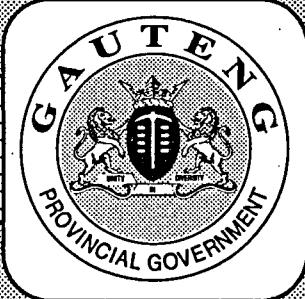


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# **Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant**

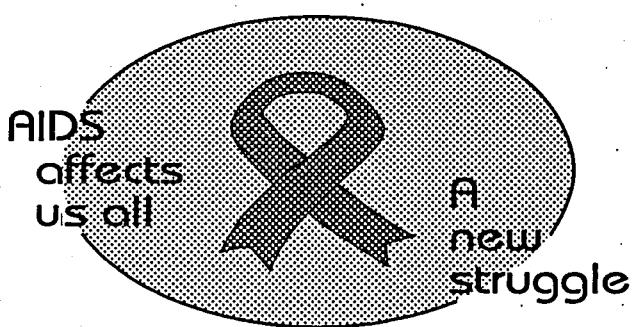
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**Vol. 6**

**PRETORIA, 12 APRIL 2000**

**No. 27**

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## GENERAL NOTICE ALGEMENE KENNISGEWING

### NOTICE 2176 OF 2000

## GAUTENG DEPARTMENT OF HOUSING

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

### MANAGEMENT AND CONTROL OF BUILDINGS REGULATIONS, 2000

The member of the Executive Council responsible for Housing, under section 13(1)(g) of the Residential Landlord and Tenant Act, 1997 has made regulations contained in the schedule hereto.

### SCHEDULE

#### Definitions

- 1(1)** Subject to regulation 1(2) and unless the context otherwise indicates words in these regulations have the same meaning as ascribed to them in section 1 of the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997).
- (2)** In these regulations, unless the context indicates otherwise -

**"Act"** means the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997);

**"authority"** means the Gauteng Provincial Government or a Municipality governed by these regulations;

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

**"Landlord Tenant Dispute Resolution Board"** means the Board established in terms of section 2 of the Act;

**"manager"** means the building manager appointed by the authority in terms of section 2 of these regulations; and

**"municipality"** means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993).

## **Appointment of Building Managers**

### **2. The authority –**

- (1) must appoint a building manager for a particular building and the lands on which it is situated to make available the facilities in accordance with these regulations, and carry out the instructions which he or she may receive from that authority; and
- (2) may appoint a deputy building manager.

### **Criteria for appointment of building managers**

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

### **Duties of building managers**

4. The building manager is responsible for the management, control and good order of the building and must –
  - (1) seek to promote reasonable comfort and welfare of its residents;
  - (2) ensure that the building and the land on which it is situated are kept in a clean and tidy condition;
  - (3) whenever so required by the authority, give a written report on the condition of the management and control of the building;
  - (4) establish and keep a register of all residents which must contain the full names and identity numbers of each resident and the name of his or her next of kin or any other person to be contacted in the event of death or an emergency;
  - (5) formulate a set of house rules per building in consultation with the residents committee, which complies with these regulations and issue each registered resident with a copy thereof;

- (6) encourage and facilitate the establishment and operation of a residents' committee, and consult regularly with it;
- (7) ensure that a copy of these regulations together with the current tariff is posted up and maintained on an official notice board in a conspicuous place in the building for the information of residents and of the public generally; and
- (8) perform all other duties entrusted to him or her under these regulations.

### **Leases**

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

### **Transitional measures**

- 6. Within one (1) month of the adoption of these regulations by the authority concerned, the building manager must conduct a census of all residents to ensure that all residents are in lawful occupation of the property and that they have entered into a contract with the authority.

### **Management Measures**

- 7(1) Subject to transitional measures contained in regulation 6, no other person(s) other than the registered resident(s) may reside in the building.

- (2) The building manager, his deputy or any other authorised representatives may -
- (a) institute measures to monitor unauthorised occupation of the building;
  - (b) in the performance of his or her duties, enter any place in the building for the purpose of an investigation or another action he or she may deem necessary; or
  - (c) require a person present in the building to furnish documentary proof of his or her right to reside in the building, failing which such person may be required to supply his or her name, identity number and address and to vacate the premises forthwith.

### **Occupancy**

- 8(1) The authority must provide residence on the terms contained in these regulations and as defined by the contract entered into by both parties.
- (2) Residents must pay rent as stipulated and agreed to by both parties in writing, and residents must pay charges for all services rendered by the authority, on a monthly basis.
- (3) Unless the authority has given prior written consent, a resident may not -
  - (a) cede, assign or make over to another person his or her right of occupation or rights related thereto;
  - (b) sublet or permit another person to reside on the premises without the consent of the authority; and
  - (c) make alterations or additions to the building or any part thereof without the consent of the authority.
- (4) No person may carry on a trade, business or an industrial activity on the premises or erect shelters or any other structures on the premises except with the written consent of the authority on the terms and subject to the payment of the fees and charges as may be required by the authority, after consultation with the residents' committee.

**Responsibility for premises and good conduct**

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

**Residents' Committee**

- 10(1) A resident's committee must be established which represents the majority of residents and the general interests of the residents in matters pertaining to the living conditions within the building and other related matters.
- (2) The residents' committee and the building manager must meet and liaise regularly on matters of mutual concern.
- (3) Special meetings of residents may be convened on not less than seven (7) days notice or at a shorter notice for cases of stated emergency by -
- (a) the building manager; or

- (b) the residents' committee, at times and venues to be arranged prior with the building manager.
- (4) The residents' committee must give notice of meetings to residents by placing notices prominently on the official notice board and at entrances of the building and in such a way as the building manager or the residents' committee may deem to be appropriate.

### **Complaints and Appeals**

- 11(1)** A complaint by tenant(s) regarding any duty or function that must be performed by the building manager must first be brought to the attention of the building manager.
- (2) If a complaint is not dealt with by the building manager within a reasonable time period, agreed to by both parties, the complaint may be lodged with the relevant authority which deals with landlord and tenant disputes.
- (3) A landlord or tenant or group of landlords or tenants may lodge complaints regarding unfair practices with the Board for a dwelling, which they are letting or renting, by lodging a written complaint as prescribed by the regulations promulgated under the Residential Landlord and Tenant Act, 1997 (Act No. 3 of 1997).

### **Cancellation and evictions**

- 12(1)** A tenant who is not in personal physical occupation of the dwelling for a continuous period exceeding one (1) month shall be deemed to have abandoned the building and the authority shall be entitled to cancel the lease.
- (2) A tenant must give written notice to the authority where he or she will not be in personal occupation of the property for a continuous period exceeding one (1) month.
- (3) The lease shall be terminated within the prescribed period upon the tenant's acquisition of property or upon the tenant becoming a beneficiary under the capital housing subsidy programme.

### **Short title**

- 13.** These regulations shall be called **Management and Control of Buildings regulations, 2000.**

# **GAUTENG DEPARTMENT OF HOUSING**

## **RESIDENTIAL LANDLORD AND TENANT ACT, 1997 (ACT NO. 3 OF 1997)**

## **MANAGEMENT AND CONTROL OF BUILDINGS REGULATIONS, 2000**

**Notice is hereby given that in terms of section 13(1)(g) 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 Management and Control of Building 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 17/05/2000 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**

**KENNISGEWING 2176 VAN 2000****DEPARTEMENT VAN BEHUISING****WET OP RESIDENSIELE HUURDER EN VERHUURDER, 1997 (WET NO. 3 VAN 1997)****BESTUUR EN KONTROLE OOR GEBOU REGULASIES, 2000**

Die lid van die uitvoerende Raad wat verantwoordelik is vir Behuising, kragtens artikel 13 (1) (g) van die wet op Residensiele Huurder en Verhuurder, 1997 het regulasies uitgevaardig soos vervat in die skedule hierna

**SKEDULE****Definisies**

- 1(1) Behoudens regulasie 1(2) en tensy uit die samehang anders blyk het woorde in hierdie regulasies dieselfde betekenis soos toegeskryf in artikel 1 van die wet op Residensiele Huurder en Verhuurder , 1997 (Wet No. 3 van 1997).
- (2) In hierdie regulasie, tensy uit die samehang anders blyk -

**"Wet"** die Wet op Residensiele Huurder en Verhuurder, 1997 (Wet NO.3 van 1997);

**"outriteit"** die Gauteng Provinciale Regering of 'n Munisipaliteit wat deur hierdie regulasies beheer word;

**"gebou"** 'n plek ontwerp vir menslike okkupasie wat aan die Gauteng Provinciale Regering of 'n Munisipaliteit behoort, anders as losieshuise, waardeur hierdie regulasies van toepassing gemaak word deur kennisgewing in die Amptelike Staatskoerant deur die Lid van die Uitvoerende Komitee van Behuising;

**"Huurder Vehuurder Dispuut Oplossing Beheerraad"** die Beheerraad ingestel kragtens artikel 2 van die Wet;

**"Bestuurder"** die gebouebestuurder aangestel deur outriteit kragtens artikel 2van heirdie regulasies; en

**"Munisipaliteit"** 'n Munisipaliteit soos omskryk in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993).

## Aanstelling van Gebouebestuurders

2. Die outhoorn -
  - (1) moet 'n Gebouebestuurder vir 'n spesifieke gebou en die gronde waarop dit geleë is aanstel, om die faciliteite beskikbaar te stel in ooreenstemming met hierdie regulasies' en die instruksies uitvoer wat hy of sy mag ontvang vanaf daardie outhoorn; en
  - (2) kan 'n adjunk gebouebestuurder aanstel.

## Kriteria vir die aanstel van gebouebestuurders

3. Die gebouebestuurder sal 'n beampie van die outhoorn wees en sal aangestel word kragtens die voorwaarde van die Staatsdiens Wet 1994' in die geval van geboue wat aan die provinsiale regering behoort en kragtens die voorwaarde van indiensneming van die relevante Munisipaliteit in die geval van geboue wat aan die plaaslike regering behoort.

## Pligte van gebouebestuurders

4. Die gebouebestuurder is verantwoordelik vir die bestuur, beheer en goeie toestand van die gebou en moet -
  - (1) poog om redelike gemak en welstand van sy inwoners te bevorder;
  - (2) verseker dat die gebou en die grond waarop dit geleë is' in 'n skoon en netjiese toestand gehou word;
  - (3) wanneer versoek word dear die outhoorn, 'n geskrewe verslang ten opsigte van die kondisie van die bestuur en beheer van die gebou oorsien;
  - (4) 'n register tot stand bring en byhou van al die inwoners wat die volle name en identiteitsnommers van elke inwoner moet bevat asook die name van sy of haar naasbestaandes of enige ander persoon wat gekontak kan word in die geval van dood of 'n noodgeval';
  - (5) 'n stel huisreels per gebou, in konsultasie met die huurderskomitee; formuleer wat voldoen aan hierdie regulasies en aan elke geregistreerde inwoner 'n afskrif daarvan voorsien;

- (6) die totstandkoming en werksaamhied van 'n huurderskomitee bemoedig en faciliteer, en gereeld met daarmee konsulteer;
- (7) verseker dat'n afskrif van hierdie regulasies tesame met die huidige tarief opgeplaas en onderhou word op 'n amptelike kennisgewingbord, op 'n opsigtelike plek in die inligting van inwoners en die publiek oor die algemeen; en
- (8) alle ander pligte wat aan hom of haar ingevolge hierdie regulasies opgedra is' verrig.

### **Huurkontrakte**

- 5. 'n huurkontrak aangegaan tussen die outoriteit en 'n huurder moet ten minste die volgende inligting bevat -
  - (1) die huur betaalbaar, die datum, plek en aan wie sodanige betaling gemaak moet word, tesame met die eskalasie koers en periode van kennisgewing van sodanige eskalasie(s), indien van toepassing;
  - (2) die doel waarvoor die woning deur huurder gebruik kan word;
  - (3) die maksimum hoeveelheid persone wat geregting is om die woning te okkuper;
  - (4) die naam en identiteitsnommer van die huurder; en
  - (5) die fisiese adresse van die partye vir die bediening van alle kennisgewings en hof prosesse.

### **Oorgangsmaatreels**

- 6. Binne een (1) maand van die aanneming van hierdie regulasies deur die betrokke Outoriteit, moet die gebouebestuurder 'n opname maak van alle huurders ten einde te verseker dat alle huurders die eiendom wetting okkuper en dat hulle 'n kontrak met die outoriteit aangegaan het.

## **Bestuursmaatreels**

- 7(1)** Onderworpe aan die oorgangsmaatreels saamgevat in regulasie 6 mag geen ander persoon(e) anders as die geregistreerde huurder(s) in die gebou woon nie.
- (2) Die gebouebestuurder, sy adjunk of enige ander gemagtigde verteenwoordigers mag -
- (a) maatreels instel om ongemagtigde okkupasie in die gebou te monitor;
  - (b) in die nakoming van sy of haar pligte, enige plek in die gebou vir die doeleindes van 'n ondersoek of 'n ander aksie wat hy of sy mag reken as noodsaaklik, binne gaan; of
  - (c) 'n persoon teenwoordig in die gebou versoek om dokumentere bewys van sy of haar reg om in die gebou te woon te lewer, indien dit ontbreek mag sodanige persoon gevra word om sy of haar naam, identiteitsnommer en adres te verskaf en om die perseel dadelik te ontruim.

## **Bewoning**

- 8(1)** Die outhoorn moet verblyf voorsien ingevolge die terme vervat in hierdie regulasies en soos gedifinieer deur die kontrak wat deur beide partye aangegaan word.
- (2) Inwoners moet huur betaal soos gestipuleer en in skrif ooreengekom deur beide partye, en inwoners moet heffings betaal vir alle dienste gelewer deur die outhoorn, op 'n maandelikse basis.
- (3) Behalwe as die outhoorn vooraf geskrewe toestemming gegee het, mag 'n huurder nie -
- (a) sy of haar reg van okkupasie of regte met betrekking daartoe aan 'n ander persoon opgee, afstaan of oordra nie;
  - (b) onderverhuur of 'n ander persoon toelaat om op die perseel te woon sonder die toestemming van die outhoorn nie; en
  - (c) aanbouings of verbouings aan die gebou of enige deel daarvan maak sonder die toestemming van die outhoorn nie.

- (4) Geen persoon mag voortgaan met 'n bedryf, besigheid of Nywerheidsaktiwiteit op die perseel of beskutting of enige ander strukture op die perseel oprig nie, behalwe met die geskrewe toestemming van die autoriteit ten opsigte van die voorwaardes en behouders die betaling van die gelde en kostes wat vereis mag word deur die autoriteit ,na konsultasie met die huurderskomitee.

### **Verantwoorderlikhied vir perseel en goele gedrag**

- 9(1) Die autoriteit is verantwoordelik vir die onderhoud, toestand en instandhouding van die gemeenskaplike fasiliteite, installasies toerusting en die buitekant van die geboue en geboueperseel.
- (2) Elke huurder en inwoner moet verantwoording doen aan die autoriteit vir enige skade aangerig aan sy of haar woning of vaste toerusting.
- (3) Geen huurders en, inwoners of ander persoon (e) mag -
- (a) 'n oorlas of versturing in of op enige deel van die perseel van die gebou veroorsaak nie;
  - (b) enige iets op die perseel verander of installeer, of enige veranderinge of aanbouinge aan die vaste toerusting of struktuur daarin, sonder die vooraf goedkeuring van die autoriteit, aanbring nie;
  - (c) enige dier, voer of voertuig waar ook al op die perseel van die gebou aanhou, sonder die vooraf geskrewe toestemming van die gebouebesteerde nie; of
  - (d) die elektriese of ander installasies op die perseel verander of inmeng daarmee nie.

### **Huurderskomitee**

- 10(1) 'n Huurderskomitee moet ingestel word wat die meerderheid van die inwoners en die algemene belang van die inwoners ten opsigte van aangeleenthede met betrekking tot die lewensomstandighede binne die gebou en ander verwante aangeleenthede verteenwoordig.

- (2) Die huurderskomitee en die gebouebestuurder moet gereeld vergader en skakel ten opsigte van aangeleenthede van wedersydse belang;
- (3) Spesiale vergadering van huurders mag byeengeroep word op nie minder as sewe (7) dae kennisgwing of met 'n korter kennisgwing vir gevalle van verklaarde noodgevalle deur-
  - (a) die gebouebestuurder; of
  - (b) die huurderskomitee op tye en plekke wat vooraf met die gebouebestuurder gereel is.
- (4) Die huurderskomitee moet kennis van vergaderings gee aan inwoners deur kennisgewings opsigtelik op die amptelike kennisgwingbord en toegange van die gebou in so 'n mate te plaas soos wat die gebouebestuurder of die huurderskomitee as gesik mag beskou.

### **Klagtes en Appelle**

- 11(1)** 'n Klagte deur huurder(s) aangaande enige plig of funksie wat deur die gebouegestuurder uitgevoer moet word moet eerste onder die gebouebestuurder se aandag gebring word.
- (2) As "n klagte nie binne 'n redelike tydperk deur gebouebestuurder hanteer word nie soos oorengekom dear beide partye, kan die klagte by die relevante autoriteit, wat die huurder en verhuurder dispute hanteer, indien.
- (3) 'n Verhuurder of huurder of groep van verhuurders of huurders mag klagtes betreffende onbillike praktyke by die Raad van 'n woning indien wat hulle verhuur of huur deur 'n geskrewe klagte soos voorgeskryf deur die regulasies wat geopenbaar word ingevolge die wet op Residensiele Huurder en Verhuurder, 1997 (Wet No. 3 van 1997) in te dien.

### **Kansellasies en uitsetting**

- 12(1)** 'n Huurder wat nie die woning fisies in persoon okkuperir vir 'n aangeneem word dat die gebou verlaat is en die autoriteit sal geregtig wees om die huurkontrak te kanselleer.

- (2) 'n Huurder moet 'n geskrewe kennisgewing aan die ouoriteit verskaf wanneer hy of sy nie persoonlik die eiendom vir 'n aaneenlopende periode wat een (1) maand oorskry gaan okkupeer nie.
- (3) Die huurkontrak sal beeindig word binne die voorgeskrewe periode op die huurder se aanskaffing van eiendom of op die huurder se bevordeling ten opsigte van die kapitale behuisingsubsidie program.

**Kort title**

**13. Die regulasies heet die Bestuur en Kontrole van Geboue regulasies, 2000.**

## NOTICE 2176 OF 2000

**UMNYANGO WEZEZINDLU E-GAUTENG****UMTHETHO WOMASITENDE NABAQASHI KA 1997 (ACT NO. 3 OF 1997)****IMITHETHO KA 2000 YOKUPHATHWA KWEZAKHIWO**

Ilungu le-Executive Council elibhekene neZeZindlu ngaphansi kwesigaba 13 (1)(g) soMthetho ka 1997 woMasitende nabaQashi, selishaye umthetho oqukethwe kulombhalo.

**SCHEDULE****IZINCAZELO**

**1(1)** NgokoMthetho 1(2) ngaphandle-ke uma okuqukethwe kusho okwehlukile, amagama akulemithetho anencazel efanayo naleyo etholakala kwisigaba 1 soMthetho ka 1997 woMasitende nabaQashi (Act No. 3 of 1997).

**(2)** Kulemithetho, ngaphandle-ke uma okuqukethwe kuchaza ngenye indlela -

**"UMthetho"** usho uMthetho ka 1997 woMasitende nabaQashi (Act No. 3 of 1997);

**"umphathi"** usho uHulumeni wesiFunda saseGauteng noma umasipala ophethwe yilemithetho.

**"isakhiwo"** sisho indawo elungiselwe ukuhlala abantu engekaHulumeni wesiFnda saseGauteng noma uMasipala, ngaphandle kwamahostela, nawo kodwa angaphansi kwawo lomthetho ngokwesaziso esenziwa iLungu le-Executive Committee yeZeZindlu esibhalwe nakwiGazethi eseMthethweni.

**"Ibhodi IokuXazulula iziNkinga zabaQashi"** lisho ibhodi eyasungulwa ngokwesigaba 2 soMthetho;

**"imenenja"** isho imenenja yesakhiwo ekhethwe ngabaphathi ngokwesigaba 2 salemithetho; kanti;

**"umasipala"** usho umasipala njengoba kuchazwe kwisigaba 10B somMthetho ka 1993 woGuquko kuHulumeni waseKhaya, (Act No. 209 of 1993).

## **Ukukhethwa kweziMenenja zeZakhiwo**

### **2. Umphathi -**

- (1) Kufanele akhethe imenenja yaleso naleso sakhiwo nemihlaba izakhiwo ezikuyo ukuze kwensiwe konke okudingekayo ngokwalemithetho, yenze nako konke engase ikutshelwe ngumphathi ukuba ikwenze; futhi
- (2) Angase akhethe nesekela lemenenja yezakhiwo.

## **Indlela yokukhetha izimenenja zezakhiwo**

3. Imenenja yezakhiwo iyoba yisiphathimandla sabaphathi futhi iyokhethwa ngendlela ebekwe eMthethweni ka 1994 wezeMisebenzi kaHulumeni, maqondana nezakhiwo zikahulumeni wesifunda, nangendlela yokuqasha komasipala abathintekayo uma kuyizakhiwo zikahulumeni wasekhaya.

## **Imisebenzi yezimenenja zezakhiwo**

4. Umsebenzi wemenenja yezakhiwo wukuphatha nokuqikelela ukuba konke kuhamba ngendlela efanele esakhiweni, futhi kufanele -
  - (1) Aqikelele futhi akhuthaze inhlalakahle kwizakhamuzi;
  - (2) Aqikelele ukuba isakhiwo nomhlaba esakhiwe kuwo kuhlala kuhlanzekile kusesimweni esifanele;
  - (3) Akhiphe umbiko obhaliwe maqondana nesimo sesakhiwo nendlela esiphethwe ngayo noma nini uma ecelwa ukuba enze njalo;
  - (4) Aqale futhi agcine irejista lazo zonke izakhamuzi;
  - (5) Okufanele libe namagama agcwele nezinombolo zepasi zazo zonke izakhamuzi namagama abasondelene nazo abangase bathintwe uma kuvela isifo noma ingozi;
  - (6) Akhe imithetho okuzoqhutshwa ngayo kulesosakhiwo ngokubambisana nekomidi lezakhamuzi elivumelana nazo, bese leso naleso sakhamuzi esirejistiwe sinikwa ikhophi yaleyomithetho;
  - (7) Akhuthaze futhi enze kubelula ukusungulwa kwekomidi lezakhamuzi axhumane nalo njalonjalo;

- (8) Aqinisekise ukuthi ikhophi yalemitetho kanye nemali ekhokhwayo kufakwe endaweni okubhalwa kuyo izaziso esemthethweni futhi ebonakala ngokugqamile esakhiweni ukuze izakhamuzi nomphakathi wonkana bakubone konke okubhaliwe;
- (9) Enze yonke eminye imisebenzi ebekwe emahlombe akhe ngaphansi kwalemithetho.

### **Ukuqasha**

**5(1)** ukuqasha okwenziwa phakathi kwabaphathi nomqashi kufanele kube nolwazi olulandelayo -

- (1) Irenti ezokhokhwa, usuku nendawo eyokhokhwa kuyo kanye nendlela eyonyuswa ngayo nesikhathi senothisi eziyosinikwa izakhamuzi uma kuzokwenyuswa imali;
- (2) Isizathu isakhiwo esizosetshenziselwa sona ngumqashi;
- (3) Inani labantu abangase bahlale esakhiweni;
- (4) Igama nenombolo yepasi yomqashi; kanye
- (5) Namakheli abaqashi ukuze kwaziwe lapho bengatholakala khona uma bezonikwa amanothisi okuthathwa kwezinyathelo zomthetho.

### **Okuphathelene noguquko**

- 6.** Kufuneka ukuba ingakapheli inyanga abaphathi beyamukele lemithetho, imenenga yesakhiwo ibe isithole yonke imininingwane yezakhamuzi, ukuqikelela ukuba zonke zihleli ngokomthetho kuleyondawo futhi zinesivumelwano nabaphathi.

### **Izindlela zokuphatha**

- 7(1) Ngokwemithetho yoguuko equkethwe kumthetho 6, akukho muntu noma abantu abangarejistiwe abavunyelwe ukuhlala kulesakhiwo.
- (2) Imenenja yesakhiwo, isekela layo noma yimuphi omunye umuntu onikwe amandla angenza okulandelayo -
- (a) Angenza izindlela zokuqapha ukuhlala kwabantu abangekho emthethweni esakhiweni;
  - (b) Uma enza umsebenzi wakhe, angangena noma yikuyiphi indawo esakhiweni ukuze akwazi ukuphenya enze noma yikuphi akubona kufanele; noma
  - (c) Angenza ukuba umuntu osesakhiweni aveze ubufakazi bokuthi imvume yokuhlala kuso, uma ehluleka angamphoqa ukuba amnike ikheli, inombolo yepasi negama lakhe bese emxosha kuso ngaso lesosikhathi.

### **Ukuhlala esakhiweni**

- 8(1) Abaphathi kufanele benze ukuba indawo yokuhlala itholakale ngokwemibandela equkethwe kulemithetho futhi echazwa yisivumelwano esiba phakathi kwabaphathi nesakhamuzi.
- (2) Izakhamuzi kufanele zikhokhe imali yentela njengoba kuvunyelwene emibhalweni, futhi kufuneka nyangazonke zikhokhe nemali yayo yonke imisebenzi eziyenzelwa ngabaphathi njengokuqoqwa kukadoti nokunye okunjalo.
- (3) Ngaphandle kwezimo lapho abaphathi bekiphe khona imvume, isakhamuzi asivunyelwe ukuba-
- (a) Sixhume amalungelo aso okuhlala esakhiweni komunye umuntu noma simuphe wona;
  - (b) Siqashisele noma sivumele omunye ukuba ahiale esakhiweni ngaphandle kwemvume yabaphathi; futhi

- (c) Senze uguquko esakhiweni ngaphandle kwemvume yabaphathi.
- (4) Akukho muntu ovunyelwe ukuqhube ibhizini noma ahwebe noma ngayiphi indlela noma akhe umpheme noma okusasakhiwo ngaphandle kwemvume ebhaliwe ephuma kubaphathi ehambisana nemibandela abangase bayibeke njengokukhokhwa kwezimali ezithize emva kokubonisana nekomidi lezakhamuzi.

### **Umsebenzi wokubheka isimo sesakhiwo nendlela yokuziphatha efanele**

- 9(1) Abaphathi banomsebenzi wokugcina isakhiwo sisesimweni esifanele futhi bakhande nezinto ezidingekayo ezisetshenziswa ngumphakathi, okufuneka kufakwe esakhiweni kanye nengaphandle laso.
- (2) Leso naleso sakhamuzi silindeleke ukuba sichaze kabanzi kubaphathi ngokuphuka nokumoshakala kwesakhiwo ngaphakathi.
- (3) Akukho sakhamuzi noma ohlala esakhiweni ongase –
- (a) Adale isidina noma uthuthuva kunoma iyiphi ingxene yesakhoso;
  - (b) Aguqule noma afake noma yini esakhiweni noma ashintshe isimo saso ngaphandle kokuthola imvume kubaphathi;
  - (c) Agcine noma yisiphi isilwane noma izinyoni noma imoto noma yikuphi esakhiweni ngaphandle kokuthola imvume ebhaliwe kwimenenja yesakhoso; noma
  - (d) Ashintshe isimo noma athikameze ugesi noma yikuphi okunye esakhiweni.

### **Ikomidi lezakhamuzi**

- 10(1) Kufuneka kusungulwe ikomidi lezakhamuzi eliyomela iningi lezakhamuzi nako konke okuzithintayo maqondana nendlela okuphilwa ngayo esakhiweni.
- (2) Kufuneka ikomidi lezakhamuzi lihlangane nemenenja yesakhoso baxhumane njalonjalo ngezinto ezibathintayo.

- (3) Uma kuzobizwa imihlangano eyisipesheli yezakhamuzxi kufuneka isaziso sikhishwe kusasele izinsuku ezingengaphansi kwezingu 7, kephake isaziso esifishane kunalokho singakhishwa uma kunesidingo esiphuthumayo -
- (a) Singakhishwa yimenenja yesakhowo; noma
  - (b) Yikomidi lezakhamuzi ngesikhathi nendawo okufuneka kuvunyelwane nemenenja yesakhiwo ngaso.
- (4) Kufanele ikomidi lezakhamuzi linike izakhamuzi isaziso ngemihlangano ngokufaka umbhalo wesaziso endaweni egqamile njengebhodi yezaziso esemthethweni, nasendaweni okungenwa kuyo ebhilidini nanoma yikuyiphi enye indawo imenenja yebhilidi nekomidi lezakhamuzi elingayibona ifanele.

### **Izikhalo nezicelo**

- 11(1)** Izikhalo eziphuma kwizakhamuzi ngomsebenzi nanoma yini ezibona kufanele yensiwe yimenenja yesakhiwo, kufanele zethulwe kuyona imenenja yesakhiwo.
- (2) Uma imenenja yesakhiwo ingenzi lutho ngaleso sikhalo noma isicelo kuze kuphele isikhathi obekuvunyelwene ngaso, isikhalo sesingadluliselwa kwabanamandla okubhekana nezikhalo zomasitende nabaqashi.
- (3) Umasitende noma umqashi noma iqembu lomasitende noma abaqashi bangafaka isikhalo kwiBhodi maqondana nesakhiwo esithize abasiqashisayo noma abaqashe kuso, loko bangakwenza ngokufaka isikhalo esibhaliwe njengoba kubekwe emithethweni yoMasitende nabaQashi 1997, (Act No. 3 of 1997).

### **Ukukhansela nokuxoshwa**

- 12(1)** Umqashi okuze kuphele inyanga engahlali esakhiweni uyothathwa njengoseyekile ukuhlala kuso, abaphathi bayobe sebebanelungelo lokukhansela isivumelwano sakhe sokuqasha.
- (2) Umqashi kufuneka akhiphe isaziso esiya kubaphathi ngokuthi uyobe ekuphi isikhathi esingaphezu kwesiyyanya uma engekho esakhiweni asiqashile.

- (3) Isivumelwano sokuqasha siyokhanselwa uma sekuphele isikhathi okuvunyelwene ngaso emva kokuba umqashi esengene kuso noma uma esephenduka umnikazi wesakhiwo ngoba esesithengile.

**Isihloko esifishane nokuqala**

- 13.** Lemithetho iyobizwa ngokuthi yiMithetho KA 2000 yokuPhathwa kwamaBhilidi ka 2000.

## **UMNYANGO WEZEZINDLU E-GAUTENG**

**UMTHETHO KA 1997 WEZINDAWO ZO KUHLALA WOMASITENDE  
NABAQASHI, 1997 (ACT NO. 3 OF 1997)**

**NGOKWEMITHETHO KA 2000 YOKUPHATHWA KWEZAKHIWO**  
kukhishwa isaziso sokuthi ngokwesigaba 13(1)(g) soMthetho ka 1997  
weziNdawo Zokuhlala woMasitende nabaQashi (Act No. 3 of 1997)  
iLungu le-Executive Committee lezeZindlu lizimisele ngokulungisa  
iMithetho ka 2000 YokuPhathwa kweZakhiwo ngendlela echazwa  
ngenzansi kwi-Schedule.

**Umuntu noma inhlango efisa ukubeka umbandela ngalemithetho  
ehlongozwayo ivumelekile ukukwenza loko ngokubhalela ihhovisi  
elingenzansi incwadi eyoposwa noma ifekswe noma ilethwe ngezandla  
ngaphambi komhlaka 17/05/2000.**

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## NOTICE 2176 OF 2000

**LEFAPHA LA TSA MATLO LA GAUTENG****MOLAO WA 1997 WA BAHIRISI LE BADUDI (ACT NO. 3 OF 1997)****MELAO YA 2000 YA TSAMAISO LE TSHWARO YA MEAHO**

Setho Sa Lekgotla la Phethahatso (MEC) se ikarabellang ho tsa matlo, se entse melao e hlahellang shejulung e latelang se itshetlehole ka karolo ya 13 (1)(g) ya Molao wa Bahirisi le Badudi wa 1997.

**SHEJULU****Ditlhhaloso**

**1(1)** Ho ya ka molao wa 1(2), mme ntle le ha eba maemo a ditaba a fetoha, mantswe a hlahellang mona a bolela ntho e le nngwe ho ya ka karolo ya 1 ya molao wa Bahirisi le Badudi wa 1997 (Act No. 3 of 1997).

**(2)** Ntle le ha eba maemo a ditaba a fetoha –

Ka “**Molao**” ho bolelwa Molao wa Bahirisi le Badudi wa 1997 (Act No. 3 of 1997):

Ka “**Ba ka sehloohong**” ho bolelwa Mmuso wa Provense ya Gauteng kapa Masepala ya laolwang ke melao ena;

Ka “**Moaho**” ho bolelwa sebaka se lokiseditsweng ho phela ebile e le sa Mmuso wa Provense ya Gauteng kapa Masepala, ntle le dihosetele, tseo melao ena e ntseng e sebetsa ho tsona ho latela Lesedinyana la Mmuso (*official Gazette*) le tswang ho Setho sa Lekgotla la Phethahatso la tsa Matlo.

Ka “**Boto ya Ditharollo tsa diqabang pakeng tsa bahirisi le badudi**” ho bolelwa Boto e thehilweng ho latela karolo ya 2 ya Molao ona

Ka “**Motsamaisi**” ho bolelwa motsamaisi wa moaho ya kgethuweng ke ba ka sehloohong ho latela karolo ya 2 ya melao ena, mme

Ka “**Masepala**” ho bolelwa se hhaloswang ke karolo ya 10B ya Molao wa Nakwana wa Mmuso wa Selehae wa 1993 (Act No. 209 of 1993).

**Ho kgethwa ha Batsamaisi ba meaho**

2. Ba ka sehloohong -
  - (1) Ba tshwanelo ho kgetha motsamaisi wa moaho o itseng le sebaka seo o leng ho sona ho latela melao ena ho etsa hore disebediswa tse sebakeng seo di fumanehe ha bonolo, mme a phethahatse ditaelo tseo a di fumanang.
  - (2) Ba ka kgetha motlatsi wa motsamaisi.

**Tsela e latelwang ha ho kgethwa Batsamaisi ba moaho**

3. Motsamaisi wa moaho ke moemedi wa ba ka sehloohong mme o kgethwa ka tlasa Molao wa 1994 wa Ditshebeletso tsa Setjhaba (Public Service Act, 1994) ho tsamaisa meaho ya Mmuso wa Provense, le ho latela melao ya kgiro ya Masepala ebang a sebeletsa Mmuso wa Selehae.

**Mesebetsi ya batsamaisi ba meaho**

4. Motsamaisi wa moaho o ikarabella tsamaisong le tlhokomelong ya moaho mme o tshwanelo -
  - (1) Ho etsa bonnete ba hore badudi ba dutse ebole ba bolokehile hantle;
  - (2) Ho etsa hore moaho le sebaka seo o leng ho sona o maemong a hlwekileng;
  - (3) Ho fana ka tlaleho e ngotsweng ho ba ka sehloohong ka maemo a tsamaiso le tshwaro ya moaho ha ho hlokeha;
  - (4) Ho boloka bukana e ngotseng mabitso a badudi kaofela le dinomoro tsa bona tsa boitsebiso mmoho le mabitso a batho ba tswalanang le bona kapa ba ka tsebiswang ha ho hlahile lefu kapa ditaba tsa tshohanyetso;
  - (5) Ho fana ka melao ya moaho ka mong a sebedisana le komiti ya badudi mme a fe modudi ka mong lengolo la hae la melao;
  - (6) Ho kgothaletsa ho thehwa ha komiti ya badudi le ho etsa hore e sebetsa hantle ka ho sebedisana le yona ka dinako tsohle;

- (7) Ho etsa bonnete bə hore kopi ya melao le tjhelete ya rente e hlongwa botong ya ditsebiso sebakeng se lokelang ka hara moaho hore badudi le batho ba bang ba ipalle;
- (8) Ho etsa mesebetsi yohle eo melao ena e reng a e etse.

### **Ditumellano**

- 5. Tumellano e pakeng tsa ba ka sehloohong le modudi e tshwanelo ho ba le ditaba tse latelang –
  - (1) Rente e lefuwang, letsatsi, sebaka le hore tefo e tla iswa ho mang, mmoho le ho nyolla rente, le nako ya ho nyollwa ha rente, ebang hona ho hlokeha;
  - (2) Lebaka la hore ke hobaneng modudi a dula moo;
  - (3) Palo ya batho ba tshwanelang ho dula le yena;
  - (4) Lebitso le nomoro ya modudi ya boitsebiso;
  - (5) Aterese ya moo modudi(kapa badudi) a ka fumanehang teng ebang a tshwanelo ho tsebisa ka ditaba tse kang ho hlaha lekgotleng la dinyewe.

### **Mehato ya nakwana**

- 6. Ka mora kgwedi melao ena e amohetswe ke ba ka sehloohong, motsamaisi wa moaho o tshwanelo ho bala batho ba dulang moahong ho netefatsa hore batho bohole ba dula ka tsela e molaong le hore ba saenne konteraka.

### **Mehato ya tsamaiso**

- 7(1) Ho latela melao ya nakwana e hlahellang ho 6 ka hodimo, ha ho motho ya ka dulang moahong ntle le ba ngodisitsweng feela.
- (2) Motsamaisi wa moaho, motlatsi wa hae, kapa mang feela ya dumelletsweng a ka -
  - (a) Hlahloba batho ba dulang ka tsela e seng molaong;

- (b) Kena sebakeng sefe kapa sefe moahong ka sepheo sa ho fuputsa kapa lebaka le leng feela leo a le fumanamang le le bohlokwa;
- (c) Kopa batho ba ka hara moaho ho hlahisa ditokomane tse supang hore ba na le tokelo ya ho dula moo. Ebang motho a hloleha ho hlahisa ditokomane o tla lokelwa ke ho fana ka lebitso la hae, nomoro ya boitsebiso le aterese mme a tswe moahong oo.

### **Ho dula (moahong)**

- 8(1) Ba ka sehloohong ba tshwanelo ho fana ka bodulo ho ya ka molao le ho ya ka seo ho dumellanweng ka sona le modudi.
- (2) Badudi ba tshwanelo ho lefa rente kgwedi le kgwedi ho ya ka tumellano e ngotsweng, mme ba tshwanelo ho lefa bakeng sa ditshebeletso tseo ba di fumanang ho ba ka sehloohong.
- (3) Ntle le ha eba ba ka sehloohong ba dumetse ka ho ngola fatshe, modudi ha a dumellwa ho -
  - (a) Siela motho e mong bodulo ba hae;
  - (b) Dumella motho e mong ho dula ka hara moaho ntle le tumello;
  - (c) Fetola kapa ho atisa moaho kapa karolo ya ona ntle le tumello.
- (4) Ha ho motho ya dumelletseng ho hweba ka hara moaho kapa ho etsa sebaka sa ho itshireletsa ntle le tumello e ngotsweng ke ba ka sehloohong le ho buisana le komiti ya badudi ka ho shebisana tjhelete eo a tlang ho e lefisia.

### **Boikarabelo ba meaho le boitshwaro bo botle**

- 9(1) Ke boikarabelo ba ba ka sehloohong hore sebaka sa ho dula, disebediswa le sebaka se ka ntle ho moaho se be maemong a matle.
- (2) Modudi e mong le e mong o tla ikarabella ho ba ka sehloohong bakeng sa tshenyo efe kapa efe e etsahalang ntlong kapa dinthong tsa ka tloung.

- (3) Ha ho motho ya tshwanelang ho –
- (a) etsa morusu moahong;
  - (b) fetola kapa ho hloma ho itseng ka hara moaho, kapa ho fetola dintho tse hlonngweng ke ba ka sehloohong ntle le tumello;
  - (c) rua phoofolo, nonyana kapa koloi ntle le tumello e ngotsweng;
  - (d) fetola kapa ho tshwenyana le metlakase kapa dinthotse hlonngweng.

### **Komiti ya Badudi**

- 10(1)** Ho tshwanelo ho thehwe komiti ya badudi e tla emela bongata ba badudi le ditlhoko tsa bona tsa bodulo le ditaba tse ding.
- (2) Komiti ya badudi le motsamaisi wa moaho ba tshwanelo ho kopana kgafetsa ho buisana ka ditaba tse ba amang.
- (3) Dikopano tse ikgethileng tsa badudi ha di a tshwanelo ho bitswa matsatsi a ka tlase ho a 7 ntle le ha eba e le tshohanyetso, mme maemong ana di ka bitswa ke –
- (a) motsamaisi wa moaho; kapa
  - (b) komiti ya badudi nakong le sebakeng se tla rerisanwa le motsamaisi.
- (4) Komiti ya badudi e lokela ho ba tsebisa ka dikopano ka ho beha ditsebiso dibotong tsa ditsebiso le menyakong ya meaho ka tsela e lokelang.

### **Dipelaelo le ho ipiletsa**

- 11(1)** Boipelaetso bofe kapa bofe bo amang mosebetsi wa motsamaisi wa moaho bo tshwanelo ho tliswa ho yena pele.
- (2) Ebang motsamaisi wa moaho a nkile nako e telele ho feta eo ho dumellanweng ka yona ho arabela boipelaetso, bo ka lebiswa bathong ba shebanang le diqabang tsa bahirisi le badudi.

- (3) Mohirisi le modudi kapa sehlopha sa bahirisi le sa badudi se ka isa boipelaetso ba leeme mabapi le bodulo bo rekiswang kapa bo rentwang Botong ka ho ngola lengolo se ipapisitse le mehato e bolelwang ke Molao wa Bahirisi le Badudi wa 1997 (Act No. 3 of 1997).

### **Ho hlakolwa le ho tebelwa**

- 12(1)** Ha modudi a sa dule ntlong ya hae sebakeng sa nako ya kgwedi o tla nkuwa e le motho ya tsamaileng mme ba ka sehloohong ba na le tokelo ya ho hlakola tumellano.
- (2) Modudi o tshwanela ho ngolla ba ka sehloohong ha a sa tlo dula ntlong ya hae nakong e ka hodimo ho kgwedi.
- (3) Tumellano e tla hlakolwa nakong e fanweng ebang modudi a reka ntlo kapa ebang a fumana ntlo ya sabosidi (*capital housing subsidy programme*).

### **Thaetlele e kgutshwane le qalo**

- 13.** Melao ena e bitswa Melao ya 2000 ya Tsamaiso le Tshwaro ya Meaho (*Management and Control of Buildings Regulations, 2000*).

## **LEFAPHA LA TSA MATLO LA GAUTENG**

### **MOLAO WA 1997 WA BAHIRISI LE BADUDI (ACT NO. 3 OF 1997)**

### **MELAO YA 2000 YA TSAMAIISO LE TSHWARO YA MEAHO**

**Re etsa tsebiso hore ho latela karo lo ya 13(1)(g) ya Molao wa 1997 wa Bahirisi le Badudi (Act No. 3 of 1997), Setho sa Lekgotla la Phethahatso sa Matlo (MEC) se rera ho kenya tshebetsong Melao ya 2000 ya Tsamaiso le Tshwaro ya Meaho e hlahellang shejulung.**

**Motho kapa mokgatlo o ratang ho hlahisa maikutlo mabapi le melao ena o ka ngola lengolo pele kapa letsatsing lena 17/05/2000, ka ho sebedisa poso, ho feksa kapa ho ikisetsa lona atereseng e latelang:**

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