

## NEW BILL WILL BENEFIT PROPERTY LANDLORDS

THE long-delayed amendments to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, has finally been published in the Government Gazette for public comment, says Bill Rawson, chairman of Rawson Properties.

These amendments seek to free private residential landlords and banks from the full rigours of the act, after the Appeal Court ruled in August 2003 that the act, which previously only applied to illegal squatters, should also apply to evicting tenants. As a result a landlord may not lawfully evict a tenant unless he obtains a court order to authorise the eviction.

Rawson says a memorandum on the objects of the bill, attached to the Government Gazette of December 22 last year, states that the intention of the original act was to cover only those persons who unlawfully invade land without the prior consent of the landowner or person in charge of land, and never to tenant and mortgagors who default in terms of their prior agreements with landlords and financial institutions.

"In terms of proposed amendments to other legislation, the Rental Housing Act of 2002, landlords will also no longer need a court order to get an eviction, as the rental housing tribunal has now been given the authority to grant eviction orders after a hearing. This will mean that landlords will now no longer need to pay legal fees in order to evict defaulting tenants," says Rawson.

According to Rawson these proposed amendments will serve as an encouragement to investors to put money in buy-to-let properties.

"Many have been understandably cautious of this investment opportunity, as they didn't want to be stuck in a situation where a defaulting tenant is staying in their property and refusing to move."