

# How to Lodge a Billing Dispute in the KwaDukuza Municipality

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## INTRODUCTION

Ahhhhh, municipal billing disputes are the stuff of many a headache! It's like trying to decipher an ancient scroll written in invisible ink, isn't it? But fear not, my friend we at HBGSchindlers have got your back. Let's unravel this mystery together.

So, you've received a municipal bill that's more inflated than a parade balloon on steroids. First, take a deep breath. It happens to the best of us. Whether it's water, electricity, or refuse charges, these unexpected spikes can leave you feeling like you're caught in a financial whirlwind. But fear not! You're not alone. Many folks in your neighbourhood have probably faced similar billing woes.

It is sadly a common cause that business owners and the community residents across South Africa receive incorrect billing and as a result, disconnections from municipalities. Our law compels the municipality to provide for, and be responsible for essential service delivery, which includes the effective management of correct billing and charges for water, electricity and sanitation (and your other municipal charges), same is regulated by *inter alia* the *Municipal System Act*.

In terms of Section 102(2) of the aforesaid Act, citizens have the right to complain should they want to dispute an inaccurate reading, irregular amounts due, and suspicious or irregular tariff increases (essentially if you can back up your dispute, you are legally allowed to bring it to the Municipalities attention). Moreover, the municipality is obliged to *inter alia* prove its accounts. Our common law supports this position.

In *Mkontwana v Nelson Mandela Metropolitan Municipality* 2005(1) SA 530 (CC), the court held as follows:

*"It is necessary for all municipalities to ensure that they have reasonably accurate records and that they are able to provide complete, credible, comprehensible and reasonable detailed information in relation to consumption charges that are owing within a reasonable time of being requested to furnish it."*

## HOW TO LODGE YOUR DISPUTE WITH THE KWADUKUZA MUNICIPALITY

The KwaDukuza Municipality has a new complaints policy designed to streamline the process and ensure complaints are addressed within 25 days. If you encounter any issues, you can escalate the matter to higher authorities within the municipality. That being said, it is important to note that the Credit Control Policy for the KwaDukuza Municipality is vague and does not actually set out the steps that need to be followed in order to lodge a query in terms of a billing dispute in any clear manner. This Article was written based on the research that we conducted and we believe the most prudent way forward is to email your dispute to the email addresses that we provided below.

To lodge a billing dispute with the KwaDukuza Municipality, you can follow these steps:

- 1. Review Your Bill:** Ensure that the bill is indeed incorrect. Check for any unusual spikes in usage or charges or should you notice that your account has been estimated for more than two consecutive months, this needs to be investigated.
- 2. Gather Evidence:** Take a photo of your meter reading, including the meter number and the date (use a newspaper to show on what date you took the photo). This will help support your claim.
- 3. Contact the help desk:**  
Stanger - 032 437 5522/5523  
enquiries@kwadukuza.gov.za  
Ballito - 032 437 5157  
enquiries@kwadukuza.gov.za

Remember to have all your information at hand when you call and if you send an email enclose all of the relevant information (meter reading, photos, previous bills, etc.). Meter readings can now be emailed to [meterreading@kwadukuza.gov.za](mailto:meterreading@kwadukuza.gov.za) should you have access to your meter.

- 4. Follow Up:** Keep a record of all communications and follow up regularly to ensure your dispute is being processed.

5. **Payment:** Continue to pay the average amount of your bill while the dispute is being resolved. This is important to avoid any penalties or service interruptions. It should be noted, that should you regularly skip payments for municipal services, or if your account is in arrears, the municipality has a right (after giving notice) to disconnect your services (but only for amounts that remain unpaid and which are not in dispute).

## KNOW YOUR RIGHTS

Municipalities are legally obligated to provide services to residents within their jurisdiction. They're also tasked with collecting the charges they levy. Now, some charges like rates are non-negotiable- unless you have lodged a dispute with regard to the valuation or categorisation on a valuation roll (see more information on this in other articles we have written that explain how to do this). Water and electricity fall into the "fees" category. You only pay for what you actually consume. So, if your bill resembles the GDP of a small country, it's time to investigate.

## THE SHERLOCK HOLMES APPROACH

1. **Check Your Meter:** First things first, channel your inner detective. Turn off all taps, sneak up to your water or electricity meter, and give it a stern look. Is it still spinning like a hyperactive top? If so, you might have a leak. Call in a plumber or a leak detector to do some sleuthing.
2. **Actual versus Estimated Reading:** Look closely at your bill. Is it based on an actual meter reading or just an estimate? If it's an estimate, don your cape (or at least your reading glasses) and send in your actual reading. A photo of the meter, complete with a timestamp (newspaper, camera app, or a friendly owl with a calendar), can work wonders.
3. **Escalate, Escalate, Escalate:** If the bill still resembles a phone number, escalate the issue. Most municipalities have a policy for billing disputes (based on Section 95 of the Municipal Systems Act, if you want to get fancy). Query, question, and quibble but do it within 30 days of receiving the bill. Time is of the essence, my friend. Keep a meticulous paper trail, like a squirrel hoarding acorns for winter. If you need to escalate your dispute, you need to do so by emailing the helpdesk as per the email addresses provided above.
4. **Your final step:** is in terms of section 62 of the Municipal Systems Act. In a Nutshell this is an appeal to the Municipal Manager. We know, we know, you have been trying for months to get your bill fixed and now you need to approach another municipal official who is going to ignore you. But, you need to be able to show that you have worked your fingers to the bone and followed all internal dispute resolution processes if you want to take the final step of holding the Municipality liable in court.

5. **If you are still not getting any joy:** we would highly recommend going to see a lawyer (yes we know, snore) who is well versed in fighting municipalities, to see how they can assist you in getting your account fixed.

## THE WAITING GAME

Now, brace yourself. You've lodged your dispute. The wheels of bureaucracy turn slowly, like a sloth on a treadmill. But don't lose hope. If they don't resolve it within one billing cycle (that's 30 days), you can channel your inner Gandalf and say, "You shall not pass!" Well, maybe not exactly like that, but you get the idea.

Remember, persistence pays off. And while the municipality might not be using its full power, you can wield your own mighty pen (or keyboard) to fight the good fight. So, my fellow billing warrior, go forth armed with knowledge and determination and may your next bill be as accurate as a Swiss watch.



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