



TRINIDAD AND TOBAGO

No. 38—1949.

[L.S.]

MACINTOSH & CO. PRINTERS  
Co. Trinidad & Tobago.

7/1/50  
[Signature]

I ASSENT,

P. M. RENISON,  
*Acting Governor.*

31st December, 1949.

AN ORDINANCE to amend the Rent Restriction Ordinance, 1941, No. 13 of 1941.

[5th January, 1950.]

Commence-  
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment

1. This Ordinance may be cited as the Rent Restriction (Amendment) Ordinance, 1949, and shall be read as one with the Rent Restriction Ordinance, 1941, as from time to time amended, which Ordinance as so amended is hereinafter referred to as the Principal Ordinance. Short title.

Section 8 of  
Principal  
Ordinance  
repealed and  
replaced.

2. Section 8 of the Principal Ordinance is hereby repealed and replaced by the following:—

“Applica-  
tions to  
the Board  
to determine  
standard  
rent.

8. (1) Where any premises are intended to be let as a dwelling house or as a public or commercial building or as building land in any category of letting, it shall be lawful for any person proposing to let the same to apply to the Board to fix provisionally the rent which is to be the standard rent of the premises when they are so let and the Board may, after due enquiry, fix such provisional standard rent accordingly; and if the premises are later let in the same category of letting and substantially on such terms and conditions and in such circumstances affecting the rent as have been disclosed to the Board, such provisional standard rent so fixed by the Board shall be deemed to be the standard rent of the premises appropriate to that category of letting.

(2) Where any premises are intended to be let as a dwelling house or as a public or commercial building or as building land, without having previously been let in the same category of letting, it shall be the duty of the person proposing to let the same to apply to the Board under the preceding subsection before the commencement of the tenancy to fix the provisional standard rent. If such person shall fail to comply with the provisions of this subsection, he shall be guilty of an offence against the Ordinance.

(3) The landlord or the tenant of any premises to which this Ordinance applies may at any time apply to the Board to determine the standard rent thereof appropriate to the category of letting in which they are let: Provided that where the standard rent of the premises appropriate to the category of letting in which they are let has already been determined by the Board, no further application under this subsection shall be entertained unless the Board is satisfied that, since the date of such previous determination, there has been a material change in either the nature or the terms and conditions of the tenancy or in the circumstances affecting the determination of the standard rent, and that no such change is due to the tenant's neglect or default.

(4) It shall be lawful for the Board at any time, by notice in writing served on the landlord, to require him to apply to the Board within a time to be specified in the notice for the determination of the standard rent of premises let in any category of letting ; and, if the landlord shall fail so to apply, he shall be guilty of an offence against this Ordinance ; and the Board may determine such standard rent as though he had so applied.

(5) On the hearing of any application under this Ordinance (whether it be in relation to premises let or intended to be let or premises in respect of which the Board has required the landlord to apply for the determination of the standard rent thereof or otherwise) the Board shall try the whole matter of the application and shall give judgment or make any order thereon, and shall give any direction it may consider necessary to enable it to give a final judgment or to make an order, and may from time to time adjourn the hearing of the application.

(6) Without prejudice to the generality of the provisions of the preceding subsection, the Board shall have and shall be deemed always to have had jurisdiction to enquire into and, where necessary, to determine—

- (a) whether the relationship of landlord and tenant exists ;
- (b) the nature, terms and conditions of every tenancy or proposed tenancy (whether the contract of tenancy is wholly or partly under seal or wholly or partly in writing or wholly or partly verbal) and the category of letting or proposed letting ;
- (c) the extent of the premises let or intended to be let by the tenant ; and the facilities and amenities granted to or enjoyed by the tenant or intended to be granted to or enjoyed by the tenant.

(7) Every person examined by the Board shall make full disclosure to the Board of all matters relating to the terms and conditions of the letting or proposed letting, or affecting the relationship of landlord and tenant, where such relationship is in dispute, or the standard rent of the premises, in order to enable the Board to exercise its functions under this section”.

Saving of judgments, &c., of Full Court.

3. Nothing contained in subsection (6) of section 8 of the Principal Ordinance shall be deemed to affect any determination, order or judgment of the Full Court made or given under the Principal Ordinance prior to the commencement of this Ordinance in the proceedings in any matter and grounded on the want of jurisdiction on the part of the Board to determine the existence or non-existence of the relationship of landlord and tenant.

Section 14(1) of Principal Ordinance amended.

4. Paragraph (m) of subsection (1) of section 14 of the Principal Ordinance is hereby amended by adding the following proviso at the end thereof immediately before the word “or” :—

“And provided further that in any case in which any building standing upon building land is in the occupation of a person who holds of the tenant of such building land and is not in the personal occupation of such tenant, such tenant shall, notwithstanding such occupation by such other person, be deemed to be the person personally occupying the same for the purposes of this subsection and shall be entitled to the protection afforded tenants of premises by this subsection ;”

Passed in Council this sixteenth day of December, in the year of Our Lord one thousand nine hundred and forty-nine.

W. FUNG,  
Clerk of the Council.