

# The Consumer Protection Act and Lease Agreements: A Brief Overview:

**The CPA protects:**

- Any person acting personally or representatively who alleges that a consumer right has been infringed;
- Such person or representative may approach a court, the National Consumer Tribunal or the National Consumer Commission.

The CPA Regulates the Goods and Services Industry, inter alia:

- Goods include anything marketed for human consumption, any tangible object, any medium on which anything is or may be written or encoded, any literature, music, photograph, motion picture, information, data, software, code or other intangible product, or a licence to use any such intangible product; a legal interest in land or any immovable property, other than an interest that falls within the definition of “service” in terms of section 5; and gas, water and electricity.
- Services include work performed by one person for another’s direct or indirect benefit, providing education, information, advice, banking services, or similar financial services; transportation of people or goods; providing accommodation, sustenance, entertainment, or access thereto; access to any electronic communication infrastructure; access or a right of access to an event, any premises, activity or facility; access to or use of premises or other property in terms of a rental agreement; providing a right of occupancy of any land or other immovable property other than in terms of a rental; providing the rights of a franchisee in terms of a franchise agreement.

**Lease Agreements: Right to Cancel a Lease Agreement Prior to Date of Termination:**

Where a Lessee in a lease agreement relating to immovable property wishes to cancel the agreement prior to date of expiry, he/she may do so upon at least 20 business days’ notice to the Lessor of such intention to cancel.

However, the Lessor is entitled to charge the Lessee a reasonable Cancellation fee. Note: The term “reasonable” has not been defined by the CPA, so each matter would have to be determined on its own merits.

The Lessor may also cancel the agreement after having given the Lessee 20 business days’ notice, in the event that the Lessee has breached a material term of the agreement and has not rectified such breach within the 20 day period.

Should neither the Lessor nor the Lessee prematurely cancel the agreement, the agreement will run to completion and thereafter automatically continue on a month to month basis, unless there is an express termination on the expiry date or an agreement to renew for a further fixed period.

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# The Publisher’s Ink

## Queues Infringe on a Productive Economy



THINKING ALLOWED

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How many times have you checked your watch against the amount of work still waiting for you at the office, factory, school or your place of work whether employed or working for yourself? One wise man once said. “It is from History that we learn, that people never learn anything from History”. I particularly love this quote and have used it several times in different situations.

Queues are a common disease with Government department, Yes, where our tax money goes to pay civil servants working behind the counter. Try and see the same person held up in a queue else where: the way that they complain and demand their rights. When they get behind the counter with a long queue waiting to be served and go back to work, they behave as if they have lost a needle and they are busy looking for it in a pile of rubble behind the counter! If people could learn from history, a lesson could be learnt in reversed positions but no, some people do not learn from other people’s mistakes! They even sometimes fail to learn from their own mistakes.

I was standing in this long queue in one of the chain stores here in Ermelo one day with an elderly white lady just behind me and the queue seemed dead! It is normal practice that in such a situation you start off by talking to your neighbour in the queue and then like wild fire, the rest of the people pick up the conversation and soon, it spirals out of control triggering an emotion and attitude with the person servicing the queue.

I had started off by siting how this was throwing my plans out as I had to stand there waiting to be served and yet, the queue was literally dead. The lady agreed with me and seemed to accept that it has become normal that when you get to any service point, you must be ready to queue for a reasonable amount of time.

What is reasonable about losing an hour’s work? In one Supermarket at least say 500 people that work on a clocking system each lose an hour at R100 each. That is 500 hours and R50,000! If you combine Government departments (they have even put benches for people to sit and wait), banks (at least here you stand), chain stores across the whole country you are talking millions of people caught up in this predicament! This is actually billions of Rands lost two ways: Money that should have been worked for and earned but lost in the queue and physical production that should have gone to the production of goods and services that is also lost standing there!

To make matters worse, you will come to a service area that has 10 tills or service points and only two are operational! The other eight are lying idle. Meanwhile, there are cameras all around you that transmit all the way to the manager’s office. They see the problem but they do not think in terms of helping these people get through the queue as fast as possible but they would like to think that the place is busy that day. You look around, other tellers are sitting there doing nothing or chatting away giving themselves extended tea or lunch breaks, but they will not stay a minute longer when it is time for them to go for their break!

Now, this is opportunity cost at play. It is production and revenue being foregone for lazing around. The down time and the resulting number of people that decide to leave the queue and either postpone their purchase (of which they may end up using the money for something else) or go elsewhere where they know they will not have to wait that long even if it means that they must burn a few gallons of petrol in the process! What a waist of already expensive petrol and depletion of people’s disposable income. A loaf of bread ends up costing you R12 for a liter of petrol plus the actual amount of the loaf. You pay R20 for a loaf of bread! Crazy? No. You have not seen anything yet. After having been patient and queued for a good hour and you are starting to have hope to get served, suddenly something else comes up and without communication, the teller disappears for as long as they want and when they come back, they carry on as if nothing happened! Worse still, they close and cut off the queue and ask you to join other queues!

What has happened to service? Is good efficient service not what keeps us in business by selling more, getting repeat business and saving the country enormous hours that just go down the drain with people standing in queues? Is it not the revenue earned from being efficient that helps the country to create more jobs? So, why do we tolerate people that take other people for granted and go to work to shout at people, to sit around and cause unnecessary queues?

If there is anyone out there who knows of a place that is very busy but is always working at full capacity to keep queues to a minimum, kindly write to me and refer all of us there so that we can reward their efficiency by spending our hard earned money there not our productive time. Also if there is a place with lousy service, lets name and shame them and get service back on track in our country. Let me hear from you. Till next week - Adios!

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