

Get it in writing: Resolving disputes between tenants and landlords

 By [Michelle Dickens](#)

7 Mar 2013

When it comes to landlord-tenant disputes, interpreting legal obligations can be tricky. The varying nature of issues that might arise is endless in possibility, which means that there is no well-defined guideline as to how to handle a highly specific set of circumstances.

The majority of disputes that will occur between a tenant and landlord concern the landlord's fulfilment of his maintenance duties. In such cases, tenants are often inclined to withhold rent to force the landlord to act.

The law that concerns disputes of this nature leaves a significant number of grey areas, as it stipulates that the landlord has a responsibility to maintain the property such that it is fit for purpose it was let - but in practical terms what exactly does this mean?

Maintenance responsibilities that fall to the landlord are things such as broken stoves, toilets that are not flushing and damp. Issues such as doors not locking or light bulbs not working are matters for the tenant to resolve.

Format a strong lease agreement

However, because this is not spelt out in legal terms, the only way for both landlords and tenants to ensure that they are not taken advantage of is to format a strong lease agreement. The agreement needs to protect the rights of both parties and it needs to include any obligations undertaken by either party in writing. For example, if the landlord has agreed to build a wall, but has only agreed to this verbally, this will be difficult to enforce as it has to be done in writing.

If the tenant faces a situation in which the landlord is genuinely in breach of contract, he needs to be aware that he cannot withhold payment as a means of rectifying the situation. Should the tenant withhold payment, he will then also be in breach of contract.

Finally, my advice for landlords or tenants who are already involved in a dispute of any nature is to make sure that all correspondence is recorded. If the dispute has to be mediated, whoever looks at it will require evidence of your claims. As such, it's absolutely vital to cover your tracks.

Editorial Contacts:

Natalie Norman

Livewired Public Relations

Natalie@livewired.co.za

0861 548 394

ABOUT MICHELLE DICKENS

Michelle Dickens co-founded TPN Credit Bureau in 2000 and is now its CEO. TPN Credit Bureau is a registered credit bureau which specialises in the education and property markets.
View my profile and articles...

For more, visit: <https://www.bizcommunity.com>