

ffice of the City **MBUDSMAN**

Striving to reach a workable solution



**Case Summaries
2021-2022**

ELECTRICITY TAMPERING LEADS TO DISCOVERY OF NON-EXISTING LEASE AGREEMENT

A tennis club was fined for tampering with the electricity meter which also lead to the discovery of piggybacking of electricity used but not paid for. No electricity readings were available and the line department created a notification to investigate the account. The inspection records indicated that the meter was missing yet power was available on the property. The line department identified tampering (straight connection) and the contravention fee was charged to the account and paid by an 'unconfirmed' tenant.

The recreational facility forms part of the City of Cape Town and the responsible line department for this facility confirmed that repairs to the electricity meter were undertaken

during 2018. However, they could not provide details related to the service order or the notification created. The Office of the Ombudsman (OCO) requested the relevant lease agreement, which could not be produced by the line department. The OCO made further enquiries relating to the lease agreement with the Property Management Department and they confirmed that no lease was in place.

Due to no lease document being available, the history of the lessees of the property could not be established. The OCO issued a risk report and recommended urgent attention to proceed with formalizing the lease agreement process. The OCO continues to monitor the progress.

DISHONoured DEBIT ORDER CHARGES

Charges were levied for dishonoured debit order payments. The property was registered in the complainant's deceased father's name. Subsequent to the death of the owner, the bank account was frozen.

The OCO intervention led to the reversal of the dishonoured payment charges and deactivation of the debit order payment method on the account.

WATER AND VALUATIONS

Complainants perceive the City of Cape Town as one entity and not Directorates and will subsequently lodge complaints that fall within different Directorates – in this case both water and valuation were listed in the complaint form.

The complaint related to a pipe burst and broken leading pipe that was repaired and the complainant submitted a rebate application. The rebate was rejected as the line department indicated that there was no proof that the City worked on the water supply in the road for this period.

No evidence could also be established on the City's internal system.

The OCO analysed the water consumption report, and determined that there was an increase in the water usage during the specific period when the pipe bursts occurred. Usage normalised after the specific period was confirmed by actual water meter readings. The OCO recommended that based on the data analysis provided, the line department review the charges raised for the defective period. The line department accepted the recommendations.

TWO ELECTRICITY METERS

The complainant requested assisting in the reversal of the tampering fee that was charged as a result of two meters that were illegally installed. The complainant recently acquired the commercial property and submitted an application for the supply and installation of a bulk meter. A technician from the line department conducted a site inspection and based on this inspection notified the Electricity Revenue Protection branch of possible tampering. In the meter room, two

meters were identified as illegally installed meters and were replaced with new meters and a notice for tampering was issued for both the meters. Further adjustment of electricity consumed but not paid for was charged to the accounts. The complainant requested an extension of 21 days as they had appointed a professional to comment. The line department however proceeded to upload the adjustment and this was when the complainant approached

the OCO. The OCO noted that the complainant was not aware that the meters were illegally installed, and the City has never raised this issue with the complainant when the meter readers accessed the meter room to note the meter readings. Various engagements between the complainant, line department and the OCO occurred. The OCO recommended as an

alternative dispute resolution that the line department give the benefit of doubt to the complainant and recommended the reversal of the tampering fee, which recommendation was accepted. The complainant did not dispute the electricity backdated charges and was more than willing to settle the amount.

Registration / Building Blunder

The complainant stated that a house of his late relative was erroneously registered into another person's name. One of the parties involved in the complaint received a subsidy, however the house was built on the incorrect erf. Housing applications are captured by the line department and then referred to the Provincial Housing Department for approval.

The City confirmed ownership of the property of the late relative as well as confirming that the property was

incorrectly registered in the name of a third party. The relevant line department undertook to proceed with the corrective transfer procedures to correct the error. Part of this process involved a site visit to the two properties. After the site visit and based on what was discovered, the line department had to amend the initial process and will now be following the regularisation process to ensure that the property is registered to the rightful owner.

Alternative power supply can be costly

The complaint relates to a charge (R8 264,50) for contravening section 39 of the Electricity Supply By-law, as the complainant's electricity generation equipment or small-scale embedded generation (SSEG) at the above premises had not been approved by the City. The complainant stated that after she received the notice, she complied by disconnecting her generation equipment within 30 days, however, still got the fine charged on her account.

The outcome of the investigation revealed that there were two application forms submitted, one for a grid-tied installation (May 2019) and an amended one for an off-grid installation (in September 2019). These were however loaded on the same notification instead of closing the grid-tied one and creating a new one for the off-grid installation as at the time these applications were submitted, different processes were followed.

The complainant was issued a contravention notice for not submitting

outstanding documents for the first application. It should also be noted that the language style/tense used in the contravention notice was misleading or confusing to the reader. It does not read as if the person has been or is being charged, but instead it read as if they will be charged if they did not comply within 30 days. All the instructions were met within the timeframe and the City was notified, however the contravention fine was still charged on the account.

The OCO was of the view that there was a breakdown in the administrative processes within the City, which eventually caused a contravention charge to be raised for a notification that should have been closed in 2019 when the complainant amended the application. The OCO then recommended that the contravention charge of R8 264,50 levied on the account be reversed, which was accepted by the line department.

Interconnection for decades

The initial complaint registered with the OCO in 2017 related to a high water consumption due to a leak at the water meter. The complainant was unable to settle the related invoice and requested our assistance. After an age analysis of the meter consumption data it was recommended to the complainant to test the meter, and the meter failed the required standards.

Once a meter fails the test, the water usage is monitored in order to adjust the account accordingly. It was recommended to the line department that a dunning lock be inserted until the adjustments were processed and the complainant can enter into a payment arrangement. The OCO closed the case.

Fast forward to June 2019, the complainant again required our assistance as her water was disconnected even though the line department was still in process of monitoring the consumption. The neighbour's supply was also disconnected.

The OCO attended a site visit and requested the neighbour to open a tap

in their residence and the complainant to close all the taps, and it was noted that the complainant's meter was registering consumption.

The OCO then recommended to the line department to establish whether there is a possible interconnection of the water meters. The OCO also required the line department to verify which meter feeds which property, as well as the location of the meter for the neighbour.

The line department confirmed that the complainant and the neighbour "share" a water meter, and that the neighbour was illegally interconnected to the complainant's water supply.

It was also confirmed that the neighbour was being billed for water consumption of a different erf, and that the third erf was only billed for water availability charges.

Subsequently the OCO recommended that the account of the complainant be adjusted based on the water consumption after the interconnection was removed, which was accepted.