

# KNOW YOUR RIGHTS THIS HUMAN RIGHT'S DAY

What are the rights of tenants? We get your questions answered.



## Q: WHAT IS A TENANT?

A: A tenant is a person who rents land or property and pays money to the landlord, who owns the property.

## Q: WHAT ARE MY LANDLORD'S OBLIGATIONS?

A: The landlord is responsible for maintaining the property. If something breaks while you are living there, and it's not your fault, the landlord must fix it for you. For example, a faulty geyser must be fixed and paid for by the landlord. The landlord is entitled to inspect the property, but he/she must make an appointment with you to do so.

## Q: WHAT IF I DECIDE TO MOVE OUT?

A: Most leases state that the tenant and the landlord can cancel the rental agreement, in writing, as long as a month's notice is given. This means that if, for example, you would like to move out on 1 July, you will need to tell your landlord by 1 June. These terms must be included in your lease agreement.



## Q: BEFORE I MOVE IN, MUST THE LANDLORD INSPECT THE PROPERTY WITH ME?

A: Yes. During this inspection, the landlord must make a list of any items that are missing or broken in the home, and you must both sign that list. When you move out, the landlord should inspect the home with you at least three days before you leave the property. If you don't make yourself available for an inspection with the landlord before you move out, then the landlord must do an inspection without you and you risk being held responsible for any damages.

## Q: CAN MY LANDLORD LOCK ME OUT?

A: No, your landlord cannot lock you out of the property, remove the doors, change the locks or switch off the water and lights without an order from the court. This order must first be served on you by a Sheriff of the Court.



## Q: WHAT IS A DEPOSIT?

A: Your landlord may ask you for a deposit (this is usually equal to one month's rental) when you sign the lease. This is not for the landlord to keep or use. Instead, the landlord must place this in a bank account where it will gather interest. Before you move out, and the landlord has inspected the property, he or she must return this money to you within 14 days. However, the landlord may use the money from the deposit to repair items that broke while you were renting the property.

Note: You can't use the deposit as payment for your last month's rent.

## Q: WHAT ARE MY OBLIGATIONS AS A TENANT?

A: Tenants must pay their rent on time. As a tenant, you are also expected to keep the home in the condition in which you first rented it. If the home is a flat or a townhouse, you must also stick to the rules of the complex.



## Q: WHAT HAPPENS IF I CAN'T PAY MY RENT?

A: If you are late with your rent, or you can't pay at all, you will be in breach of the lease, which means you have not kept up your part of the agreement. Your landlord must then give you notice which lets you know that you have failed to keep up your side of the agreement and provides you with an opportunity to pay the money. If you still fail to pay, the landlord has the right to cancel the lease and give you notice to vacate the property. The landlord can also sue for outstanding money or damages. If you are no longer able to afford the property you are renting, you should try to get the landlord to release you from the lease agreement.

## STILL UNSURE? CONTACT LEGAL&TAX

If you are uncertain about anything in your lease agreement, or you think your landlord is behaving unfairly, contact a Legal&Tax advisor for assistance and support: 0860 587 587. You can also download a lease agreement from the Legal&Tax Web page. Just look under the "tips and docs" tab and then click "templates".

**Legal&Tax**

For more information about your rights, go to [legalandtax.co.za](http://legalandtax.co.za) or call 0860 587 587.