

Lack of maintenance causes breakdown in landlord-tenant relationships

Sunell Afrika, rentals manager for SAProperty.com, says that "one of the biggest causes of a breakdown in landlord-tenant relationships is where there is a lack of maintenance or repair".



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Landlords have a duty to keep the unit they rent out “reasonably fit for the purpose for which it was let”, according to the Rental Housing Act, which goes on to say that the landlord is “responsible for repairs and maintenance as defined in the lease or as found at the ‘incoming inspection’ of the property”. Landlords must also keep the property fit in accordance with health and safety standards and local municipal bylaws.

The landlord would, therefore, be responsible for ensuring that the home has a leak-free roof, all the doors and windows close and lock properly, the flooring is in good condition, the surrounding walls and gates are in good repair, the electrical system is sound and the water and sewer system has no leaks or faults, for example. In turn, the tenant should keep all of these in good repair by taking due care in the use of the property, says Afrika.

Generally, the landlord is responsible for the fixtures and fittings in a house, as well as the structure, and the tenant should be responsible for the maintenance of these. For example, the landlord would ensure that the gutters are all installed properly and the tenant must ensure that they remain leaf and debris free to allow water to run off the roof properly. Or the landlord will ensure that a built-in oven and stove work properly, but the tenant is responsible for the cleaning of these items. Another example is where a home might be prone to damp or mould formation, and the landlord might take every precaution he can by making sure that the walls and ceilings were waterproofed as best as possible, but the tenant must air the home and clean off any spots he sees forming.

Stipulate each person’s obligations

When signing a lease, whether as a landlord or tenant, it is best to stipulate as clearly as possible what each person’s obligations are with regard to the use of the property and the care thereof. There should also be regular inspections (every three months at least) of the property so that the landlord can keep abreast of what needs repair or maintenance, and to have a maintenance plan so that things are dealt with timeously to avoid costly repairs in the long run.

The chances of being able to charge more for a well-maintained unit are higher, as well as being able to increase the rental on the unit each year. A unit that is looked after attracts good tenants and rental as well as giving the landlord more options in terms of tenant selection, she says.

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