Litigate effortlessly in the field of eviction and rental claims with this practical guide

Eviction and Rental Claims: A Practical Guide deals specifically with eviction procedures and rental claims in respect of commercial, residential and farm land.

The common law has undergone much change since the adoption of the Constitution, and as a result of a number of legislative measures. Different statutes apply in different situations, and prescribe divergent and often confusing procedures. At the same time, this branch of the law has become increasingly relevant given the overwhelming housing problem that contributes to the increase of informal settlements; the economic downturn that places pressure on the rental market; and the rise in popularity of buy-to-let investment schemes.

Topics covered include:

- Common law principles
- Constitutional inroads
- Prevention of Illegal Evictions from & Unlawful Occupation of Land Act (PIE)
- The relationship between PIE and ESTA
- Extension of Security of Tenure Act (ESTA)
- Land Reform (Labour Tenants) Act
- The rent
- The landlord's tacit hypothec
- Common remedies and defences

- The defence that the lessor has not mitigated his damages
- *Huur gaat voor koop*
- The defence of unlawfulness
- The defence that the rent is undetermined
- The defence of prescription
- Preference of rent on insolvency
- The Rental Housing Act
- Miscellaneous eviction and rental claims-related measures.
- The Consumer Protection Act, leases and rental claims

It covers all practical aspects of litigation in this field with detailed reference to and discussion of applicable case law. Comprehensive forms and precedents are included to serve as a guideline to practitioners and to assist with the daily handling of such claims.
Each type of procedure is dealt with separately and the various forms of eviction as provided for in different Statutes are distinguished, discussed and precedents are provided.

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