

PERSONALISED LEGAL ASSISTANCE

Professional legal and property consulting

SONNENBERG & ASSOCIATES PROPERTY AND LEGAL ADVICE NEWSLETTER #42

1. Legal Quotes

"Never forget that everything Hitler did in Germany was legal." [Martin Luther King Jnr]

"The legal profession is notorious for complicating the simplest of things." [Sarah M. Eden]

"The state calls its own violence law, but that of the individual, crime." [Max Stiner]

2. Legal short

A man walking on the beach came across an odd-looking bottle. Not being one to ignore tradition, he rubbed it and, much to his surprise, a genie actually appeared. "For releasing me from the bottle, I will grant you three wishes," said the genie.

"But there's a catch," the genie continued. "For each of your wishes, every lawyer in the world will receive double what you asked for."

First, the man wished for a Ferrari. POOF! A Ferrari appeared in front of him. "Now, every lawyer in the world has been given two Ferraris," said the genie. "What is your next wish?"

"I could really use a million dollars." replied the man, and POOF! One million dollars appeared at his feet.

"Now, every lawyer in the world is two million dollars richer," the genie reminded the man, and then asked him for his third wish.

The man thought for a minute and said, "Well, I've always wanted to donate a kidney."

3. Inspiring quotes

"It is better to fail in originality than to succeed in imitation." [Herman Melville]

"If you don't go after what you want, you'll never have it. If you don't ask, the answer is always no. If you don't step forward, you're always in the same place." [Nora Roberts]

"Live - decently, fearlessly, joyously - and don't forget that in the long run it is not the years in your life but the life in your years that counts." [Adlai Stevenson]

4. South African quote

"We have one of the largest and costliest governments in the world. Sadly, it is grossly ineffectual.

In fact, it is a expensive bunch of amateur fire-fighters trying to douse a multitude of flames." [Mosiua "Terror" Lekota]

5. Return of your deposit in terms of the Rental Housing Act

The Rental Housing Act, Act 50/1999 is very clear on the terms on which a deposit must be repaid. **The period in which the landlord is obligated to refund the tenant's deposit is determined by whether or not there is any damage to the property and if the tenant attended the final inspection before vacating the premises.** These terms can be summarised into three main periods:

- Should there be **no amounts owing by the tenant** to the rental agent or landlord either for monies owing and unpaid in terms of the lease agreement, **the landlord shall pay the full amount of the deposit plus any interest thereon to the tenant no later than 7 (seven) days after the termination date**, not including weekends or public holidays (section 5(3)(i)).
- Should the agent **deduct the reasonable cost of repairing damage** caused to the property or any monies owing by the tenant from the deposit in terms of any provisions of the lease agreement, the landlord shall pay the balance of the deposit plus the interest thereon to the tenant **no later than 14 (fourteen) days after the termination date** (section 5(3)(g)).
- Should the tenant fail to attend the final inspection the agent or landlord must, on termination of the lease agreement, **inspect the property within 7 (seven) working days from the termination date to assess any damages** or loss which occurred during the lease period. The agent shall deduct the reasonable cost of repairing any damage found to the property or any

monies owing by the tenant in terms of any provisions of the lease agreement from the deposit.
The balance of the deposit plus the interest thereon shall be refunded to the tenant no later than 21 (twenty one) days after the termination date (section 5(3)(m)).

I am temporarily available on cell number 063 263 2887._

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FRITZ SONNENBERG | Legal Consultant

Mobile: 083 251 5451 | Email: Fritz@sonnenberg.co.za | Skype: fritzsonnenberg



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