

PROVINCIAL NOTICES

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DIRECTOR-GENERAL

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PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

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Provinsiale-gebou,
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PROVINCE OF THE WESTERN CAPE**DEPARTMENT OF PLANNING, LOCAL GOVERNMENT AND HOUSING:****RENTAL HOUSING ACT, 1999
(Act 50 of 1999):****WESTERN CAPE RENTAL HOUSING TRIBUNAL PROCEDURAL AND STAFF DUTIES REGULATIONS**

I, N. E. Hangana, Minister of Housing in the Province of Western Cape, acting in terms of section 15 (1) of the Rental Housing Act, 1999 (Act 50 of 1999), make the regulations set out in the Schedule to this notice.

SCHEDULE**WESTERN CAPE RENTAL HOUSING TRIBUNAL:
PROCEDURAL AND STAFF DUTIES REGULATIONS****Definitions**

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

“**complainant**” means a person who lodges a complaint with the Tribunal;

“**mediation**” means a voluntary process in terms of which a Tribunal member or a nominee of the Tribunal assists parties to resolve a dispute;

“**party**” means a person who is participating in a mediation or a hearing;

“**register**” means the register contemplated by section 13 (8) of the Act;

“**respondent**” means a person against whom a complaint has been lodged with the Tribunal;

“**the Act**” means the Rental Housing Act, 1999 (Act 50 of 1999);

“**Tribunal**” means the Rental Housing Tribunal established in terms of section 7 of the Act;

“**unfair practices regulations**” means the unfair practices regulations made under section 15 (1)(f) of the Act, and

any expression or word defined in the Act has the meaning assigned thereto in the Act.

Filing of complaints

2. (1) Any tenant or landlord or group of tenants or group of landlords or other interest group may lodge a written complaint with the Tribunal concerning an alleged unfair practice prescribed in terms of the Unfair Practices Regulations published in terms of Provincial Notice/2002 dated
- (2) Complaints must be on a form similar to that appearing in Annexure “A” to these regulations and may —
- (a) be sent by mail or facsimile transmission to the office of the Tribunal and confirmation of a successful transmission of the facsimile will be proof of receipt of the complaint, or
 - (b) be delivered in person to the office of the Tribunal.

Tribunal’s responsibilities on receipt of complaint

3. (1) The following steps must be taken in respect of any complaint received by the Tribunal:
- (a) A file must be opened and a reference number must be allocated to the complaint.
 - (b) The particulars of the dwelling to which the complaint refers must be listed in the register referred to in section 13 (8) of the Act.
 - (c) The complainant must be provided with an acknowledgement of receipt of the complaint which contains the reference number of the complaint.
 - (d) The Tribunal must conduct such preliminary investigations as may be necessary to determine whether the complaint relates to a

dispute in respect of a matter which may constitute an unfair practice, and for this purpose any additional information required to provide a full and complete description of the matter may be obtained from either the complainant or the respondent alleged to be involved in the unfair practice concerned.

- (e) If the Tribunal considers it necessary, it may instruct an inspector to compile a report on the complaint and if considered desirable require the inspector to first inspect the property concerned.
- (f) The Tribunal must within 30 days of the receipt of the complaint, determine, as contemplated by section 13(2) (b) of the Act, whether the complaint relates to a dispute in respect of a matter which may constitute an unfair practice.
- (g) The determination contemplated by paragraph (f) must be recorded in the file referred to in paragraph (a).

Requirements if no dispute exists

- 4. If the Tribunal determines that the complaint does not relate to a dispute in respect of a matter which may constitute an unfair practice, the Tribunal must —
 - (a) notify the complainant in writing of its determination;
 - (b) if possible, furnish the complainant with an appropriate institution to which the matter should be referred, and
 - (c) record that the matter has been disposed of and close the relevant file.

Procedure on determination that dispute exists

- 5. (1) If the Tribunal has determined that a complaint does relate to a dispute in respect of a matter which may constitute an unfair practice, the Tribunal must—
 - (a) further determine whether in its view the dispute may be resolved by mediation or whether in its view the dispute is of such a nature that it cannot be resolved by mediation;
 - (b) cause its further determination contemplated by paragraph (a) to be recorded on the relevant file;
 - (c) in writing, inform the parties of that further determination;
 - (d) if it has determined that the dispute may be resolved by mediation, appoint a mediator in terms of section 13 (2)(c) of the Act with a view to resolving the dispute, and in writing inform the parties to the dispute of that appointment, and
 - (e) if it has determined that the dispute is of such a nature that it cannot be resolved by mediation, arrange for a formal hearing of the complaint, and, in writing, inform the parties of the particulars of the hearing.

Conduct of mediation of dispute

- 6. (1) If the Tribunal has appointed a mediator to resolve a dispute the mediator must —
 - (a) in writing inform the parties that the mediation may not proceed until an agreement similar in form to that in Annexure “B” to these regulations has been entered into by them, and must inform the parties to be present before him or her at a given time and date with a view to the conclusion and signing of that agreement, but that date must not be later than 14 days after the date of the mediator’s appointment, and
 - (b) if the parties are unable to reach agreement on the agreement referred to in paragraph (a), issue a certificate as contemplated by section 13(2)(d) of the Act.
- (2) If the agreement contemplated by subregulation (1) has been entered into the mediator may proceed with the mediation process which must be conducted as follows:
 - (a) The mediator must 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 must be made part of the mediation agreement.
 - (b) The mediator must at the outset inform the parties that the mediator acts only as a facilitator in trying to resolve the dispute between them, and that the final decision must be the decision of the parties and not that of the mediator.
 - (c) The mediator must also inform the parties involved that the mediation process will be conducted as follows:
 - (i) Each party will be given an opportunity to present their case.
 - (ii) Each party may at any stage of the proceedings request a recess in order to caucus in another room or office.
 - (iii) If the other party does not have any objection thereto, then the mediator must attend the caucus meeting and make suggestions and proposals.
 - (iv) If the party in a caucus does not have any objection thereto, then the mediator must convey to the other party, any proposal, attitude, indication or suggestion stemming from a caucus meeting.
 - (d) The mediator must mediate only those disputes in which the mediator can be impartial with respect to all of the parties and the subject matter of the dispute.
 - (e) If at any time the mediator is of the opinion that any party to the mediation is unable to understand and participate fully in the proceedings due to mental impairment, emotional disturbance, intoxication, language barriers or other reasons, the mediator must —

- (i) limit the scope of the mediation, to a level consistent with the parties ability to participate;
 - (ii) make a recommendation that the party may obtain appropriate assistance in order to continue with the process, or
 - (iii) terminate, adjourn or postpone the mediation process.
- (3) The mediator must attempt to obtain testimony or documents, which are considered necessary, from a person who is not a party to the mediation, and such person should be requested to volunteer such information or documents to the mediator, who must record in the file all efforts to obtain the information or documents.
- (4) A mediation process must be completed within thirty (30) days from the date on which it commences. If this is not possible, then the process may be extended beyond the thirty (30) day period with the consent of the Tribunal.
- (5) If the parties cannot reach agreement through mediation, the matter must be referred to the Tribunal for a formal hearing and ruling in terms of section 13 (3),(4),(5),(6) and (12) of the Act.
- (6) The parties must not be coerced in any manner to reach agreement. If the mediation results in an agreement it must be reduced in writing and signed by all the parties and by the mediator, and recorded in the register. Before requesting the parties to sign the agreement the mediator must ensure that each party fully understands the agreement and is entering into it voluntarily.

Duties and functions of Tribunal Staff

7. (1) In terms of section 11 of the Act, Tribunal staff must perform the following functions:
- (a) Conduct routine building inspections and provide written inspection reports when requested to do so by the Tribunal.
 - (b) Trace and contact property owners from information held by the Registrar of Deeds.
 - (c) Hold consultations with complainants and respondents and record all the information received.
 - (d) Obtain sworn statements from disputing parties and other parties concerned.
 - (e) Give evidence before the Tribunal when requested to do so.
 - (f) Obtain or examine copies of all books and documents, which may be relevant to a case.
 - (g) Contact any local authority to determine the amount of arrears in rates and taxes owed in respect of a dwelling.
 - (h) Deliver notices and other documentation to the relevant parties involved in a dispute.
 - (i) Obtain copies of all receipts in respect of a dwelling, which is the subject of a complaint.
 - (j) Obtain from a Rental Housing Information Office established under the Act, any reports concerning enquiries and complaints received in terms of section 13(3)(a) of the Act.
 - (k) Provide any information and produce any report or other documents concerning an inspection conducted, which may have a bearing on any complaint.
 - (l) Serve a summons on a party to a dispute or any other person who may reasonably be able to give information of material importance concerning a complainant, to appear before the Tribunal in terms of section (13)(3)(e) of the Act, and to produce any book or any other document as the Tribunal may require.
 - (m) Assist in conducting any preliminary inquiry to provide a complete record of all relevant information acquired as a result of inspections and investigations.
 - (n) Submit applications to a Magistrate's Court to prosecute when instructed by the Tribunal to do so.
 - (o) Deliver written recommendations of the Tribunal to parties against whom action will be taken for non-compliance with unfair practices regulations.
 - (p) Do anything in the reasonable execution of functions and duties required by the Act or the Tribunal.
 - (q) Receive written complaints, open files and enter the cases in the register.
 - (r) Review complaints and screen cases and advise complainants accordingly in writing.
 - (s) Conduct preliminary investigations.
 - (t) Keep records about the status of matters and their outcomes.
 - (u) Receive and carry out the instructions of the Tribunal and prepare the necessary documentation for the Tribunal.
 - (v) Schedule mediation hearings and notify parties about the place, date and time of such hearings in writing.
 - (w) Record proceedings on a mediation hearing.

Short title and Commencement

8. These regulations are called the Western Cape Rental Housing Tribunal Procedural and Staff Duties Regulations, 2002.

Annexure "A"

COMPLAINT FORM FOR THE RENTAL HOUSING TRIBUNAL

FOR OFFICIAL USE

REFERENCE NO:

A. PARTICULARS OF COMPLAINANT

TITLE: _____ NAME: _____

CAPACITY e.g. LANDLORD OR TENANT: _____

ID NUMBER: _____

ADDRESS (FLAT NAME, ROOM NO., STREET NAME): _____

POSTAL ADDRESS: _____

TELEPHONE (H): _____ (W) _____

FAX: _____

B. DETAILS OF DWELLING

ADDRESS WHERE THE SUBJECT MATTER OF THE DISPUTE IS SITUATED:

DESCRIPTION OF DWELLING: HOUSE / FLAT / ROOM / GARAGE / HOSTEL ROOM / OTHER (SPECIFY) _____

NUMBER OR UNITS IN BUILDING (IF APPLICABLE): _____

NUMBER OF TENANTS LIVING IN THE DWELLING: _____

C. PARTICULARS OF TENANT/LANDLORD COMMITTEE MEMBERS

NAME: TELEPHONE: FAX: DWELLING NUMBER:
NAME: TELEPHONE: FAX: DWELLING NUMBER:
NAME: TELEPHONE: FAX: DWELLING NUMBER:

D. PARTICULARS OF RESPONDENT(S)

TITLE: _____
NAME: _____
CAPACITY e.g. LANDLORD OR TENANT: _____
ADDRESS (FLAT NAME, ROOM NO., STREET NAME): _____

POSTAL ADDRESS: _____

TELEPHONE (H): _____ (W) _____
FAX: _____

E. ADDITIONAL INFORMATION

NAME OF CARETAKER:	
TELEPHONE NO:	FAX:
NAME OF OWNER OF BUILDING:	
TELEPHONE:	FAX:
ADDRESS (FLAT NAME, ROOM NO., STREET NAME):	
POSTAL ADDRESS:	
NAME OF MANAGING AGENT:	
TELEPHONE:	FAX:
NAME OF BOND HOLDER:	
TELEPHONE:	FAX:

F. PERSON/ORGANISATION THAT REFERRED THE COMPLAINT

NAME: _____
TELEPHONE: _____
FAX: _____
REF. NO.: _____

G. 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 _____

H. BACKGROUND

HAS A COMPLAINT FOR THIS BUILDING BEEN SUBMITTED BEFORE?

YES

NO

I. LIST OF COMPLAINTS/DISPUTES

1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____

J. RENT

MONTHLY RENTAL AGREEMENT: _____
DOES THE RENTAL INCLUDE PAYMENT FOR WATER AND ELECTRICITY?
YES <input type="checkbox"/>
NO <input type="checkbox"/>
BY WHICH DATE MUST THE RENT BE PAID EACH MONTH?

WHERE AND HOW MUST THE RENT BE PAID? _____

TO WHOM DOES THE RENT HAVE TO BE PAID?: _____

DO YOU HAVE RECEIPTS FOR PAYMENT (rent, electricity, water)?

*YES

NO

ADDITIONAL INFORMATION: _____

*If yes, please supply.

K. PARTICULARS OF TENANT

NAME: _____

MARITAL STATUS: _____

NUMBER OF DEPENDANTS: _____

ARE THE RENTED PREMISES RENT CONTROLLED?

YES

NO

IF YES, WAS THE RENT FIXED BY THE FORMER RENT BOARD OR THE PRESEN RENTAL HOUSING TRIBUNAL?

DATE ON WHICH THE RENT WAS FIXED: _____

IS RENT PAID MONTHLY OR WEEKLY? _____

AMOUNT: _____

L. LEASE AGREEMENT

WHEN WAS THE FIRST DATE OF OCCUPATION OF THE DWELLING?

WAS A WRITTEN LEASE ENTERED INTO? YES

NO

DO YOU HAVE A COPY OF THE LEASE? *YES

NO

VERBAL LEASE AGREEMENT

WHAT WAS THE AGREED DURATION OF STAY IN THE DWELLING?

M. EVICTION

WERE YOU GIVEN A WRITTEN NOTICE TO VACATE? *YES

NO

WHEN WERE YOU TOLD TO VACATE? _____

WHO TOLD YOU TO VACATE? _____

SUMMONS OF EVICTION

WHEN WAS THE SUMMONS SERVED ON YOU? _____

WAS THE SUMMONS SERVED ON YOU PERSONALLY? *YES

NO

ADDITIONAL INFORMATION _____

*If yes, please supply.

N. MAINTENANCE

WHAT ARE THE EXACT MAINTENANCE PROBLEMS? _____ _____ _____ _____
WAS A CHECKLIST COMPLETED WHEN YOU MOVED IN? *YES <input type="checkbox"/> NO <input type="checkbox"/>
WHEN DID THE MAINTENANCE PROBLEMS FIRST ARISE? _____
WAS IT DISCUSSED WITH THE LANDLORD/AGENT? *YES <input type="checkbox"/> NO <input type="checkbox"/>
IF YES, WHO DID YOU COMPLAIN TO? _____
WHEN DID YOU COMPLAIN? _____
WHAT WAS THE RESPONSE WHEN YOU COMPLAINED? _____ _____

*If yes, please supply.

N. MAINTENANCE

WHAT ARE THE EXACT MAINTENANCE PROBLEMS?

WAS A CHECKLIST COMPLETED WHEN YOU MOVED IN?

*YES

NO

WHEN DID THE MAINTENANCE PROBLEMS FIRST ARISE?

WAS IT DISCUSSED WITH THE LANDLORD/AGENT?

*YES

NO

IF YES, WHO DID YOU COMPLAIN TO? _____

WHEN DID YOU COMPLAIN? _____

WHAT WAS THE RESPONSE WHEN YOU COMPLAINED? _____

*If yes, please supply.

O. DEPOSIT

WHAT AMOUNT WAS PAID AS DEPOSIT? _____

WHEN WAS THE DEPOSIT PAID: _____

DID YOU RECEIVE A RECEIPT? *YES

NO

WHEN DID YOU ASK FOR A REFUND? _____

TO WHOM WAS THE REQUEST FOR A REFUND MADE? _____

WHAT WAS THE REPLY? _____

IF PART OF THE DEPOSIT WAS REFUNDED, HOW MUCH WAS REFUNDED?

HOW MUCH WAS THE TOTAL DEDUCTION? _____

HAS THE LANDLORD/AGENT GIVEN ANY DETAILS FOR THE NON-REFUNDING OF THE DEPOSIT? YES

NO

If yes, provide the details: _____

HAS THE LANDLORD GIVEN ANY DETAILS ABOUT THE DEDUCTIONS MADE TOGETHER WITH RECEIPTS? *YES

NO

If yes, provide the details: _____

*If yes, please supply.

SIGNATURE OF COMPLAINANT

DATE: _____

FOR OFFICIAL USE

NAME OF MEMBER OF STAFF: _____

SIGNATURE: _____

DATE OF RECEIPT OF COMPLAINT: _____

PROVINSIE WES-KAAP

DEPARTEMENT VAN BEPLANNING, PLAASLIKE REGERING EN BEHUISING:

**WET OP HUURBEHUISING, 1999
(WET 50 VAN 1999):**

**WES-KAAPSE HUURBEHUISINGSTRIBUNAAL:
REGULASIES OP PROSEDURES EN PERSONEELPLIGTE**

Ek, N. E. Hangana, Minister van Behuising in die Provinsie Wes-Kaap, handelende ingevolge artikel 15(1) van die Wet op Huurbehuising, 1999 (Wet 50 van 1999), maak die regulasies wat in die Bylae van hierdie kennisgewing uiteengesit is.

BYLAE

**WES-KAAPSE HUURBEHUISINGSTRIBUNAAL:
REGULASIES OP PROSEDURES EN PERSONEELPLIGTE**

Woordomskrywing

1. In hierdie regulasies, tensy dit uit die samehang anders blyk, beteken —

“**bemiddeling**” ’n vrywillige proses ingevolge waarvan ’n lid of ’n benoemde van die Tribunaal partye bystaan om ’n geskil te besleg;

“**die Wet**” die Wet op Huurbehuising, 1999 (Wet 50 van 1999);

“**klaer**” ’n persoon wat ’n klagte by die Tribunaal indien;

“**party**” ’n persoon wat aan ’n bemiddeling of ’n verhoor deelneem;

“**register**” die register deur artikel 13(8) van die Wet bëoog;

“**regulasies betreffende onbillike praktyke**” die regulasies betreffende onbillike praktyke wat ingevolge artikel 15(1)(f) van die Wet gemaak is;

“**respondent**” ’n persoon teen wie ’n klagte by die Tribunaal ingedien is;

“**Tribunaal**” die Huurbehuisingstribunaal ingevolge artikel 7 van die Wet ingestel; en

het enige uitdrukking of woord wat in die Wet omskryf is, die betekenis wat in die Wet daaraan geheg is.

Indiening van klagtes

2. (1) Enige huurder of verhuurder of groep huurders of groep verhuurders of ander belangegroep kan ’n skriftelike klagte by die Tribunaal indien oor ’n beweerde onbillike praktyk voorgeskryf ingevolge die Regulasies betreffende Onbillike Praktyke afgekondig by Provinsiale Kennisgewing/2002 van

(2) Klagtes moet op ’n vorm wees wat soortgelyk is aan dié wat in Aanhangsel “A” van hierdie regulasies verskyn en kan —

(a) per pos of faks aan die kantoor van die Tribunaal gestuur word, en bevestiging van suksesvolle versending van die faks is bewys van ontvangs van die klagte; of

(b) persoonlik by die kantoor van die Tribunaal afgelewer word.

Tribunaal se verantwoordelikhede by ontvangs van klagte

3. (1) Die volgende stappe moet gedoen word ten opsigte van enige klagte wat deur die Tribunaal ontvang word:

(a) ’n Lêer moet oopgemaak word en ’n verwysingsnommer moet aan die klaer toegeken word.

(b) Die besonderhede van die woning waarop die klagte betrekking het, moet aangeteken word in die register in artikel 13(8) van die Wet bedoel.

(c) Die klaer moet voorsien word van ’n erkenning van ontvangs van die klagte wat die verwysingsnommer van die klagte bevat.

(d) Die Tribunaal moet sodanige voorlopige ondersoek uitvoer as wat nodig is om te bepaal of die klagte betrekking het op ’n geskil ten opsigte van ’n aangeleentheid wat ’n onbillike praktyk kan uitmaak, en vir dié doel kan enige bykomende inligting wat nodig is om ’n volledige beskrywing van die aangeleentheid te verskaf, verkry word van óf die klaer óf die respondent wat na bewering by die onderhawige onbillike praktyk betrokke is.

(e) Indien die Tribunaal dit nodig ag, kan hy ’n inspekteur gelas om ’n verslag oor die klagte op te stel en indien dit wenslik geag word, die inspekteur gelas om eers die betrokke eiendom te inspekteer.

(f) Die Tribunaal moet binne 30 dae na ontvangs van die klagte bepaal, soos deur artikel 13(2)(b) van die Wet bëoog, of die klagte betrekking het op ’n geskil ten opsigte van ’n aangeleentheid wat ’n onbillike praktyk kan uitmaak.

(g) Die bepaling by paragraaf (f) beoog, moet in die lêer in paragraaf (a) bedoel, aangeteken word.

Vereistes as daar nie 'n geskil is nie

4. Indien die Tribunaal bepaal dat die klagte nie betrekking het op 'n geskil ten opsigte van 'n aangeleentheid wat 'n onbillike praktyk kan uitmaak nie, moet die Tribunaal —
- (a) die klaer skriftelik van sy bepaling in kennis stel;
 - (b) indien moontlik, die klaer voorsien van 'n gepaste instelling waarheen die aangeleentheid verwys moet word; en
 - (c) aantekene dat die aangeleentheid afgehandel is en die betrokke lêer sluit.

Prosedure by bepaling dat daar 'n geskil is

5. (1) Indien die Tribunaal bepaal het dat 'n klagte wel betrekking het op 'n geskil ten opsigte van 'n aangeleentheid wat 'n onbillike praktyk kan uitmaak, moet die Tribunaal —
- (a) verder bepaal of die geskil na sy mening deur bemiddeling besleg kan word en of die geskil na sy mening van so 'n aard is dat dit nie deur bemiddeling besleg kan word nie;
 - (b) sy verdere bepaling by paragraaf (a) beoog, op die betrokke lêer laat aantekene;
 - (c) die partye skriftelik van daardie verdere bepaling in kennis stel;
 - (d) as hy bepaal het dat die geskil deur bemiddeling besleg kan word, 'n bemiddelaar ingevolge artikel 13(2)(c) van die Wet aanstel met die oog op die beslegting van die geskil, en die partye by die geskil skriftelik van daardie aanstelling in kennis stel;
 - (e) as hy bepaal het dat die geskil van so 'n aard is dat dit nie deur bemiddeling besleg kan word nie, reël vir 'n formele verhoor van die klagte, en die partye skriftelik van die besonderhede van die verhoor in kennis stel.

Voer van bemiddeling van geskil

6. (1) Indien die Tribunaal 'n bemiddelaar aangestel het om 'n geskil te besleg, moet die bemiddelaar —
- (a) die partye skriftelik in kennis stel dat die bemiddeling nie kan begin nie alvorens 'n ooreenkoms soortgelyk in vorm aan dié in Aanhangsel "B" van hierdie regulasies deur hulle aangegaan is, en moet hy of sy die partye in kennis stel om op 'n gegewe tyd en datum voor hom of haar te verskyn met die oog op die aangaan en ondertekening van daardie ooreenkoms, maar daardie datum mag nie later as 14 dae na die datum van die bemiddelaar se aanstelling wees nie; en
 - (b) indien die partye nie 'n ooreenkoms kan bereik nie oor die ooreenkoms in paragraaf (a) bedoel, 'n sertifikaat uitreik soos by artikel 13(2)(d) van die Wet beoog.
- (2) Indien die ooreenkoms by subregulasie (1) beoog aangegaan is, kan die bemiddelaar met die bemiddelingsproses voortgaan, wat soos volg gevoer moet word:
- (a) Die bemiddelaar moet die kwessie van vertroulikheid uitdruklik met die partye bespreek voor die aanvang van enige bemiddeling. Indien 'n party versoek dat inligting vertroulik gehou word, hetsy tydens die verloop van die bemiddeling of daarna, en die ander partye instem tot bemiddeling onder daardie voorwaardes, moet die uitdruklike bepalings van die vertroulikheids-ooreenkoms deel van die bemiddelings-ooreenkoms gemaak word.
 - (b) Die bemiddelaar moet die partye vanuit die staanspoor in kennis stel dat die bemiddelaar net as 'n fasiliteerder optree om te probeer om die geskil tussen hulle te besleg, en dat die finale besluit die besluit van die partye moet wees en nie dié van die bemiddelaar nie.
 - (c) Die bemiddelaar moet die partye ook in kennis stel dat die bemiddelingsproses soos volg gevoer sal word:
 - (i) Elke party sal 'n geleentheid gebied word om sy saak te stel.
 - (ii) Elke party kan in enige stadium van die verrigtinge 'n reses versoek om in 'n ander vertrek of kantoor te kookus.
 - (iii) Indien die ander party geen beswaar daarteen het nie, moet die bemiddelaar die kookusvergadering bywoon en wenke en voorstelle doen.
 - (iv) Indien die party in 'n kookus geen beswaar daarteen het nie, moet die bemiddelaar enige voorstel, houding, aanduiding of suggestie voortspruitend uit 'n kookusvergadering aan die ander party oordra.
 - (d) Die bemiddelaar moet slegs geskille waarin die bemiddelaar onpartydig kan wees ten opsigte van al die partye en die onderwerp van die geskil, bemiddel.
 - (e) Indien die bemiddelaar te eniger tyd van mening is dat enige party by die bemiddeling nie in staat is om die verrigtinge te verstaan en ten volle daaraan deel te neem nie as gevolg van verstandelike verdraagtheid, emosionele versteuring, bedwelmings, taalversperrings of ander redes, moet die bemiddelaar —
 - (i) die bestek van die bemiddeling beperk tot 'n vlak in ooreenstemming met die partye se vermoë om deel te neem;
 - (ii) 'n aanbeveling doen dat die party gepaste bystand verkry om met die proses te kan voortgaan, of
 - (iii) die bemiddelingsproses beëindig, verdaag of uitstel.
- (3) Die bemiddelaar moet poog om getuienis of dokumente wat nodig geag word, te verkry van 'n persoon wat nie 'n party by die bemiddeling is nie, en sodanige persoon moet versoek word om sodanige inligting of dokumente vrywillig aan die bemiddelaar beskikbaar te stel, en die bemiddelaar moet alle pogings om die inligting of dokumente te verkry, in die lêer aantekene.

- (4) 'n Bemiddelingsproses moet binne dertig (30) dae na die datum waarop dit begin, afgehandel word. As dit nie moontlik is nie, kan die proses met die instemming van die Tribunaal voortgesit word na die tydperk van dertig (30) dae.
- (5) Indien die partye nie deur bemiddeling 'n ooreenkoms kan bereik nie, moet die aangeleentheid na die Tribunaal verwys word vir 'n formele verhoor en beslissing ingevolge artikel 13(3), (4), (5), (6) en (12) van die Wet.
- (6) Die partye mag op generlei wyse gedwing word om 'n ooreenkoms te bereik nie. Indien die bemiddeling tot 'n ooreenkoms lei, moet dit op skrif gestel word en onderteken word deur al die partye en deur die bemiddelaar en in die register aangeteken word. Alvorens die partye versoek word om die ooreenkoms te onderteken, moet die bemiddelaar seker maak dat elke party die ooreenkoms ten volle verstaan en dit vrywillig aangaan.

Pligte en werksaamhede van Tribunaal se personeel

7. (1) Ingevolge artikel 11 van die Wet moet die Tribunaal se personeel die volgende werksaamhede verrig:
 - (a) Voer roetinegebou-inspeksies uit en lewer skriftelike inspeksieverslae op versoek van die Tribunaal.
 - (b) Spoor eiendomseienaars op met inligting wat deur die Registrateur van Aktes gehou word, en maak kontak met hulle.
 - (c) Pleeg oorleg met klaers en respondente en teken al die inligting aan wat ontvang word.
 - (d) Verkry beëdigde verklaarings van geskilvoerende partye en ander betrokke partye.
 - (e) Lewer op versoek getuienis voor die Tribunaal.
 - (f) Verkry of ondersoek eksemplare van alle boeke en dokumente wat op 'n saak betrekking kan hê.
 - (g) Skakel met enige plaaslike owerheid om te bepaal hoeveel agterstallige eiendomsbelasting en diensgelde ten opsigte van 'n woning verskuldig is.
 - (h) Lewer kennisgewings en ander dokumentasie af by die partye betrokke by 'n geskil.
 - (i) Verkry afskrifte van alle kwitansies ten opsigte van 'n woning wat die onderwerp van 'n klagte is.
 - (j) Verkry van 'n Huurbehuising-inligtingskantoor wat ingevolge die Wet ingestel is, enige verslae rakende navrae en klagtes wat ingevolge artikel 13(3)(a) van die Wet ontvang is.
 - (k) Verstrek enige inligting en verskaf enige verslag of ander dokumente rakende 'n inspeksie wat gedoen is en wat met enige klagte verband kan hou.
 - (l) Beteken 'n dagvaarding aan 'n party by 'n geskil of enige ander persoon wat redelikerwys in staat kan wees om inligting van wesenlike belang rakende 'n klagte te verstrek, om ingevolge artikel 13(3)(e) van die Wet voor die Tribunaal te verskyn, en om enige boek of enige ander dokument wat die Tribunaal verlang, te verskaf.
 - (m) Help met die uitvoering van enige voorlopige ondersoek om 'n volledige rekord te bied van alle tersaaklike inligting wat as gevolg van inspeksies en ondersoeke verkry is.
 - (n) Lê in opdrag van die Tribunaal aansoeke aan 'n landdroshof voor om te vervolg.
 - (o) Lewer skriftelike aanbevelings van die Tribunaal af aan partye teen wie stappe gedoen sal word vir die nie-nakoming van regulasies betreffende onbillike praktyke.
 - (p) Doen enigiets in die redelike uitvoering van werksaamhede en pligte wat deur die Wet of die Tribunaal vereis word.
 - (q) Ontvang skriftelike klagtes, maak lêers oop en teken die gevalle in die register aan.
 - (r) Hersien klagtes en sif gevalle en adviseer klaers dienooreenkomstig skriftelik.
 - (s) Voer voorlopige ondersoeke uit.
 - (t) Hou rekords van die status van aangeleenthede en die uitkoms daarvan.
 - (u) Ontvang die instruksies van die Tribunaal en voer dit uit, en stel die nodige dokumentasie vir die Tribunaal op.
 - (v) Skeduleer bemiddelingsverhore en stel partye skriftelik in kennis van die plek, datum en tyd van sodanige verhore.
 - (w) Teken verrigtinge van 'n bemiddelingsverhoor aan.

Kort titel en inwerkingtreding

8. Hierdie regulasies heet die Regulasies op Prosedures en Personeelpligte van die Wes-Kaapse Huurbehuisingstribunaal, 2002.
-

Aanghangsel "A"

KLAGVORM VIR DIE HUURBEHUISINGSTRIBUNAAL

VIR AMPTELIKE GEBRUIK

VERWYSINGSNO.:

A. BESONDERHEDE VAN KLAER

TITEL: _____ NAAM: _____

HOEDANIGHEID, bv. VERHUURDER OF HUURDER:

ID-NOMMER: _____

ADRES (WOONSTELNAAM, KAMERNOMMER, STRAATNAAM):

POSADRES: _____

TELEFOON (H): _____ (W) _____

FAKS: _____

B. BESONDERHEDE VAN WONING

ADRES WAAR DIE ONDERWERP VAN DIE GESKIL GELEË IS:

BESKRYWING VAN WONING:
HUIS/WOONSTEL/KAMER/MOTORHUIS/HOSTELKAMER/ANDER (SPESIFISEER)

GETAL EENHEDE IN GEBOU (INDIEN VAN TOEPASSING): _____

GETAL HUURDERS WAT IN DIE WONING WOON: _____

C. BESONDERHEDE VAN HUURDER/VERHUURDER KOMITEELEDE

NAAM:	
TELEFOON:	FAKS:
WONING NOMMER:	

NAAM:	
TELEFOON:	FAKS:
WONING NOMMER:	

NAAM:	
TELEFOON:	FAKS:
WONING NOMMER:	

D. BESONDERHEDE VAN RESPONDENT(E)

TITEL: _____
NAAM: _____
HOEDANIGHEID, bv. VERHUURDER OF HUURDER: _____
ADRES (WOONSTELNAAM, KAMERNOMMER, STRAATNAAM): _____ _____
POSADRES: _____ _____
TELEFOON (H): _____ (W) _____
FAKS: _____

E. BYKOMENDE INLIGTING

NAAM VAN OPSIGTER:	
TELEFOON:	FAKS:
NAAM VAN EIENAAR VAN GEBOU:	
TELEFOON:	FAKS:
ADRES (WOONSTELNAAM, KAMERNOMMER, STRAATNAAM):	
POSADRES:	
NAAM VAN BESTUURSAGENT:	
TELEFOON:	FAKS:
NAAM VAN VERBANDHOUER:	
TELEFOON:	FAKS:

F. PERSOON/ORGANISASIE WAT DIE KLAGTE VERWYS HET

NAAM: _____
TELEFOON: _____
FAKS: _____
VERWYSINGSNO: _____

G. FINANSIËLE STATUS VAN GEBOU

TOTAAL ELEKTRISITEIT AGTERSTALLIG:	R _____
TOTAAL WATER AGTERSTALLIG:	R _____
TOTAAL EIENDOMSBELASTING EN DIENSGELDE AAN RAAD VERSKULDIG:	R _____
TOTAAL AAN BESTUURSAGENT VERSKULDIG:	R _____

H. AGTERGROND

IS DAAR AL VOORHEEN 'N KLAGTE OOR HIERDIE GEBOU INGEDIEN?

JA

NEE

I. LYS VAN KLAGTES/GESKILLE

1.	_____
2.	_____
3.	_____
4.	_____
5.	_____

J. HUURGELD

MAANDELIKSE HUURGELDOOREENKOMS:	_____
SLUIT DIE HUURGELD BETALING VIR WATER EN ELEKTRISITEIT IN?	
	JA <input type="checkbox"/>
	NEE <input type="checkbox"/>
TEEN WATTER DATUM MOET DIE HUURGELD ELKE MAAND BETAAL WORD?	_____
WAAR EN HOE MOET DIE HUURGELD BETAAL WORD?	_____
AAN WIE MOET DIE HUUR BETAAL WORD?:	_____
BESKIK U OOR KWITANSIES VIR BETALING (huur, elektrisiteit, water)?	
	*JA <input type="checkbox"/>
	NEE <input type="checkbox"/>

*Indien ja, voorsien asb.

BYKOMENDE INLIGTING: _____

K. BESONDERHEDE VAN HUURDER

NAAM: _____
HUWELIKSTAAT: _____
GETAL AFHANKLIKES: _____
VAL DIE HUURPERSEEL ONDER HUURBEHEER?
JA
NEE
INDIEN JA, IS DIE HUURGELD DEUR DIE GEWESE
HUURRAAD OF DIE HUIDIGE HUURBEHUISINGTRIBUNAAL BEPAAL?

DATUM WAAROP DIE HUURGELD BEPAAL IS: _____
WORD HUURGELD MAANDELIKS OF WEEKLIKS BETAAL?

BEDRAG: _____

L HUUROORENKOMS

WANNEER WAS DIE EERSTE OKKUPASIEDATUM VAN DIE WONING?

IS 'N SKRIFTELIKE HUURKONTRAK AANGEGAAN? JA

NEE

HET U 'N AFSKRIF VAN DIE HUURKONTRAK? *JA

NEE

MONDELINGE HUUROORENKOMS

WAT WAS DIE OOREENGEKOME TYDSDUUR VAN VERBLYF IN DIE WONING?

*Indien ja, voorsien asb.

M. UITSETTING

HET U 'N SKRIFTELIKE KENNISGEWING GEKRY OM TE ONTRUIM? *JA

NEE

WANNEER IS U AANGESÊ OM TE ONTRUIM? _____

WIE HET U AANGESÊ OM TE ONTRUIM? _____

UITSETTINGSDAGVAARDING

WANNEER IS DIE DAGVAARDING AAN U BETEKEN?

IS DIE DAGVAARDING AAN U PERSOONLIK BETEKEN? *JA

NEE

BYKOMENDE INLIGTING: _____

*Indien ja, voorsien asb.

N. INSTANDHOUDING

WAT PRESIES IS DIE INSTANDHOUDINGSPROBLEME?

IS 'N KONTROLELYS INGEVUL TOE U INGETREK HET?
*JA

NEE

WANNEER HET DIE INSTANDHOUDINGSPROBLEME VIR DIE EERSTE KEER
ONTSTAAN?

IS DIT MET DIE VERHUURDER/AGENT BESPREEK? JA
NEE

INDIEN JA, BY WIE HET U GEKLA? _____

WANNEER HET U GEKLA? _____

WAT WAS DIE REAKSIE TOE U GEKLA HET? _____

*Indien ja, voorsien asb.

O. DEPOSITO

WATTER BEDRAG IS AS DEPOSITO BETAAL? _____

WANNEER IS DIE DEPOSITO BETAAL? _____

HET U 'N KWITANSIE ONTVANG?

*JA

NEE

WANNEER HET U TERUGBETALING GEVRA? _____

AAN WIE IS DIE VERSOEK VIR TERUGBETALING GERIG? _____

WAT WAS DIE ANTWOORD? _____

AS 'N DEEL VAN DIE DEPOSITO TERUGBETAAL IS, HOEVEEL IS TERUGBETAAL? _____

HOEVEEL WAS DIE TOTALE AFTREKKING? _____

HET DIE VERHUURDER/AGENT ENIGE BESONDERHEDE VIR DIE NIE-TERUGBETALING VAN DIE DEPOSITO VERSTREK?

JA

NEE

Indien ja, verskaf die besonderhede:

HET DIE VERHUURDER ENIGE BESONDERHEDE OMTRENT DIE AFTREKKINGS GEGEE?

JA

NEE

(Indien ja, verskaf die besonderhede.):

*Indien ja, voorsien asb.

HANDTEKENING VAN KLAER

DATUM: _____

VIR AMPTELIKE GEBRUIK

NAAM VAN PERSONEELLID: _____

HANDTEKENING: _____

DATUM VAN ONTVANGS VAN KLAG: _____

P.N. 21/2002

1 UFebruwari 2002

IPHONDO LENTSHONA-KOLONI**ISEBE LOCWANGCISO, LOORHULUMENTE BENGINGQI NEZINDLU:****UMTHETHO WEZINDLU EZIQASHISWAYO, 1999****IMIGAQO ECETYWAYO EMALUNGA NEENKQUBO**

Mna N. E. Hangana, Mphathiswa weSebe leziNdlu kwiPhondo leNtshona Koloni, ngokugunyaziswa licandelo 15 (1) loMthetho oLawula iziNdlu we-1999 (uMthetho 50 we-1999), ndiseka imigaqo njengoko kuchaziwe kwiShedyuli yesaziso.

ISHEDYULI**Inkcazo-magama**

1. Kule migaqo naliphi na ibinzana lamagama liya kuba naloo ntsingiselo liyinikeyo ngaphandle kokuba oko kubhekiswe kuko kuchaza nto yimbi —
 - “**umkhalazi**” ligama elithetha umntu ofaka isikhalazo kwiBhunga kwaye umkhalazi lowo ngokwasemthethweni uphantsi kwegunya leBhunga elo;
 - “**uxolelaniso**” ligama elithetha inkqubo yokuzithandela apho ilungu leBhunga okanye otyunjwe lilo athi ancedise bonke abo baphikisanayo ngokusombulula imbambano yabo;
 - “**abo babandakanyekayo**” libinzana lamagama elithetha umntu obandakanyeka kuxolelaniso okanye nakweyiphi enye inkqubo yokusunjululwa kwembambano eqhutywa liBhunga;
 - “**irejistara**” ligama elithetha irejistara ekubhekiswe kuyo kwicandelo 13(8) laloo Mthetho;
 - “**umkhalazelwa**” ligama elithetha umntu ekukhalazwa ngaye kwiNkundla yeziKhalazo;
 - “**loo Mthetho**” libinzana lamagama elithetha uMthetho weZindlu eziQashiswayo, 1999 (Umthetho 50 we-1999);
 - “**IBhunga**” ligama elithetha iBhunga leziNdlu eziQashiswayo elisekwe ngokwecandelo 7 laloo Mthetho, kwaye
 - “**imigaqo yezenzo ezigwenxa**” libinzana lamagama elithetha imigaqo yezenzo ezigwenxa nequlunqwe phantsi kwecandelo 15(1) laloo Mthetho.

Ukufakwa kwezikhalazo

2. (1) Nawuphi na umqashi okanye umnini-ndawo okanye iqela labaqashi okanye elabanini-ndawo okanye naliphi na iqela elichaphazelekayo linako ukufaka isikhalazo kwiBhunga ngokubhekiselele kwisenzo esigwenxa ekubhekiswe kuso kuloo Mthetho okanye phaya kwiMigaqo yeZenzo eziGwenxa, eyapapashwa ngokweSaziso sePhondo .../ 2002 somhla.....
- (2) Izikhalazo mazibe kuxwebhu olufana nqwa nolo kuzekelise ngalo ku-(A) wezi zindululo ngaphezulu zingathunyelwa —
 - (a) Ngeposi okanye ngefaksi kwi-Ofisi yeBhunga ze ithi loo mbalelwano yakufumaneka kubekho phetshana lithile likungqionayo okokuba ngenene incwadi leyo ifumanekile, maxa wambi
 - (b) loo mbalelwano yesikhalazo ingangeniswa ngesandla kwi-ofisi yeBhunga lezikhalazoyo.

Inxaxheba yebhunga emva kokufumana imbalelwano

3. (1) Le migaqo ilandelayo kufaneleke ukuba isetyenziswe yona nangliphi na ixesha ibhunga lifumana isikhalazo:
 - (a) uxwebhu-sicwangciso kumele ukuba lwenziwe ze lufakelwe inombolo luphawu.
 - (b) Iinkcukacha ngomzi lowo ukwincam yembambano zifanele ukubhalwa kuxwebhu oluqulatha iinkcukacha ngokwecandelo 13 (8) lalo Mthetho.
 - (c) Umkhalazi umele ukufumana incwadi engqinayo ukuba ngenene, incwadi yakhe yesikhalazo ifumanekile, ncwadi leyo iya kuqulatha inombolo yoxwebhu lwesicwangciso.
 - (d) IBhunga lezikhalazo limele ukuba liphande ngemiba ekhankanyweyo ngenjongo zokuqinisekisa ukuba okuqulathweyo ngenene kuzalisekisa okuhlalutywa njengentsebenziswano egwenxa. Ngaphezu koko, nayiphi na ingcaciso efumanekayo neya kuzalisekisa imigaqo yesindululo, iphuma kumkhalazi okanye kumkhalazelwa, iya kuba lulutho.
 - (e) Ukuba iBhunga libone ikho imfuneko, lingathumela umhloli ukuba aye kusezela umoya ngokwale ngcaciso ifumanekileyo abhale ingxelo ngesikhalazo, kanti naxa ngaba ibhunga libona kufanelekile, singahlolwa nesakhiwo eso sikwincam yembambano.
 - (f) IBhunga lifaneleke ukuba lithi kwisithuba seentsuku ezingama-30 lisifumene isikhalazo njengoko kuchaziwe kwicandelo 13(2)(b) lalo Mthetho. Oku kuya kuhlalutywa njengentsebenziswano egwenxa.
 - (g) Iziphumo zohlalutywo lwengcaciso efumanekileyo ngokwezindululo ezikumhlathi (f) ngasentla mazicwangcise ngokomhlathi (a).

Ukusonjululwa kwempikiswano

4. Ukuba iBhunga leziKhalazo lifumanise ukuba isikhalazo eso asibhekiselelanga kumcimbi obandakanya isenzo esigwenxa okanye ukuba lifumene kungekho nto inokuyenza ngesikhalazo eso kuya kufuneka ukuba —
 - (a) limbhalele limazise ngokuthe kwafumaniseka;

- (b) limchazele umkhalazi ngendawo eyiyo anokubhekisa kuyo isikhalazo sakhe ukuba kuyalunga oko; kananjalo
- (c) libhale ingxelo ethi lo mbandela uchithiwe kananjalo uvaliwe ze kuvalwe noxwebhu sicwangciso ngalo mba.

Umgaqo ofanele ukulandelwa xa kuhlalutywa ubungqina ngembambano

5. (1) Ukuba ngaba iBhunga lifumanise ukuba bukho ubungqina obuzeleyokwisikhalazo obuzalisekisa ukuba ngenene izenzo ezigwenxa zikho, iBhunga lingathabatha le migaqo:
- (a) Kufaneleke ukuba liqinisekise ngokwezalo izimvo ukuba le mbambano ifanele umxolelanisi ngenene, okanye ngokwemeko yayo le mbambano ayingesonjululwa ngumxolelanisi kusini na;
 - (b) Kufaneleke ngokwengqinisekiso efumanekileyo nengqamana nokuqulethwe kwisigaba esingasentla ku- (a) ukuba ke mbambano ibhalwe kwifayili;
 - (c) Kufaneleke ukuba kubhalwe incwadana eyazisa umkhalazi nomkhalazelwa ukuba kugqitywe kwelithini na;
 - (d) Ukuba ngaba kugqitywe ekubeni le mbambano ingasonjululwa ngumxolelanisi, umxolelanisi lowo kufaneleke ukuba atyunjwe ngokwemigaqo equlathwe kwicandelo 13(2) lalo Mthetho, ngeenjongo zokusombulula imbambano, kananjalo kwaziswe ngencwadi ebhaliweyo ngalowo uthe watyunjwa njengomxolelanisi, ngaphaya koko
 - (e) Ukuba ngaba kugqitywe ekubeni le mbambano ayingesonjululwa ngumxolelanisi, kufaneleke ukuba amalungiselelo ovavanyo lwesikhalazo enziwe, ze ezi zigqibo zaziswe abo bachaphazelekayo ngembalelwano, besaziswa umhla wovavanyo.

Indlela yokuqhuba uxolelwaniso lwembambano

6. (1) Ukuha ibhunga lonyule umxolelanisi ngeenjongo zokusombulula. Le mbambano, umxolelanisi kufanele ukuba athi—
- (a) ngokubhaliweyo azise abandakanywa ngomgaqo othi kufanele babhale kuncwadi olufana twatse nolo lukumzobo u-B oluya kuqulatha izivumelwano abafikelela kuzo, kufanele kwanjalo abazise ukuba bafanele bezimase indibano ebandakanya yena, abanike umhla, ixesha nosuku ekuya kuthi kutyikitywe ngalo ngawo isivumelwano esingqina okuqulathwe kuncwadi olunenkukacha zesakhiwo eso okanye ikhaya elo likwincam yembambano. Olu suku akufanele lube ngaphaya kwentsuku ezili-14 etyunjiwe umxolelanisi, ngaphezulu koku
 - (b) ukuba ngaba abo bachaphazelekayo (ummangali nommangalelwa) abevani ngokufanele kuqulathwe yile ncwadana kubhekiswa kuyo kwisigaba esingasentla, umxolelanisi kufanele akhuphe incwadi engqina ngokusemthethweni njengoko lisitsho icandelo 13(2)(d).
- (2) Ukuba ngaba isiyumelwano esicetywa kumhlathi ophawulwe njengowokuqala ongasentla kuyafikelelwa kuwo, umxolelanisi angaqhubela phambili ngenkqubo yoxolelwaniso nekufanele ilandele le migaqo:
- (a) UMxolelanisi kufuneka ecacise ngokuphandle ngeemfhlakalo okanye iimfihlelo eziya kuhlonitshwa zigcinwe ziphelele kwesi sithathu, phambi kokuba kuqaliswe ngovavanyo zimvo. Ukuba ngaba kuyavunyelwana ngeemfihlelo ukuba zihlale zifihlakele ngelixa loxolelwaniso okanye emva kweli lixa, iimeko okanye izivumelwano ekufikelelwa kuzo ngalo mba kufanele zibhalwe phantsi njengemiqathango yoxolelwaniso.
 - (b) Kwasekuqaleni umxolelanisi kufanele azise abandakanywa ukuba ubukho bakhe kulo mba kukuqinisekisa ukuba kuyaboniswa sesi sibini ngembambano, ngeenjongo yokuza nesisombululo, abazise kananjalo ukuba izwi ekufikelelwa kulo iya kuba lilizwi labo bobabini, ingelilo elomxolelanisi.
 - (c) Umxolelanisi kufanele asazise esisibini sibandakanyekayo ukuba inkqubo yoxolelwaniso iza kulandela umgaqo olandelayo:
 - (i) Umntu ngamnye uza kunikwa ithuba lakhe lokuba anike obakhe ubungqina.
 - (ii) Umntu ngamnye unalo ilungelo lokuba acele intlanganiso imiswe ukuze abenethuba lokugqugula ukuba ngaba unqwenela oko.
 - (iii) Ukuba ngaba ubani lowo akanangxaki nokuba umxolelanisi abckho kwindihano yokugqugula umxolelalanisi angakho ukuze anike iingcebiso.
 - (iv) Ukuba ngaba ubani lowo ngenene akanangxaki nobukho bomxolelanisi kwigqugula lakhe, umxolelanisi kufanele akubhengeze oko kananjalo abhengeze nezindululo zegquguJla, okanye izimvo zegqugula.
 - (d) Umxolelanisi kufanele abenexaxheba kwimiba aqinisekileyo ngayo ukuba akazi kubandakanya imbilini yakhe, koko uza kuhlonela iminqweno yesi sibini sibhabhe kwimbambano.
 - (e) Ukuba ngaba umxolelanisi ufumanisa omnye phakathi kwesi sibini kukho angayikuqondiyo ngaye, nto leyo ekhokelela kwinxaxheba engaphelelanga, okanye oku kubekuzekwa kukungaphili kakuhle engqondweni, ukukhathazeka emphefumleni, ukunxila okanye kukho ukungevisisani ngolwimi oluthethwayo, nayo nayiphi ingxaki ethibaza inkqubela, umxolelanisi kufanele —
 - (i) asebenzise ulwimi okanye amagama aya kuthi afikeleleke kulowo unengxaki, ukuze akwazi ukuba nenxaxheba ezeleyo;
 - (ii) ucebise ukuba ubani lowo unengxaki afumane uncedo oluya kuba lulutho kwinkqubela yeenkquleqhu zoxolelwaniso, maxa wambi;
 - (iii) umxolelanisi angayichitha le ndibano okanye ayimisele ilixa elizayo;
- (3) Umxolelanisi kufuneka azame ukufumana ubungqina obubhaliweyo, obungabonwa njengobufanelekileyo bufumaneka kumntu ongenabango kule mbambano, mntu lowo kufuneka acelewe ukuba anikezele ngale ngcaciso simahla kumxolelanisi, ngcaciso leyo ekufuneka igcinwe kwincwadi kwifayili zokugcina ubungqina ngembambano.
- (4) Inkqubo yoxolelwaniso kufanele iqukunjelwe kwisithuba samashumi amathathu eentsuku (30) ukususela kolwaa suku kwaqaliswa ngalo.

Ukuba oku akwenzeki le nqkubo ingaqhubeka de idlulele nakwiintsuku ezingamashumi amathathu (30), konke oku kufanele kwaziwe libhunga.

- (5) Ukuba ngaba esi sibini sibhabhe kwimbambano asifikeleli kwisombululo, lo mbandela ufanele ukudluliselwa kwibhunga ukuze kubekho isigqeba esiya kuhlalela ukuva imbambano ngokwecandelo 13(3), (4), (5), (6) no-(12).
- (6) Esi sibini akufanele ukuba kuzanywe ukwakha imvisiswano nangayiphi na indlela, koko ngokubonisana ngezimvo, imvisiswino ingakho okanye ingabokho. Ukuba ngaba kukho izivumelwano ekufikelelwa kuzo kufanele zibhalwe phantsi ze ababandakanyekayo batyikitye isivumelwano kananjalo umxolelanisi kufanele atyikitye njengengqina. Oku kufanele kubhalwe kwincwadi egcina imiba enje. Phambi kokuba kutyikitywe izivumelwano umxolelanisi kufanele aqinisekise ukuba okuthethwa zizivumelwano kucace mhlophe kwisibini ebesibhabhe kwimbambano, siqonde ukuba banyanzelekile ukuba batyikitye ezi zivumelwano.

Imisebenzi nenxaxheba yabasebenzi behbunga

7. (1) Ngokwemigaqo yecandelo 11 lalo Mthetho, abasebenzi beBhunga kufanele benze ngolo hlobo:
- (a) Bayihlole rhoqo indlu leyo ikwincam yembambano, banike kananjalo ingxelo ebhaliweyo xa becelwe libhunga ukuba banze njalo.
 - (b) Baphande bekwanxibelelana nabanikazi-mzi ngokunxulumene nengcaciso equlathwe kwincwadi yeeNgxelo.
 - (c) Babhale phantsi nomkhalazi kunye nomkhalazelwa bechola-chola nayiphi na ingcaciso okanye izimvo, ze kubhalwe kwiNcwadi-Ngxelo.
 - (d) Bafumamane ubungqina obuvela kumntu lowo obandakanyekayo kwimbambano nakwabanye abantu abachaphazelakayo kulo mba.
 - (e) Banike ubungqina obufungelweyo phambi kweBhunga xa becelwe ukuba benze njalo.
 - (f) Bafumane okanye baphande ingcaciso kwincwadi okanye imiqulu eneenkcukacha eziphangaleleyo ngalo mba.
 - (g) Baqagamshelelane noluntu olukwikansile yasekuhlaleni ngeenjongo zokuphanda isimo sentlawulo rhafu engaba kusafuneka ihlawulwe ngabo bakwimbambano.
 - (h) Bapapashe ,bedlulisa iNcwadi enengcaciso kwabo bachaphazelakayo kwimbambano.
 - (i) Bafumane incwadana enobungqina ngazo zonke iintlawulo ngendlu okanye ikhaya elo.
 - (j) Bafumane kwindlu yentlawulo renti, iRental Housing Information Office esekwe phantsi kwemigaqo yomthetho, nayiphi ingxelo malunga nemibuzo kunye nezikhalazo kufuneka ifumanekwe ngokwecandelo 13(3)(a) lalo Mthetho.
 - (k) Banikezele nayiphi na ingcaciso abanyo kunye noxwebhu lwengxelo abanayo ngokunxulumene nokuhlala kwabo kwesi sakhwiwo, loo ngcaciso inganegalelo kwimbambano le.
 - (l) Bathumele umsila wengwe kumntu lowo kufuneka evela kwiBhunga okanye nakubani na ongakwazi ukunika ubungqina obuzelayo malunga nomkhalazi, avele phambi kwecandelo 13(3)(e), ze benze uxwebhu ngokweemfuno zeBhunga eli.
 - (m) Bancedise ekwakheni okanye kwimfuno-lwazi ngenjongo zokunika ingcaciso evela nkalwana zonke kwiNgxelo-ncwadi.
 - (n) Bafake isicelo kwiNkundla kaMantyi weSithili ngenjongo zokutshutshisa begunyaziswe liBhunga.
 - (o) Ukuthumela kwabo baza kuthatyathelwa amanyathelo ngokungayithobeli imigaqo emalunga nezenzo ezingenabulungisa izimvo ezibhaliweyo zeNkundla yeziKhalazo; ze,
 - (p) Benze nantoni na efanelekileyo khona ukuze babe nokuwenza umsebenzi wabo baluthwale noxanduva labo ngokwaloo Mthetho okanye ngokweBhunga leziKhalazo.
 - (q) Bamkele izikhalazo ezibhaliweyo, bavule iifayili baze bazibhalise kwirejistara ezo zikhalazo;
 - (r) Baziqwalasele ngokutsha, bakhangele ukuba izikhalazo ezo ziwela phantsi kwegunya leBhunga leziKhalazo kusini na baze babachazele ngencwadi abakhalazi ngeembono zabo;
 - (s) Baqhube uphando lokuqala;
 - (t) Bagcine iirekhodi ezichaza umgama osele uhanjiwe kunye neziphumo zezikhalazo ezo;
 - (u) Bamkele, bafezekise imiyalelo yeBhunga leziKhalazo baze baqulunqe amaxwebhu afunwa liBhunga elo.
 - (v) Bahlele iinkqubo zolamlo baze babazise ngencwadi abo babandakanyekayo ngenawo, ixesha nomhla ekuya kuchotshelwa ngawo umcimbi wabo; kananjalo
 - (w) Babhale phantsi iingxelo ngenkqubo yoxolelwaniso.

Isihloko kunye nokusungulwa komgaqo

8. Le migaqo yaziwa njenge Migaqo Ecetywayo Emalunga Neenkqubo zeBhunga leziKhalazo ngeZindlu eziQashiswayo, yeNtshona-Koloni, 2002.

ISIHLOMELO "A"**ISEBE LOCWANGCISO, URHULUMENTE WEEDOLOPHU
NEZINDLU****IFOMU ELUNGISELELWE IBHUNGA LEZIKHALAZO NGEZINDLU EZIRENTWAYO****MAKUBHALE I-OFISI****INOMBOLO YEREFERENSI:****A. IINKCUKACHA ZOMKHALAZI**

ITAYITILE : _____ IGAMA : _____

INQANABA umz, UMNINI-SAKHIWO OKANYE UMHLALI: _____

INOMBOLO
YESAZISI: _____IDILESI (IGAMA LEFLETHI, IGUMBI, ISITRATO):

IDILESI YEPOSI: _____

IFOWUNI (H): _____ (W) _____

IFAKSI: _____

B. IINKCUKACHA NGENDLU / ISAKHIWO

IDILESI YENDAWO EKUKHO IMBAMBANO KUYO:

INKCAZO NGENDLU: YINDLU / IFLETHI / IGUMBI / IGARAJI /IGUMBI LASEHOSTELE/
ENYE (CHAZA)_____

INANI LAMAGUMBI AKHOYO KWISAKHIWO ESI (UKUBA AKHO):_____

INANI ABAHLALI ABAHLALA KULE NDLU:_____

C. IINKCUKACHA NGOMHLALI/ AMALUNGU EKOMITI YABANINI-SAKHIWO

IGAMA:

IFOWUNI:

IFAKSI

INOMBOLO YENDAWO YOKUHLALA:

IGAMA:

IFOWUNI:

IFAKSI

INOMBOLO YENDAWO YOKUHLALA:

IGAMA:

IFOWUNI:

IFAKSI

INOMBOLO YENDAWO YOKUHLALA:

D. IINKCUKACHA ZOMKHALAZI

ITAYITILE: _____
IGAMA: _____
INQANABA, umz. UMNINI-SAKHIWO OKANYE UMHLALI: _____
IDILESI (IGAMA LEFLETHI, EYEGUMBI, EYESTRATO): _____

IDILESI YEPOSI: _____
IFOWUNI: (H) _____ (W) _____
IFAKSI: _____

E. ENYE INGCOMBOLO

IGAMA LOMGCINI-SAKHIWO:	
IFOWUNI:	IFAKSI:
IGAMA LOMNINI-SAKHIWO:	
IFOWUNI:	IFAKSI:
IDILESI (IGAMA LEFLETHI, ELEGUMBI, ELESTRATO):	
IDILESI YEPOSI:	
IGAMA LABAPHATHI-SAKHIWO:	
IFOWUNI:	IFAKSI:
IGAMA LOMNTU EBHALISWE NGAYE INDLU:	
IFOWUNI:	IFAKSI:

F. UMNTU/ IQUMRHU ELIFAKE ISIKHALAZO

IGAMA:	_____
IFOWUNI:	_____
IFAKSI:	_____
INOMBOLO YEREFERENSI:	_____

G. ISIMO SESAKHIWO NGOKWASEZIMALINI

IINDLEKO ZOMBANE OKWELETWAYO:	R	_____
IINDLEKO ZAMANZI EZIKWELETWAYO:	R	_____
IINDLEKO ZEENKONZO KUNYE NEMALI EKWELETWA IKANSILE:	R	_____
IINDLEKO EZIKWELETWA KUBALAWULI BESAKHIWO:	R	_____

H. IKAMVA

Ingaba sakhe safakwa ngaphambili isikhalazo ngesi sakhiwo?

EWE

HAYI

I. ULUHLU LWEZIKHALAZO / IMBAMBANO

1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____

J. IRENTI

ISIVUMELWANO SENTLAWULO-RENTI NGENYANGA: _____

INGABA LE RENTI IBANDAKANYA IINDLEKO ZOMBANE NAMANZI?

EWE

HAYI

KUFANELE LE RENTI IHLAWULWE NINI ENYANGENI?

IHLAWULWA PHI KUHLAWULWA MALINI?

YENZIWA KUBANI LE NTLAWULO? _____

UNAZO IIRISITHI EZINGQINA INTLAWULO (irente,umbane,amanzi)?:

*EWE

HAYI

ENYE

INGCACISO: _____

*Ukuba zikho, zithumele.

K. IINKCUKACHA ZOMHLALI KUNYE NENDAWO AHLALA KUYO

IGAMA: _____

INGABA UTSHATILE: _____

INANI LABANTU ABAXHOMEKEKE KUWE: _____

INGABA LE NDAWO UHLALA KUYO INTLAWULO YAKHONA
KUYABONISWANA NGAYO?EWE HAYI UKUBA UTHI EWE, INGABA ELO XABISO LASEKWA YIBHODI
YANGAPHAMBILI OKANYE LIBHUNGA ELILAWULA IRENTI KUSINI?

UMHLA WERENTI EKWAGQUTYWA NGAWO: _____

INGABA LE RENTI IHLAWULWA NGENYANGA OKANYE NGEVEKI? _____

IXABISO LERENTI: _____

L. ISIVUMELWANO SOQASHISO

WANGENA NINI KWESI SAKHIWO? _____

INGABA WASIKHO NGOKWESIVUMELWANO SOKUQASHA? _____

EWE

HAYI

INGABA UNAYO INCWADANA YESIVUMELWANO YOKUQASHA? _____

*EWE

HAYI

ISIVUMELWANO SOMLOMO
YAYILIXESHA ELINGAKANANI ENAVUMELANA NGALO UKUBA UZA KULIHLALA?

* Ukuba ikho, yithumele.

M. UKUKHUTSHWA ENDLWINI

WAWUSINIKIWE ISAZISO ESIBHALIWEYO SOKUKHUTSHWA ENDLWINI?

*EWE

HAYI

WAXELELWA NINI UKUBA UPHUME? _____

NGUBANI OWAKUKHUPHAYO? _____

IISAMANI ZOKUKHUTSHWA ENDLWINI

WAZIFUMANA NINI IISAMANI? _____

INGABA WAZINIKWA ESANDLENI EZI _____

*EWE

HAYI

ENYE INGCACISO

Ukuba uthi ewe, thumela into echazayo.

N. ISIPHATHO

ZIZIPHI EZONA NGXAKI ZIKHOYO EKUPHATHENI LE NDLU?

INGABA ZAZIKHO IINCWADI EZIXELA IZINTO EZIKHOYO XA WAWUNGENA KULE NDLU?

*EWE

HAYI

INGANA ZAQALA NINI IINGXAKI ZOKUPHATHA LE NDLU?

NIKHE NANCOKOLA NGALE NGXAKI NINOMNINI-SAKHIWO?

EWE

HAYI

UKUBA UTHI, EWE, UKHALAZE KUBANI? _____

UKHALAZE NINI? _____

YATHINI IMPENDULO YESIKHALAZO? _____

O. IDIPHOZITHI

YIMALINI EYAHLOWULWA NJENGEDIPHOZITHI? _____

YAHLOWULWA NINI LE DIPHOZITHI? _____

WAYIFUMANA IRISITHI? _____

*EWE

HAYI

WAYICELA NINI IMALI YEMBUYEKEZO YEDIPHOIZTHI? _____

WAYICELA KUBANI? _____

YATHINI

IMPENDULO? _____

UKUBA KWABUYISWA INXENYE YEDIPHOZITHI YAHLOWULWA
YAYIYIMALINI? _____

NGOLO HLOBO KWAXHUZULWA MALINI? _____

INGABA UMNINI-SAKHIWO / LOWO UBUNXULUMANA NAYE WAKUXELELA
NGEMALI EXHUZULWEYO?

EWE

HAYI

Ukuba uthi, ewe, nika ingcaciso _____

INGABA UMNINISAKHIWO UNAZO IINKCUKACHA ZESIXA-MALI
ESABUYISWAYO?

*EWE

HAYI,

*Ukuba uthi, ewe cacisa.

<p>_____</p> <p>UTYIKITYO LOMKHALAZI</p> <p>UMHLA: _____</p>
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MAKUBHALE I-OFISI

<p>IGAMA LOMSEBENZI: _____</p> <p>_____</p> <p>UTYIKITYO: _____</p>
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