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CAN YOUR ELECTRICITY BE CUT WHEN THE LANDLORD DOES NOT PAY THE BILL?

In Wilrus Trading CC v The City of Tshwane Metropolitan Municipality and Another (36299/22), the tenant of the property requested the court to confirm that the tenant, as well as the landowner, has the right to be notified if the municipality is planning on terminating the electricity.

Wilrus Trading leased a property from Dey Street Properties (Pty) Ltd. Dey Street was made aware of the fact that the electricity will be changed to a pre-paid meter system and that they must make payment to have a positive balance and not to risk the chance of the electricity to be cut off. After several notifications, Dey Street did not make any payment, nor did they inform Wilrus Trading about the notifications, and it resulted in the electricity being cut by the municipality.

Wilrus Trading argued that they had to be informed of the cut-off by way of a pre-termination notice which would have given them time to make submissions to the Municipality. The Municipality in return argued that they do not have a contractual relationship with Wilrus Trading but rather with Dey Street and they did inform them about the electricity cut-off. The real course of action for Wilrus Trading will be against Dey Street.

The court held that it could not be expected from the Municipality to enquire whether there are tenants on the property each time they give notice to the landowner. However, it is different from other cases where the Municipality want to cut the electricity in a block of flats where they know there are multiple residents.

The court dismissed the application of Wilrus Trading as they had no legal standing in the matter.