

Amended by No 38/49



TRINIDAD AND TOBAGO.

Published as a Supplement to the Royal Gazette, issued on the
25th day of February, 1943.

No. 4—1943.

[L.S.]

I ASSENT,

B. E. H. CLIFFORD,

Governor.

23rd February, 1943.

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

[25th February, 1943.]

Commencement.

ENACTED by the Governor of Trinidad and Tobago with
the advice and consent of the Legislative Council
thereof:—

1. This Ordinance may be cited as the Rent Restriction (Amendment) Ordinance, 1943, and shall be read and construed as one with the Rent Restriction Ordinance, 1941, hereinafter referred to as the Principal Ordinance.

Short title, etc.

No. 13 of 1941.

2. Section 2 of the Principal Ordinance is hereby amended by substituting the following for the definition of "dwelling-house" therein:—

Section 2 of
the Principal
Ordinance
amended.

"dwelling-house" means a building, a part of a building separately let, or a room separately let, which at the material date was or is used mainly as a dwelling or place of residence, and includes land occupied with the premises under the tenancy, but does not include a building, part of a building, or room when let with agricultural land.

Section 14 of
the Principal
Ordinance
repealed and
replaced.

3. Section 14 of the Principal Ordinance is hereby repealed and replaced by the following section :—

“Restriction
of right to
possession.

14. (1) No order or judgment for the recovery of possession of any premises to which this Ordinance applies, or for the ejection of a tenant therefrom, shall, whether in respect of a notice given or proceedings commenced before or after the commencement of this Ordinance, be made or given unless—

- (a) some rent lawfully due from the tenant has not been paid for at least thirty days after it became due ; or
- (b) some other obligation of the tenancy (whether express or implied and whether under the contract of tenancy or under this Ordinance) so far as the same is consistent with the provisions of this Ordinance has been broken or not performed and, in the case of the non-performance of any such obligation by the tenant, the tenant has been in default for at least thirty days ; or
- (c) the tenant or any person residing or lodging with him or being his sub-tenant has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose, or the condition of the premises has, in the opinion of the court, deteriorated or become insanitary owing to acts of waste by, or the neglect or default of, the tenant or any such person and, where such person is a lodger or sub-tenant, the court is satisfied that the tenant has not, before the making or giving of the order or judgment, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant ; or

- (d) the tenant has given notice to quit, and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession ; or
- (e) the premises, being a dwelling-house or a public or commercial building, are reasonably required by the landlord for—
- (i) occupation as a residence for himself or for some person wholly dependent upon him, or for any person *bona fide* residing or to reside with him, or for some person in his whole time employment, or
 - (ii) use by him for business, trade or professional purposes, or
 - (iii) a combination of the purposes in sub-paragraphs (i) and (ii) above ; or
- (f) the premises, being building land, are reasonably required by the landlord for—
- (i) the erection of a building to be used for any of the purposes specified in paragraph (e) of this subsection, or
 - (ii) use by him for business, trade or professional purposes not involving the erection of a building, or
 - (iii) a combination of such purposes ; or
- (g) the premises, or any portions thereof, have been compulsorily acquired under the Land Acquisition Ordinance, No. 14 of 1941

Ch. 37, No. 2.

Ch. 37, No. 3.

or are required for the purposes of an approved scheme under the Slum Clearance and Housing Ordinance, or the Town and Regional Planning Ordinance ; or

- (h) the premises are required by the landlord, or by a person claiming through or under him, for the purpose of oil-mining or refining or for purposes ancillary thereto ; or
- (i) the premises, being a dwelling-house or a public or commercial building, are required for the purpose of being repaired, improved, or re-built ; or
- (j) the premises, being a dwelling-house, are required for occupation as a residence by a former tenant thereof who gave up occupation in consequence of his service in any of His Majesty's Forces during the war ; or
- (k) the premises are required for public purposes ; or
- (l) the dwelling-house, or the public or commercial building, or the building erected by the tenant on building land, as the case may be, is required by law to be demolished ; or
- (m) the tenant has sub-let, or parted with the possession of, the whole or any part of the premises without either obtaining the consent of the landlord or being expressly authorised by or under the tenancy agreement or lease so to do ; or
- (n) the tenant of a dwelling-house, or of building land on which the building erected by the tenant is used or is intended to be used mainly as a dwelling,

*Proviso added by
Ord 38/49, sec: 4.*

uses the house or building mainly for business, trade or professional purposes without either obtaining the consent of the landlord or being authorised by or under the tenancy agreement or lease so to do ; or

(o) the tenant has been offered by the landlord in writing a new tenancy at a higher rent which is permissible under this Ordinance but otherwise on the same terms as the existing tenancy and has failed to accept such offer in writing within a reasonable time ; or

(p) a building on building land has been sold under distress for rent ; or

(q) a dwelling-house has been let to a tenant in the employment of the landlord on condition that the tenancy shall subsist only during the continuance of such employment, or only until the expiration of a period not exceeding one month after the termination of such employment, and the employment has terminated, or such period has expired, as the case may be ; or

(r) a dwelling-house has been let to a tenant in the employment of the landlord in consequence of that employment, and the employment has determined or the landlord has offered the tenant alternative accommodation ;

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 : Provided that an order or judgment shall not be made or given on any ground specified in paragraphs (e), (f) or (i) of subsection (1) unless the court is also satisfied that, having regard to all the circumstances of the case, less hardship would be caused by granting

the order or judgment than by refusing to grant it ; and such circumstances are hereby declared to include—

(i) when the application is on a ground specified in paragraphs (e) or (f) aforesaid, the question of whether other accommodation is available for the landlord or the tenant ;

(ii) when the application is on a ground specified in paragraph (i) aforesaid, the question of whether other accommodation is available for the tenant.

(2) A court asked to make such an order or give such a judgment may—

(a) adjourn the application from time to time ;

(b) stay or suspend execution of the order or judgment, or postpone the date of possession for such period as it thinks fit, and from time to time grant further stays or suspensions of execution and further postponements of the date of possession.

Any such adjournment, stay, suspension or postponement may be granted subject to such conditions, if any, as the court thinks fit, and, if such conditions are complied with, and the order has been made or the judgment given, may discharge or rescind the order or judgment.

(3) 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 interest of public health or public safety.

(4) If, after a landlord has obtained an order or judgment for possession or ejection under this section, it is subsequently made to appear to the court that the order was obtained by mis-representation or the concealment of

material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as a result of the order or judgment.

(5) In granting an order or giving judgment under this section for possession or ejectment in respect of building land, the court may require the landlord to pay to the tenant such sum as appears to the court to be sufficient as compensation for damage or loss sustained by the tenant, and effect shall not be given to such order or judgment until such sum is paid.

(6) Whenever a landlord has obtained an order or judgment for possession of any premises to which this Ordinance applies on any ground specified in paragraphs (e), (f) or (j) of subsection (1), and the order or judgment is executed or the tenant voluntarily gives up his tenancy in consequence of that order or judgment, the landlord shall be guilty of an offence against this Ordinance—

- (a) if, without first obtaining the permission of the Board, he uses or permits to be used or occupies or permits to be occupied or lets the premises at any time for any purpose other than the purpose which constituted the ground on which the order was made or the judgment was given ; or
- (b) if, having obtained permission as aforesaid, he fails to comply with any terms or conditions which the Board may have attached to that permission ;

and the Board may decline to grant any such permission as aforesaid in any case in which the landlord has failed to take such steps (if any) to renew the tenancy of the former tenant as the Board may have directed, or in any case in which the Board is not satisfied that the premises

will be used, occupied or let to good advantage having regard to any prevailing shortage of similar accommodation.

(7) Whenever a landlord has obtained an order or judgment for possession of any premises to which this Ordinance applies on any ground specified in paragraph (i) of subsection (i), and the order or judgment is executed or the tenant voluntarily gives up his tenancy in consequence of that order or judgment, the landlord shall be guilty of an offence against this Ordinance—

(a) if, without first obtaining the permission of the Board, he uses or permits to be used or occupies or permits to be occupied or lets the premises at any time ; or

(b) if, having obtained permission as aforesaid, he fails to comply with any terms or conditions which the Board may have attached to that permission ;

and the Board may decline to grant any such permission as aforesaid on any ground on which the Board could decline permission under subsection (6)."

Application of
section 3 of
this
Ordinance.

4. The following provisions shall have effect with regard to the application of section 14 of the Principal Ordinance, as replaced by section 3 of this Ordinance, namely—

(a) subsection (1) of the said section 14 shall apply whether the notice to quit was given or the proceedings were commenced before the commencement of this Ordinance, or the notice to quit is given or the proceedings are commenced thereafter ;

(b) subsection (2) of the said section 14 shall be deemed to have had effect on and from the 9th of October, 1941 ;

(c) subsections (6) and (7) of the said section 14 shall apply whether the order or judgment was obtained before the commencement of this Ordinance or is obtained thereafter.

5. Where an order or judgment for the recovery of possession of any premises or for the ejection of a tenant therefrom has been made or given before the commencement of this Ordinance on any ground specified in paragraphs (e), (f) or (i) of the Principal Ordinance and the tenant affected by the order or judgment is still in possession of the premises at the commencement of this Ordinance, the following consequences shall ensue, namely :—

Power to review orders or judgments in certain cases.

- (a) if the court by which the order was made or the judgment was given, on application made by the tenant within fourteen days after the commencement of this Ordinance and after giving the landlord an opportunity of being heard, shall be of opinion that the order would not have been made or the judgment would not have been given if this Ordinance had then been in force, the court may rescind the order or judgment and cancel any writ of possession or warrant of ejection issued in respect thereof; and
- (b) the order or judgment shall not be executed until the expiration of fourteen days after the commencement of this Ordinance or, if application has meanwhile been made as aforesaid, until the determination of any such application.

6. Section 17 of the Principal Ordinance is hereby repealed and replaced by the following section :—

Section 17 of the Principal Ordinance repealed and replaced.

“ General penalty.

17. Any person who shall be guilty of an offence against this Ordinance for which no special punishment is provided shall be liable on summary conviction to a fine of four hundred and eighty dollars, or to imprisonment for six months, or to both such fine and imprisonment, or, if such person is a corporation, shall be liable to a fine of one thousand two hundred dollars.”

Section 18 of
the Principal
Ordinance
repealed and
replaced.

7. Section 18 of the Principal Ordinance is hereby repealed and replaced by the following section:—

“Limitation
of prosecution.

18. Notwithstanding any provision of law to the contrary, summary proceedings for an offence against this Ordinance may be commenced at any time within two years from the date on which the offence was committed.”

Passed in Council this fifth day of February, in the year of Our Lord one thousand nine hundred and forty-three.

W. J. BOOS,
Clerk of the Council.

1943

TRINIDAD AND TOBAGO.
PRINTED AND PUBLISHED BY A. L. RHODES, M.B.E.,
GOVERNMENT PRINTER.

(Price 12s.)