maak 'n bandopname) van die verrigtinge tydens mediasie- en arbitrasieverhore."

Wysiging van regulasie 11 van die Regulasies oor prosedures

11. Regulasie 11 word soos volg gewysig –

(a) deur subregulasie 1 te vervang met die volgende subregulasie:

"11(1) Die Raad of 'n party kan versoek dat 'n arbitrasiebesluit afgedwing word kragtens die Arbitrasiewet van 1965, Wet 42 van 1965 en dat mediasiebesluite afgedwing word, of as daar nie 'n ooreenkoms is nie, dat die regulasies oor onregverdige praktyke in 'n geregshof afgedwing word kragtens artikel 12(2) en 12(3) van die Wet."

Wysiging van regulasie 12 van die Regulasies oor prosedures

12. Regulasie 12 word soos volg gewysig –

"(b) deur paragraaf 12(1)(b) te vervang met die volgende paragraaf:
(12)(1) (b) alle besluite van individuele Raadslede wat die magte wat aan hulle gedelegeer is uitoefen, is onderhewig aan hersiening deur die [**volle**] Raad, op versoek van enige party of enige ander lid van die Raad;"

Kort titel

13. Die regulasies word die Regulasies vir die Raad op Eienaars en Huurders se Dispuutbeslegtingsprosedures, 2000, genoem.