

DISCONNECTION OF ELECTRICITY

MAY A LANDLORD DISCONNECT A TENANT'S ELECTRICITY IF THEY DON'T PAY RENT?



YOUR LANDLORD IS NOT ENTITLED TO DISCONNECT YOUR ELECTRICITY BECAUSE OF NON-PAYMENT OF RENT AND WOULD BE COMMITTING A CRIMINAL OFFENCE IF HE/SHE DOES THIS.

It went out this morning.



But why? All the neighbours have light, it's only us!

A LANDLORD CANNOT RESORT TO "SELF HELP".

If your electricity has been cut off, this is what to do:

1. Call the municipality to ask if they have disconnected it for some reason,
2. If it wasn't the municipality, contact your landlord to ask that the electricity be reconnected
3. Explain that the landlord is not legally entitled to disconnect or disrupt your supply of electricity (refer them to the laws above)

IF THE LANDLORD REFUSES TO RECONNECT, YOU CAN APPROACH THE FOLLOWING BODIES FOR HELP:

SAPS: Because it is illegal for the landlord to disconnect your electricity, the police should be approached to assist restoring order.

The Rental Housing Tribunal
You can lay a complaint against the landlord for failure to provide municipal services.

Note that some RHTs aren't operating during lockdown.

WHY IS THIS?

Section 16 (hA) of the Rental Housing Act 50 of 1999 clearly states that: "Any person who unlawfully lock(s)out a tenant or sh(u)t(s) off the (u)tilities to the rental housing property will be guilty of an offence and liable on conviction to a fine or imprisonment not exceeding two years or both such fine and imprisonment."

AND

Section 16(i) of the Rental Housing Act 50 of 1999 clearly states that "Any person who contravenes any regulation will be guilty of an offence and liable on conviction to a fine or imprisonment not exceeding two years or to both such fine and imprisonment."

The Regulations differ slightly between Provinces, but all of them include that a landlord may only disrupt your electricity supply if:

- There is an emergency, or
- They have given you reasonable notice to do repairs, renovations, or maintenance

So in terms of the law failing to pay your rent is not a legal ground on which the landlord is entitled to cut off your electricity.

Your electricity **CAN** be cut off if you don't pay for your **ELECTRICITY** but your landlord has to follow the lawful process of obtaining a court order before he can disconnect the electricity. If the landlord does not have a court order to disconnect electricity, he/she is committing an unfair practice and is acting illegally and the police can arrest the landlord.

Please note, slightly different rules apply if it is the municipality who turned off electricity to the property.