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**Grant Howard**



**Warren Jack**

## Bad water connection has financial impact on tenant

THIS week's reader is renting a house from a homeowner who intends to develop townhouses on the property as soon as the relevant permissions are granted.

Due to the fact that the house will be demolished, the estate agent advised the reader not to spend any money on the property. The owner and the reader never did a joint inspection of the property before she moved in.

According to the reader, the main water pipe had a very bad connection near the water meter. When she went to pay her water and electricity bill, she was informed that they had used more than a thousand rand's worth of water in one month. According to her this is impossible, since no one is at home during the day and they use water very sparingly.

After a weekend away, she returned home to a flooded front yard as a result of the bad connection having given way.

She now refuses to pay for the water that leaked due to the bad connection and would like to know from our panel of experts what her rights are.

Grant Howard from Kaplan Blumberg attorneys in Port Elizabeth says, in terms of

the Rental Housing Act No 50 of 1999, the owner of a dwelling and the tenant must do a joint inspection of the dwelling to ascertain the existence of any defects or damages.

"If no such inspection is done, as is the case here, the landlord will not be allowed to use the tenant's deposit for any repairs after termination of the lease," he says.

"If the landlord is aware of the existence of defects, he must inform the tenant thereof prior to the commencement of the lease, and it must also be recorded at the inspection. This is especially relevant if the defect is of such a nature that it may cause unnecessary expenses or damages to the tenant if it is not attended to," says Howard.

"From the information given by the reader, it appears that the landlord may have been unaware of the leaking water pipe."

Howard says the reader may contact the local authority to enquire about their policy to adjust the water account if the high reading is as a result of a leak. "The reader may also contact the plumbers who installed the faulty fittings and demand that they rectify the situation at no cost."

Warren Jack from the Warren Jack Property Group in PE says the Water Services Act 108 of 1997 makes provision for the introduction of a

Code of Practice for plumbing work by all water services authorities.

He says plumbing contractors shall not be permitted to install a water pipe or fitting in a municipal area unless that material has been listed on the approved municipal material schedule. In terms of the regulations, any pipe or water fitting must be SABS-approved.

"The introduction of the SABS Codes of Practice in the Water Services Act makes it a civil offence for any person to install non-compliant plumbing work," says Jack.

He concludes that the rental agent seems to have had prior knowledge of the water leakage problem, as the previous owner alleges to have informed the agent thereof.

"A responsible rental agent will make the effort to advise the owner of the problem and most certainly has a duty to inform a prospective tenant thereof, especially since the problem would not be visible to the naked eye," says Jack.

"If the reader wants to claim damages from the agent, she will have to prove a direct connection between the agent's failure to inform her of the situation with the faulty water connection and the actual damages suffered by her."

Send your property-related questions or comments to [coetzee@fullstopcom.com](mailto:coetzee@fullstopcom.com).

