

TRINIDAD AND TOBAGO.

No. 44.—1920.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,

Governor.

15th November, 1920.

AN ORDINANCE to restrict increases of the rents of and the recovery of possession of premises in certain cases.

[15th November, 1920.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Increase of Rent short title Ordinance, 1920.

2. In this Ordinance, unless the context otherwise requires:— Interpre-
tation.

The expressions "landlord," "tenant," "mortgagee" include any person from time to time deriving title under the original landlord, tenant, or mortgagee.

The expression "landlord" also includes in relation to any dwelling house or land any person other than the tenant who is or would, but for this Ordinance, be entitled to possession of the dwelling house, and the expressions "tenant" and "tenancy" include "sub-tenant" and "sub-tenancy," and the expression "let" includes "sub-let."

Ord. 21-1914.

Ord. 210.

The expression "rateable value" means the annual value at which a house is assessed under the Port-of-Spain Corporation Ordinance, 1914, in the case of a house situated in the City of Port-of-Spain, or the Municipal Corporations Ordinance in the case of a house situated in San Fernando.

The expression "standard rent" means the rent at which a dwelling house or land was let on the thirtieth day of June, nineteen hundred and nineteen, or, where the dwelling house or land was not let on that date, the rent at which it was let before that date, or, in the case of a dwelling house or land which was first let after the thirtieth day of June, nineteen hundred and nineteen, the rent at which it was first let.

Provided that, in the case of a dwelling house or land let at a progressive rent payable under a tenancy agreement or lease, the maximum rent payable under such tenancy agreement or lease shall be the standard rent; and, where at the date by reference to which the standard rent is calculated, the rent was less than the rateable value, the rateable value on that date shall be the standard rent.

Application
of Ordinance.

3.—(1.) This Ordinance shall apply to a house, part of a house, or room let as a separate dwelling.

(2.) This Ordinance shall also apply to every parcel of land let for the purpose of erecting a dwelling house thereon.

(3.) But this Ordinance shall not apply to a dwelling house let in good faith at a rent which includes payments in respect of board, attendance, or use of furniture.

(4.) This Ordinance applies only to houses or land situated within the City of Port-of-Spain or the Borough of San Fernando.

(5.) This Ordinance shall apply to any premises used for business, trade, or professional purposes, or for the public service in like manner as it applies to a dwelling house, and as though references to "dwelling house" "house" and "dwelling" included references to any such premises.

(6.) This Ordinance shall not apply to a house erected after or in the course of erection on the thirtieth day of June nineteen hundred and nineteen.

3.—(1.) The Governor in Executive Council may, if he thinks fit, from time to time by order published in the *Royal Gazette* (which shall be judicially noticed):—

Power to extend provisions of Ordinance.

(a.) Extend the provisions of this Ordinance to any area named in the order.

(b.) Declare how the standard rent of any house or land becoming subject to the provisions of this Ordinance by virtue of any such order is to be ascertained.

(2.) An order under this section shall not take effect until it has been approved by a resolution of the Legislative Council.

(3.) In the application of this Ordinance to a house or land becoming subject to the provisions of this Ordinance by virtue of an order made under this section, the expression "commencement of this Ordinance" shall, unless the context otherwise requires or the order otherwise directs, mean the date of the *Royal Gazette* in which the order is first published.

5.—(1.) Subject to the provisions of this Ordinance where the rent of any dwelling house or land to which the Ordinance now applies has been increased since the thirtieth day of June nineteen hundred and nineteen after the commencement of this Ordinance:

Restriction on increase of rents.

dwelling house or land to which this Ordinance applies is increased, then if the increased rent exceeds the standard rent by more than twenty-five per centum the amount of such excess shall, unless the increase has been sanctioned by a magistrate and notwithstanding any agreement to the contrary, be irrecoverable from the tenant and, if it is paid by the tenant, shall be recoverable by him or persons claiming through him from the person to whom it was paid or his personal representatives; and may without prejudice to any other method of recovery be deducted from any rent or money due or subsequently becoming due from the tenant.

(2) Provided that no increase of rent paid before the commencement of this Ordinance shall be recoverable or deducted.

(3) The rent of a dwelling house shall, for the purposes of this Ordinance, be deemed to have been increased notwithstanding that the letting on which the increased rent is reserved is a new letting, whether to the same or a different tenant, or that an interval during which the house was unlet has elapsed between the old letting and the new letting.

(4) If after the commencement of this Ordinance a landlord knowingly receives or a tenant knowingly pays an increase in rent which is by this Ordinance made irrecoverable, he shall on summary conviction before a magistrate be liable for each offence to a fine not exceeding one hundred pounds, and, if a landlord, to be ordered to repay to the tenant the amount of such increase.

Restriction
on demand
of premiums.

6.—(1) A person shall not as a condition of the grant, renewal or continuance of a tenancy of any dwelling house or land to which this Ordinance applies require the payment of any fine, premium, or other like sum, or the giving of any consideration, in addition to the rent, and where any such rent or consideration shall be paid after the commencement of this Ordinance, the amount or value thereof shall be recoverable by the person to whom it was made or his personal representatives.

(2.) A person after the commencement of this Ordinance requiring any payment or the giving of any consideration in contravention of this section, and a person making any such payment or giving any such consideration shall on summary conviction before a magistrate be liable to a fine not exceeding one hundred pounds, and, if he has received such payment or consideration, to be ordered to repay the amount or value thereof to the person by whom it was paid.

7.—(1.) Where application is made to a magistrate to sanction an increase of rent which exceeds the standard rent by more than the permitted percentage, the magistrate may, as he thinks just, either refuse to sanction any part of the increase or sanction the whole or any part of the increase.

Power of Magistrate on application to sanction increases.

(2.) The decision of the magistrate shall be binding on all present and subsequent landlords, tenants, sub-tenants and mortgagees.

(3.) The magistrate shall have full powers of rehearing, reconsideration and revision in any case in which, in his opinion, altered circumstances make it just that he should exercise such powers.

(4.) The magistrate may as a condition of sanctioning an increase of rent or part thereof require that the dwelling house be repaired and kept in repair to the satisfaction of the magistrate.

8.—(1.) All applications under this Ordinance to sanction an increase of rent shall be made to the magistrate having jurisdiction in the district in which the house or land is situated, and an appeal shall lie to the Full Court where the annual amount of the rent (without including the increase, if any, sanctioned by the magistrate) amounts to fifty pounds or more.

Procedure, appeals, and assessors.

(2.) The Summary Conviction Offences (Procedure) Ordinance, 1918, shall apply to all applications and matters hereby by this Ordinance to be dealt with by a magistrate. The time for giving notice of appeal shall be as provided in the said Ordinance, and shall not be obligatory to give any

Ord. 9-1918.

(3.) The Governor may, if he thinks fit, from time to time appoint one or more assessors to advise any magistrate on questions arising out of this Ordinance, either generally or for the purpose of any particular matter or class of matters. Provided that the magistrate shall not be bound to follow the advice of any such assessor. Every assessor before commencing to perform his duties shall take an oath to be administered by the magistrate that he will give fair and impartial advice to the best of his ability and belief. Every such assessor may be removed by the Governor at any time.

(4.) The Governor may, if he thinks fit, from time to time appoint any number of additional magistrates for the purpose of exercising in any district the jurisdiction conferred by this Ordinance and also the jurisdiction in Ejectment conferred by the Summary Ejectment Ordinance as extended by this Ordinance.

Ord. No. 44

Restrictions
on ejectment
orders.

9.—(1.) No order or judgment for the recovery of possession of any dwelling house or land to which this Ordinance applies, or for the ejectment of a tenant therefrom, shall be made or given unless:—

- (a.) Some rent lawfully due from the tenant has not been paid or some other obligation of the tenancy has been broken or not performed; or
- (b.) A tenant or any licensee of a tenant has been guilty of conduct which is a nuisance to adjoining occupiers or the condition of the dwelling house has deteriorated or become insanitary owing to acts of waste or from neglect or default of the tenant or any such person; or
- (c.) A tenant has given notice to quit; or
- (d.) The dwelling house is reasonably required by the landlord for occupation as a residence for himself or for any member of his family or for some person in his employment; or
- (e.) In the case of premises used for business, trade, or professional purposes or for public service, the premises are required by the landlord for some or any of the following purposes:—

(f.) The dwelling house is required for the purpose of being repaired, improved, or rebuilt, and an undertaking is given that the tenant will be given an opportunity of renewing his tenancy after completion of the repairs, improvements, or alterations at a rent and on conditions to be fixed by the Court.

And unless in addition, in any such case as aforesaid, the court asked to make the order or give the judgment considers it reasonable to make such order or give such judgment.

(2.) A court asked to make such an order or give such a judgment may adjourn the application or stay or suspend execution of the order or judgment or postpone the date of possession for such period as it thinks fit, subject to such conditions, if any, in regard to payment or arrears of rents, mesne profits, or otherwise as the court thinks fit, and, if such conditions are complied with, the court may, if it thinks fit, discharge or rescind the order or judgment.

(3.) Where an order or judgment has been made or given before the commencement of this Ordinance but not executed and, in the opinion of the court, the order or judgment would not have been made or given if this Ordinance had been in force at the time when such order or judgment was made or given, the court may on application of the tenant rescind or vary such order or judgment or postpone its operation conditionally or unconditionally in such manner as the court may think fit for the purpose of giving effect to this Ordinance.

(4.) Nothing in this Ordinance shall prevent the making of an order for the ejection of any person where in the opinion of the court asked to make the order the ejection is expedient in the interests of public health or public safety.

10. The jurisdiction of magistrates under the Summary Ejection Ordinance shall, during the continuance of this Ordinance, extend to all houses and land to which this Ordinance for the time being applies.

Summary
jurisdiction of
magistrates
jurisdiction in
ejection.
(Ord. 6.)

False entries
in rent books.

11. If any person in any rent book or similar document makes any entry showing or purporting to show any tenant as being in arrear in respect of any sum which by virtue of this Ordinance is irrecoverable, or, where any such entry has before the commencement of this Ordinance been made by or on behalf of any landlord, if the landlord on being requested by or on behalf of the tenant so to do refuses or neglects to cause the entry to be deleted, that person or landlord shall on summary conviction before a magistrate be liable to a fine not exceeding twenty pounds.

Duration of
Ordinance.

12. This Ordinance shall continue in force for a period of three years from the commencement thereof. Provided that its expiration shall not render recoverable by a landlord any rent or sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any rent or sum which during its continuance was recoverable by him, or prevent or affect the prosecution, conviction or punishment of any person for any thing done or omitted during its continuance.

Power to make
regulations.

13.—(1.) Any magistrate may from time to time, if he thinks fit, with the approval of the Governor in Executive Council make regulations with respect to the procedure to be adopted on the making or hearing of applications and other matters which are by this Ordinance to be made to or determined by that magistrate.

(2.) Nothing in this section shall affect any other power for a magistrate to regulate the procedure of his court.

Passed in Council this fifth day of November, in the year of Our Lord one thousand nine hundred and twenty.

G. D. OWEN,
Acting Clerk of the Council.