

**AANTEKENINGE OOR DIE WET OP HUURBEHUISING 50 VAN 1999****SPLR de la Harpe****SUMMARY**

On 1 August 2000 the Rental Housing Act 50 of 1999 came into operation. This is a typical example of an act which attempts to, in conjunction with the private sector, provide for third generation fundamental rights. This note concentrates on the influence of the act on the contractual aspects of the rental agreement.

Sections 4 and 5 have a direct influence on the relationship between the landlord and tenant. In particular matters like unfair discrimination and the right to privacy are addressed. Certain rights are afforded to third parties namely the members of the tenant's household and bona fide visitors.

Important aspects are inter alia the right to have the agreement reduced to writing and the provisions which are deemed to be contained in the agreement. This includes, amongst others, the right to receive receipts, certain information, payment of a deposit, interest on the deposit and the inspection of the property.

The conclusion is made that the act is a welcome replacement of the Rent Control Act. There are however certain practicalities which could jeopardise the success of the act. It is unlikely that the provinces have the capacity to implement the act. The protection provided by the act to the lower income groups may not materialise as they often do not know their rights and would often rather suffer the bad living conditions than risking the possibility of loosing it altogether by complaining.