

How to Log a Query, Dispute or Complaint with COJ

By **Chantelle Gladwin-Wood** (Partner),
and **Maike Gohl** (Partner)

06 November 2024

INTRODUCTION

This is part 2 of an “idiots guide” to logging queries, disputes and complaints with the City of Johannesburg Metropolitan Municipality (“COJ”). In part 1 we discussed what kind of complaint, dispute or query ‘counts’ for the purposes of allowing a customer to delay payment or avoid credit control action. In this part we discuss how a customer can and should go about logging those queries. It is important to understand that the information below applies only to COJ and not to other municipalities, as each will have its own unique by-laws and policies to contend with.

CAUTION: DIFFERENCE BETWEEN A QUERY AND A DISPUTE

In Part 1 we explained that a ‘query’ might be considered different to a ‘dispute’ in terms of COJ’s by-laws and policies. If this is the case, a query would be considered as any “issue” raised in relation to an invoice, billing information, infrastructure repairs, etc. whereas a ‘dispute’ would be a denial of liability for a certain amount on an invoice. This is relevant when we ask whether the query or dispute has been logged in the prescribed manner. If there are different ways that they can be logged, one must be careful to always ensure that they are logged precisely in the way that the law requires. Remember also to provide the necessary information as described in Part 1 when logging your query/dispute.

HOW TO “LOG A QUERY”

The COJ’s website has a page dedicated to logging queries.¹ It is entitled ‘Log Your Query’. It explains that you can phone 0860 56 28 74 or 0860-JOBURG to log your query. This webpage gives a step by step guide of how to log your query telephonically.

This webpage also says that you can fax your query to 011 358 3408 / 09 or (011) 375 6555 or email it to joburgconnect@joburg.org.za.

Interestingly, COJ’s Debt Collection and Credit Control Policy (“Credit Policy”) only allows a customer to log a query telephonically or in its walk in centres, because these are the only methods that allow for the customer to obtain a reference number instantaneously. For the purposes of the Credit Policy it is critical that you obtain a reference number for your call or for going to the walk-in-centre. If the operator refuses to give you a reference number for any reason at all, ask for an interaction number as proof of your attempt to log the query. If you are refused an interaction number, take the name of the operator and the time of the call or your visit to the walk-in-centre down, and keep all of this information in a safe place for use later as proof of your attempt to log the query.

The City has also created a new web portal for customers. Once you have registered thereon, you can link your municipal account to your profile, to view your monthly statements and you can purportedly also log a query with regard to your account thereon. This new web portal can be accessed here: <https://www.e-joburg.org.za>. The writers hereof are unsure of the efficacy of this system, however, it is a new method available. Please do, however, note that this is not a method as prescribed by the Credit Control Policy.

There is also a general walk-in-centre in Braamfontein, which is available to all jurisdictions within Johannesburg. It is located at 61 Jorissen Street, Braamfontein. You can speak to a person directly there to obtain assistance with your query. In the same vein, there are regional offices available as well, depending on where your property is located. The addresses for all region offices can be found here: https://joburg.org.za/services/_/Documents/CUSTOMER-SERVICE-CENTRE-REGION-A-G.pdf

All of the regional offices also have the capability to log queries on your behalf.

It is now also possible to contact your region office directly to obtain a query reference number with regard to any dispute you may have on your accounts. Again, it should be noted that this is not an approved method in terms of the Credit Control Policy, however, it is a possible method to be used.

Some Regions are more responsive than others, as such, it may be necessary to do multiple follow ups with regard to obtaining your query reference number. The contact details of each of the regions is as follows:

Randburg Civic Centre: regionArevenue@joburg.org.za

Roodepoort Civic Centre and City Hall: regionBrevenue@joburg.org.za

Jabulani Civic Centre: regionCrevenue@joburg.org.za

Sandton Regional Office: regionDrevenue@joburg.org.za

Thuso House CSC: regionErevenue@joburg.org.za

Lenasia Civic CSC: regionFrevenue@joburg.org.za

There are also two email addresses that you can use to log a problem with Joburg Water directly.
customer@jwater.co.za or
customerserviceemails@jwater.co.za

You can also go and log queries/disputes directly on the City Power website, at: www.citypower.co.za

HOW TO “LOG A DISPUTE”

Section 102 of the Local Government: Municipal Systems Act recognises that when a ‘dispute’ is logged, the municipality cannot take action against the consumer for non-payment of the disputed amount or allocate amounts paid to the disputed amount. It is therefore critical that the ‘dispute’ be lodged in the prescribed manner. COJ’s by-laws/policies require that a dispute be lodged in writing, but they do not state to whom they must be delivered or at what address. There is no prescribed form for a dispute, so any written submission will do provided that it has the appropriate content as set out in our prior article. For the sake of safety, we recommend submitting your written complaint in duplicate to the COJ’s main offices in Loveday Street (now called Civic Boulevard) and obtaining a stamp on one copy (which you retain) as proof of submission.

If the municipality refuses to accept service of the letter by hand, leave one copy with it anyway and make an affidavit immediately explaining that you attempted to deliver it by hand but that they refused to accept it, so you left a copy with them. Be as detailed as possible as you may need this in court later.

HOW TO LODGE AN APPEAL

COJ’s by-laws/policies do not prescribe where to lodge an appeal but they do require that it be addressed to the Municipal Manager. We would recommend following the same process described above relating to ‘disputes’ when preparing and delivering an appeal, save that the document should expressly be addressed to the Municipal Manager and be clearly marked as an “appeal”. As above, it is possible that an email or fax addressed to the Municipal Manager would count as an appeal for the purposes of section 102, but there is always a risk that a court might not find in this manner.

As above, if COJ refuses to accept service of the appeal, leave a copy with the COJ and do an affidavit explaining what happened as soon as you can and keep this as proof of your attempt to lodge the appeal.

KEEPING YOUR QUERY/COMPLAINT/APPEAL VALID – PAYMENT OF UNDISPUTED CHARGES AND AN AVERAGE OF DISPUTED CHARGES (IF THEY ARE ONGOING MONTHLY CHARGES, AND YOU DON’T KNOW HOW MUCH THEY SHOULD BE)

If your dispute relates to any service charges, or rates and taxes for that matter, please do not allow your dispute to lead you to believe that you are not required to still make monthly payments to the COJ. You have to make payment of all undisputed charges to the COJ.

As such, if for example your dispute relates to water charges, because they have for some reason tripled over the last two months, then you would still have to make payment of your rates, electricity, refuse and sewer charges as per normal. In respect of your water charges, you would have to still make payment of your average water cost monthly. So for example if your average water consumption is 100kL and this leads to a R5000 charge a month for water, you would have to continue making payment of that amount as well. The rule in terms of the Credit Control Policy in this regard is, that you need to take the average consumption (and therefore charge) for the three months prior to your dispute arising, and make payment of that average charge every month, while your dispute is being resolved.

This has a two fold purpose. Firstly, once your dispute is resolved, you will then not be indebted to the COJ for a large sum of consumption charges which you have not previously paid for and secondly, even if you are disputing the charges on the account, you are not ceasing your consumption thereof on a monthly basis, as such, you need to make payment of something, in acknowledgement of the fact that you are still consuming those services.

In essence the only charges that you can refuse to make payment of, are the ones being disputed, bearing in mind that the average charges in relation to your service must still be paid, even if a specific service is being disputed.

RESPONSE TO YOUR QUERY/COMPLAINT

In terms of the Credit Control Policy, as well as other legislation, the City is obligated to provide you with a response to your query. This should either contain a reason as to why they have resolved your query and also how, alternatively it should advise you as to why they do not agree with the query you have logged and why they will not be adjusting your account.

In the writers experience, you very seldom receive such a response and more often than not your query will go unanswered. If this is the case, please attend to the escalation of your query as explained above.

The writers hereof have seen some of the Regions (mentioned above) responding to queries, and marking them as being resolved for any given reason. However, in 99% of the cases we have seen, the queries are not properly investigated or understood and as such the resolution statement is not appropriate. This is not to say that no queries are resolved in this manner, this is just the trend that we have noticed.

If you are one of the lucky consumers to receive a response from the COJ with regard to your query, but you are unsatisfied with the outcome, please attend to the escalation of your query as set out above, alternatively you can attend to logging a new query and explain why the “resolution” thereof as outlined by the COJ is not correct.

PROMOTION OF ADMINISTRATIVE JUSTICE ACT (PAJA)

Lodging a dispute with the City will trigger an obligation by an official at the City to make a decision with regard to the dispute. This means that the City’s actions in dealing with a dispute (i.e. any decision taken or even any failure to make a decision by the City) constitutes “administrative action” and is reviewable by a court in terms of the Promotion of Administration of Justice Act (“PAJA”) if it is done unlawfully. You can thus challenge any of the City’s decisions, or failures to take decisions, in the dispute resolution process, through PAJA in court.

EXHAUSTING INTERNAL REMEDIES BEFORE GOING TO COURT

In terms of section 7(2)(a) of PAJA no court or tribunal shall review any administrative action in terms of PAJA unless any internal remedy provided for in any other law has been exhausted. This means that you would not be able to approach a court for any relief in the ordinary course with regard to your dispute with the City unless you have complied with all of the above mechanisms, unless you have applied to court for condonation for the failure to have exhausted internal remedies and the court grants you this condonation.

This is not to say that you would not be able to approach a court on an urgent basis, if for example your services were disconnected before your dispute resolution process is complete. At any point in time (but particularly during urgent proceedings) you can ask the court to condone your failure to have exhausted the prescribed internal remedies but you need to make out a proper case for this in the relevant pleadings.

CONDONATION FOR NON-COMPLIANCE

There have been cases in which the court refused a consumer the relief sought purely on the basis that the appropriate dispute resolution mechanisms were not followed. As explained above, to the extent that a consumer is not able to, or has failed for any reason to, comply with the COJ’s internal dispute resolution mechanisms before approaching a court, the consumer can ask the court to condone that non-compliance. However, this must be set out clearly in the notice of motion and in the founding affidavit with reasons explaining why the appropriate steps were not or could not be taken.

CONCLUSION

Logging a query/dispute is important to ‘trigger’ a customer’s right to not pay disputed amounts. If the query/dispute is not logged correctly, however, the customer is not protected by the query/dispute and action can be taken against it for non-payment of the disputed amount.

¹https://www.joburg.org.za/services_/Pages/Call%20Centre/Log-your-query.aspx accessed 2 November 2018.



Chantelle Gladwin-Wood
(Partner)



Maïke Gohl
(Partner)