**REPORT OF THE INDEPENDENT MEDIA OMBUD**

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| **Complaint** |
| Complaint number | 4 |
| Independent Media Publication | Table Talk |
| Journalist/s | Xola Qetsemani / Summer Jacobs  |
| Photographer | - |
| Complaint lodged by | Communicare  |
| Date complaint lodged | 14 June 2018 |
| Type of complaint | Alleged inaccuracy / misleading reporting |
| **Ruling**  |
| Date Ruling delivered | 09 July 2018 |
| Applicable version of the Independent Media Press Code | 1.0 |
| Clauses considered by the Ombud Panel | 2.1 |
| Related complaints considered | N/A |
| Sanction / Remedy | Publication of apology and right of reply |
| Complaint fee | n/a |
| Is this report notable? | No |
| Summary of notability | - |

 (WESTERN PROVINCE ADJUDICATION PANEL)

# Complaint

## On 13 June 2018 TableTalk, an Independent Media publication, published a story entitled ‘Tenants paid to leave’ with approximately 100 words on page 1 which was continued with the full story on page 3 with the title ‘Resident’s rent worry’ on page 3.

## The second paragraph of the article reads: ‘The letter gives tenants of the low-cost rental units until the end of the month to take up the offer and move out before the end of July.’ Further on a resident is quoted as saying: ‘I feel that Communicare is targeting the elderly who can’t compete with what others are paying, and now this is their way of trying to kick us out. My question is, where will we go?’ Further down vice-chairman of the Ysterplaat Neighbourhood Watch Peter Landsberg is quoted as saying ‘Communicare might now be forcing people to move, “but imagine offering R5000 for someone who barely has means to survive. The person will take that as a windfall. Within a month that money is finished and we will sit with an ever increasing homeless problem”.’

## The next day (14 June 2018) a complaint was received from Communicare in which it was alleged that the above article ‘did not provide a clear and unbiased representation of the facts’. In particular the complainant alleged that the journalists relied on ‘assumptions and hearsay’.

## The complainant went on to indicate that it was true that Communicare was providing an incentive to existing tenants to leave the accommodation provided by Communicare, but that it was untrue that tenants were being forced to leave.

## Communicare also questioned the objectivity, accuracy and impartiality of the journalists employed by the Independent Media Group.

# Ruling

## In essence this complaint revolves around the manner in which the offending newspaper article was structured and written, in particular focussing on whether the article was balanced and accurate. In order to assess this, it is worth considering the various perspectives of the parties:

### The complainant, Communicare, has embarked on a project to incentivise its tenants to vacate their current accommodation. The amount that is offered by Communicare varies, but it would appear that the amount offered is normally below R10 000. According to Communicare the purpose of this offer is altruistic – essentially assisting those tenants who would be able to leave but for an initial cost of moving or setting up their new accommodation. Moreover, no tenant is obliged to accept this offer and as such no tenant is ‘forced’ to leave.

### In contrast the perspective of some of the tenants is that the rising rental costs are effectively forcing them to leave and Communicare providing an incentive to leave creates additional pressure on the existing tenants who are battling to cover the cost of the rent (and the associated increases).

### A third perspective comes from Peter Landsberg of the Ysterplaat Neighbourhood Watch who suggests that elderly residents who are not financially astute would be particularly vulnerable to accepting the offer from Communicare to vacate the premises voluntarily, only to find that the short-term benefit of the money was a poor long-term decision as that person would no longer have any accommodation. In brief, the tenant would have been better off remaining in the accommodation rather than accepting the offer from Communicare.

## Thus, the question arises as to whether any of the above perspectives was badly represented (‘misleading’ or ‘distorted’ in terms of clause 2.1 of the Independent Media Press Code)?

## While it is not contested that the incentive to leave that is provided by Communicare is voluntary, the second paragraph which reads: ‘The letter gives tenants of the low-cost rental units until the end of the month to take up the offer and move out before the end of July’ implies that legal action will be taken by Communicare to force tenants to leave if they do not accept this offer. Clearly this is false and misleading.

## Despite this it is certainly possible that an increase in the rent could result in residents being ‘forced’ to leave. In this particular case the argument by some of the existing tenants is that there is no effective difference between a 9% increase in their monthly rental and a 100% increase as neither increase is affordable. The residents are also concerned that the progressive increase in rental will outpace their associated increase in income. However, this concern is addressed by Communicare (and this is covered by the article) where Communicare indicates that ‘concessions’ were offered to the elderly and that tenants facing financial shocks could be granted a rent holiday.

## It would appear that the mistake on the part of the journalists in the above matter was conflating the two issues, namely:

### a voluntary incentive to vacate the accommodation which could safely be refused by existing tenants, with

### progressive increases in rent which would effectively force tenants to vacate the accommodation.

## After considering all the above points the Western Cape panel of the Independent Media Ombud is obliged to make a decision on whether the article – taken as a whole – was ‘misleading’ or ‘distorted’. The panel hereby finds that the article in question was distorted and as a result breaches clause 2.1 of the Independent Media Press Code.

# Mitigating Factors

## Despite the above finding it is worth noting that the decision by the panel in this matter was a particularly difficult decision and the distortion in this case was – in the panel’s opinion - quite mild.

# Aggravating factors

## None.

# Sanction / Remedy

## TableTalk is instructed to publish the following text on its front page at soon as it is able:

*‘Apology as ordered by the Independent Media Ombud’*

*On 13 June 2018 TableTalk published an article entitled ‘Tenants paid to leave’. The article implied that existing Communicare tenants were being forced to vacate the premises if they did not accept a once-off cash payment to vacate the premises. This implication is false and no Communicare tenant is forced to vacate if they do not accept the offer from Communicare. TableTalk regrets the error.’*

## Any deposit by Communicare to the Independent Media Ombud must be refunded.

# Right to Appeal

## The parties are reminded that they have a right to appeal this decision in terms of clause 8 of the Independent Media Complaints Procedure.