

No. 13—1941.

Rent Restriction.

AN ORDINANCE to restrict the rents of certain premises and the right to recover possession of such premises during the present emergency and for one year thereafter.

Commencement.

[9th October, 1941.]

Short title.

1. (1) This Ordinance may be cited as the Rent Restriction Ordinance, 1941.

(2) This Ordinance shall continue in force until the expiry of the Emergency Powers (Colonial Defence) Order in Council, 1939, and for one year thereafter and may be continued in force for a further period or periods of twelve months at a time by resolution of the Legislative Council.

(3) The expiration of this Ordinance shall not render recoverable by a landlord any rent or sum which, during the continuance of this Ordinance, was not recoverable by such landlord, or affect the right of a landlord to recover any arrears of rent which, during the continuance of this Ordinance, were recoverable by such landlord, or affect the right of a tenant to recover any rent or sum which, during the continuance of this Ordinance, was recoverable by such tenant, or prevent or affect the prosecution, conviction, or punishment of any person for anything done or omitted during the continuance of this Ordinance.

Interpretation.

2. (1) In this Ordinance—

“ agricultural land ” does not include the garden of a house or building, or land within the curtilage of a house or building ;

“ Board ” means a Rent Assessment Board constituted under section 5 of this Ordinance for the area in which any premises in question are situated ;

“ building land ” means land let to a tenant for the purpose of the erection thereon by the tenant of a building used, or to be used, as a dwelling or for the public service or for business, trade or professional purposes, or for any combination of such purposes, or land on which the tenant has lawfully erected such a building, but does not include any such land when let with agricultural land ;

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

“ furniture ” includes fittings, machinery and other articles used in premises but not forming part thereof ;

“ landlord ” includes any person deriving title under the original landlord and any person who is, or would but for the provisions of this Ordinance, be entitled to the possession of the premises ;

“ let ” includes “ sub-let ” ;

“ let furnished ” means let at a rent which includes payment for the use of furniture, and “ let unfurnished ” shall be construed accordingly ;

“ prescribed date ” means the 1st of July, 1940, in relation to premises in the Borough of Arima, and the 1st of January, 1940, in relation to other premises ;

“ public or commercial building ” means a building, or a part of a building separately let, or a room separately let, which at the material date was or is used mainly for the public service or for business, trade or professional purposes, and includes land occupied therewith under the tenancy but does not include a building, part of a building or room when let with agricultural land ;

“ the Rent Restriction Ordinance ” means the Rent Restriction Ordinance ; Ch. 27. No. 18.

“ standard rent ” in relation to premises let at the commencement of this Ordinance, or hereafter let, means the standard rent of such premises ascertained in accordance with this Ordinance and appropriate to the category of letting in which the same are let ;

“ tenant ” includes a sub-tenant and any person deriving title from the original tenant or sub-tenant, as the case may be ;

“ tenancy ” includes “ sub-tenancy ”.

(2) For the purposes of this Ordinance one letting of premises shall be deemed to be in the same category as another letting of the premises if both lettings are of—

(a) building land ; or

(b) a dwelling-house let unfurnished ; or

(c) a dwelling-house let furnished ; or

(d) a public or commercial building let unfurnished ;
or

(e) a public or commercial building let furnished ;

and if, in the case of two lettings of furnished premises, the furniture is of approximately the same quality and quantity on each letting.

Application
of Ordinance.

3. (1) This Ordinance shall apply, subject to the provisions of sections 4 and 20 thereof, to all land which is building land at the commencement of this Ordinance or becomes building land thereafter, and to all dwelling-houses and public or commercial buildings whether in existence or let at the commencement of this Ordinance or erected or let thereafter and whether let furnished or unfurnished, being building land, dwelling-houses and public or commercial buildings situate in the areas described in the Schedule hereto: Provided that this Ordinance shall not apply to—

(a) a dwelling-house while let at a rent which *bona fide* includes payment for board or attendance ; or

(b) building land while let on a building lease, or a renewal or continuance of a building lease, for a term of twenty-five years or more ; or

(c) a dwelling-house while let by the Planning and Housing Commission as constituted under the Slum Clearance and Housing Ordinance.

(2) All building land, dwelling-houses or public or commercial buildings to which this Ordinance for the time being applies are hereafter referred to as "premises to which this Ordinance applies".

4. (1) The Governor in Council may, if he thinks fit, by order approved by resolution of the Legislative Council and published in the *Royal Gazette*—

Power to extend or exclude application of Ordinance.

- (a) extend the provisions of this Ordinance to any area named in the order ;
- (b) declare how the standard rent of any premises, or class or description of premises in an area which becomes subject to the provisions of this Ordinance by virtue of any such order is to be ascertained ;
- (c) exclude from the operation of this Ordinance any area to which this Ordinance previously applied ;
- (d) exclude from the operation of this Ordinance any specified premises, or any specified classes or descriptions of premises, or any specified classes or descriptions of premises in a specified area.

(2) In the application of this Ordinance to premises which become 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.

(3) The exclusion of premises from the operation of this Ordinance by order under paragraphs (c) or (d) of subsection (1) of this section shall not render recoverable by a landlord any rent or sum which, before that exclusion, was not recoverable by such landlord, or affect the right of a landlord to recover any arrears of rent which, before that exclusion, were recoverable by such landlord, or affect the right of a tenant to recover any rent or sum which, before that exclusion, was recoverable by such tenant, or prevent or affect the prosecution, conviction or punishment of any person for anything done or omitted before that exclusion.

Rent
Assessment
Boards.

5. (1) The Governor shall establish, for the purposes of this Ordinance, so many Rent Assessment Boards as he shall think fit and shall specify in relation to each Board the area in regard to which it may exercise the powers conferred and perform the duties imposed by this Ordinance.

(2) The Governor shall appoint a Chairman of each Board and, in the absence or inability to act of the Chairman, may appoint a person to act temporarily as Chairman.

(3) The Governor shall appoint panels of persons from which the members of each Board (other than the Chairman) may be selected.

(4) A Board, at any sitting thereof, shall consist of three members, namely the Chairman and two members to be selected by the Chairman from the appropriate panel appointed under subsection (3) of this section.

(5) The Governor may appoint a Secretary to any Board.

(6) The members and secretaries of the Boards shall receive such remuneration, if any, as the Governor may generally or specially direct.

(7) All appointments under this section shall be during the Governor's pleasure.

(8) No person shall act as a member of a Board in any matter in which, if he were a Judge, he would not be entitled to act on the ground of interest.

(9) The establishment of the Boards and all appointments under this section shall be published in the *Royal Gazette*.

Proceedings
of Boards.

6. (1) At meetings of a Board, the decision of the majority of the members shall prevail: Provided that if no majority decision is reached, the decision of the Chairman shall prevail.

(2) Before making any order, a Board shall give all interested parties an opportunity of being heard and of adducing evidence.

(3) Evidence shall be given on oath and the proceedings of a Board shall be deemed to be judicial proceedings for the purposes of the Perjury Ordinance.

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(4) A Board may take into consideration any relevant facts within the knowledge of any member of the Board notwithstanding the absence of formal proof of such facts, provided that such facts are within the personal knowledge of such member of the Board or were found to be proved at a meeting of a Board of which he was a member ; and provided further that before any such facts are taken into consideration the party or parties present before the Board shall be informed of the substance of such facts and given the opportunity, if he or they so desire, of adducing evidence in regard thereto.

(5) The Chairman shall have the powers of a Judge of a Petty Civil Court to compel the attendance and examination of witnesses and the production of documents.

(6) The proceedings of Boards shall be open to the public, and minutes thereof, including a summary of the evidence given and a statement of all facts taken into consideration pursuant to the provisions of subsection (4) of this section, shall be kept by the Chairman.

(7) An interested party may be represented before the Board by a barrister or solicitor of the Supreme Court.

(8) An order of a Board shall operate from such date whether before or after the date on which the order is made, as may be specified in the order, or, if no such date be specified, from the date of the order. Any such order may be proved by production of a copy of the order purporting to be signed by the Chairman or by the Secretary of the Board.

(9) The Board shall have power to award costs in accordance with any scale of costs fixed by rules made under subsection (11) of this section.

(10) When an application has been made to a Board under this Ordinance, the Board may make an order on such application notwithstanding the non-attendance of the applicant or any person interested before the Board.

(11) The Chairman of the Board for the City of Port-of-Spain, or for an area including the City of Port-of-Spain, may, with the approval of the Governor in Council, make rules, not inconsistent with this Ordinance, as to the form and manner of applications to the Boards, the fees to be paid on such applications, the scale of costs applicable to proceedings before the Boards, the procedure of the

Boards, the forms of documents to be issued by the Boards and the manner in which they are to be certified or served. All fees shall be paid into the general revenues of the Colony. With regard to any matter on which rules under this subsection have not been made, each Board may give such directions, and regulate its procedure in such manner, as may seem just: Provided that no fees shall be taken except in accordance with rules made under this subsection.

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(12) An appeal shall lie to the Full Court from any order of a Board and the procedure in respect of any such appeal shall be such as is laid down in the Summary Courts Ordinance.

Standard
rent pending
determination
by the Board.

7. Until the standard rent of any premises in relation to any category of letting has been determined by the Board under section 9, the standard rent of the premises in relation to that category of letting shall be the rent at which they were let in the same category of letting on the prescribed date or, where the premises were not so let on that date, the rent at which they were last so let before that date, or, in the case of premises first so let after the prescribed date, the rent at which they were, or are hereafter, first so let: Provided that—

- (a) premises shall not, for the purposes of this section, be regarded as having been let in the same category of letting on or before the prescribed date if they were so let under a tenancy agreement or lease providing for a progressive rent;
- (b) where the standard rent of premises is determinable under this section by reference to the rent at which they were let on or before the prescribed date, and that rent exceeded the rent which was permissible under the Rent Restriction Ordinance, the standard rent shall be the rent which was permissible under the Rent Restriction Ordinance;
- (c) in the case of premises let at a progressive rent payable under a tenancy agreement or lease, the standard rent shall, until the tenancy is determined, be the maximum rent payable under the tenancy agreement or lease.

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, it shall be lawful for any person proposing to let the same to apply to the Board to fix provisionally the rent which will be the standard rent of the premises when they are so let and the Board may fix such provisional standard rent accordingly. The applicant shall disclose to the Board the terms and conditions of the proposed letting and all circumstances which will affect the standard rent of the premises and, if the premises are later let substantially on such terms and conditions and in such circumstances, such provisional standard rent fixed by the Board shall be deemed to be the standard rent of the premises determined by the Board and appropriate to the category of letting in which they are let.

Applications to the Board to determine standard rent.

(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 any person shall fail to comply with the provisions of this subsection, he shall be guilty of an offence against this Ordinance.

(3) The landlord or the tenant of any premises to which this Ordinance applies may at any time, unless the standard rent of the premises appropriate to the category of letting in which they are let has already been determined by the Board, apply to the Board to determine the standard rent thereof appropriate to that category of letting.

(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 such standard rent 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.

9. (1) When the standard rent of any premises in relation to any category of letting is determined by

Determination of standard rent by the Board.

the Board, it shall be determined on the principles of section 7, modified as follows—

(a) where the premises were not let in the same category of letting on or before the prescribed date, the standard rent shall be the rent which, in the opinion of the Board, might reasonably have been expected in respect of a similar letting of similar premises in the same locality on the prescribed date (regard being had when practicable to the rents actually obtained from any such similar lettings) with an addition, in the case of a dwelling-house or public or commercial building erected after the prescribed date, of such amount as the Board may think reasonable on account of increased amenities of the locality, or increased cost of building, between the prescribed date and the date of completion of the building ;

(b) where the premises were let in the same category of letting on or before the prescribed date, and the standard rent ascertained in accordance with the provisions of section 7 would, in the opinion of the Board, be substantially higher or lower than the standard rent ascertained on the principles of paragraph (a) of this section, the Board may determine the standard rent on the principles of that paragraph.

(2) Where, for the purpose of determining the standard rent of any premises to which this Ordinance applies, it is necessary to apportion the rent at the date in relation to which the standard rent is fixed the Board may, on the application of either party or of the superior landlord, make such apportionment as seems just and the decision of the Board as to the amount to be apportioned to the premises shall be final and conclusive.

Maximum
permitted
rent.

10. (1) Subject to the provisions of this Ordinance, where, at any time after the commencement of this Ordinance, the rent of any premises to which this Ordinance applies exceeds the standard rent by more than the amount permitted under this Ordinance, the amount of such excess shall, notwithstanding any agreement or lease made before

or after the commencement of this Ordinance to the contrary, be irrecoverable from the tenant, and if it is paid by the tenant, shall be recoverable by him, or by persons claiming through him, from the person to whom it was paid or his personal representative, 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 : Provided that, in the case of premises let at the commencement of this Ordinance under a tenancy agreement or lease made before the 28th of April, 1941, this subsection shall not operate to render irrecoverable from the tenant or recoverable by the tenant or persons claiming through him, or deductible, any rent payable under the tenancy agreement or lease save and in so far as it is in excess of the rent which, immediately prior to the commencement of this Ordinance, was permissible under the Rent Restriction Ordinance and the Defence (Rent Restriction) Regulations, 1941.

(2) Any transfer to the tenant of any burden or liability which, in calculating the standard rent of any premises, is treated as borne by the landlord, shall, for the purposes of this Ordinance, be treated as an alteration of rent, and where, as a result of such a transfer, the terms on which the premises are held are on the whole less favourable to the tenant, the rent shall be deemed to be increased whether or not the sum periodically payable by way of rent is increased ; and any increase of rent in respect of any transfer to the landlord of any burden or liability which, in calculating the standard rent of any premises, is treated as borne by the tenant where as a result of such transfer, the terms on which the premises are held are on the whole not less favourable to the tenant, shall be deemed not to be an increase of rent for the purposes of this Ordinance : Provided that, for the purposes of this Ordinance, the rent shall not be deemed to be increased, where a liability for rates or taxes is transferred by the landlord to the tenant, if a corresponding reduction is made in the rent.

(3) If a landlord knowingly receives, or a tenant knowingly pays, any rent which is by this Ordinance made irrecoverable, he shall be guilty of an offence against this Ordinance, and if a landlord is convicted of any such

offence the Court in which the conviction is obtained may, without prejudice to any other right which the tenant may have to recover the rent overpaid, order the landlord to repay the same.

Permitted
increases
in rent.

11. (1) The amounts by which the rent of any premises to which this Ordinance applies may exceed the standard rent shall, subject to the provisions of this Ordinance, be—

- (a) the amount of any increase in rent which a landlord has made, or could lawfully have made, after the prescribed date by virtue of the statutory ten per centum increase permitted by section 5 of the Rent Restriction Ordinance : Provided that this paragraph shall not apply to premises first let in a category of letting after the prescribed date ;
- (b) the amount of any increase in rent which a landlord has made, or could lawfully have made, after the prescribed date by virtue of an order of a Magistrate under section 8 of the Rent Restriction Ordinance ;
- (c) an amount proportionate to any increase in the amount of the rates and taxes payable by the landlord since the date by reference to which the standard rent of the premises is determinable ;
- (d) the amount of any percentage increase sanctioned under subsection (2) of this section ;
- (e) any amount sanctioned by the Board, on the application of the landlord, where the landlord has incurred expenditure in effecting—
 - (i) substantial improvements or structural alterations in the premises other than for ordinary or necessary repairs, or
 - (ii) substantial improvements to the amenities of the premises, or substantial improvements in the locality from which the tenant derives benefit, not being improvements for necessary maintenance or drainage :

Provided that the Board may decline to make an order under this paragraph in respect of premises which, in the opinion of the Board, are not in tenantable repair, unless such condition is due to the tenant's neglect or default.

(2) The Governor in Council, with the sanction of the Legislative Council, may, by order published in the *Royal Gazette*, sanction an increase of rents by such percentage of the standard rents as he may think fit. Any such order may be made to apply to all premises in the areas in the Schedule hereto or in relation to all premises in any specified area in the Schedule.

(3) The Board may, at any time, on the application of the landlord or the tenant, determine, in relation to any premises the amount by which the rent may exceed the standard rent in any of the circumstances contemplated by paragraphs (a), (b) or (c) of subsection (1) of this section.

(4) Whenever the Board may fix a provisional standard rent of any premises it may also, in an appropriate case, fix the amount by which the rent of the premises when let may exceed the provisional standard rent.

(5) The Board may revise, either by increasing or decreasing the amount, any order of a Magistrate under section 8 of the Rent Restriction Ordinance, or any order made by the Board under this section, in any case in which in the opinion of the Board, altered circumstances justify such revision and, without prejudice to the generality of this power, the Board may revise any such order if the premises are not in tenantable repair, unless such condition is due to the tenant's neglect or default.

12. The landlord of any premises to which this Ordinance applies shall, on being requested in writing by the tenant thereof, supply him with a statement in writing as to what is the standard rent of such premises, and if without reasonable excuse he fails within fourteen days to do so, or supplies a statement which is false in any material particular, he shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a fine of forty-eight dollars.

Statement as to standard rent to be supplied.

13. (1) A person shall not, as a condition of the grant, renewal, or continuance of a tenancy of any premises to which this Ordinance applies, not being a tenancy under a lease, or a renewal or continuance of a lease, for a term of 25 years or more, require the payment of any fine,

Restriction on demand of premiums.

premium, or other like sum, or the giving of any consideration in addition to the rent, and where any such payment or consideration shall be paid after the commencement of this Ordinance, the amount or value thereof shall be recoverable by the person by whom it was made or given or his personal representatives.

(2) Any person after the commencement of this Ordinance requiring any payment or the giving of any consideration in contravention of this section, and any person making any such payment or giving any such consideration, shall be guilty of an offence against this Ordinance and, if a person convicted of requiring any payment or the giving of any consideration as aforesaid has received such payment or consideration, the Court in which the conviction is obtained may order him to repay the amount or value of the same to the person from whom it was received.

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 ; 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 himself for business, trade or professional purposes, or
 - (iii) a combination of the purposes in subparagraphs (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 himself for business, trade or professional purposes not involving the erection of a building, or
 - (iii) a combination of such purposes ; or
- (g) where the premises, or any portions thereof, have been compulsorily acquired under the Land Acquisition Ordinance, 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

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- (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, and an undertaking is given that the landlord will, immediately after the completion of the repairs, improvements, or re-building, give the tenant an opportunity of renewing his tenancy at such rent and on such conditions as the Board may order ; 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, 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 suitable 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.

(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, and subject to such conditions, if any, in regard to payment of 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 ejectment of any person where, in the opinion of the Court asked to make the order, the ejectment is expedient in the interest of public health or public safety.

(5) If, after a landlord has obtained an order or judgment for possession or ejectment 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.

(6) The Court before which any such undertaking as is mentioned in paragraph (i) of subsection (1) of this section is given shall record the same in writing and shall forward a copy thereof to the Board. The Board shall record every such undertaking, and any order in respect thereof made under this subsection, in a book which shall be open to public inspection. The landlord shall not re-let the premises or any part thereof to any person other than the former tenant without the permission of the Board and such permission shall not be granted unless the landlord shall satisfy the Board that he has fulfilled his undertaking or has taken all reasonable steps to do so. Any purported re-letting in contravention of this subsection shall be void and no rent shall be recoverable in respect thereof and, if paid, shall be recoverable by the person who paid it or his legal personal representative. At any time before the permission of the Board to re-let the premises is obtained the former tenant (whether or not there has been any purported re-letting of the premises)

may apply to the Board for the renewal of his tenancy and the Board may direct that the tenancy shall be renewed at such rent and on such conditions as the Board shall think fit and thereupon the tenancy shall be deemed to have been renewed accordingly and the Board may issue its warrant to any constable to place the former tenant in possession of the premises. Without prejudice to the preceding provisions of this subsection, if any landlord shall fail to apply to the Board within one week after the completion of the repairs, improvement or re-building, and before the premises or any part thereof are again occupied, to determine the rent and conditions at and on which a renewal of the tenancy is to be offered to the former tenant, or shall fail to offer to the former tenant, in such manner and within such time as the Board may direct, a renewal of the tenancy at the rent and on the conditions so determined, or shall purport to re-let the premises in contravention of this subsection, he shall be guilty of an offence against this Ordinance.

(7) In granting an order or giving judgment under this section for possession or ejection 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.

15. (1) A tenant who, under the provisions of this Ordinance, retains possession of any premises shall, so long as he retains possession, observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as the same are consistent with the provisions of this Ordinance, and shall be entitled to give up possession of the premises only on giving such notice as would have been required under the original contract of tenancy: Provided that, notwithstanding anything in the contract of tenancy, a landlord who obtains an order for the recovery of possession of premises or for the ejection of a tenant retaining possession as aforesaid shall not be required to give any notice to quit to the tenant.

Conditions of
statutory
tenancy.

(2) Any tenant retaining possession as aforesaid shall not, as a condition of giving up possession, ask to receive the payment of any sum, or the giving of any other consideration, by any person other than the landlord, and any person acting in contravention of this subsection shall be guilty of an offence against this Ordinance, and the Court by which he was convicted may order any such payment or the value of any such consideration to be paid to the person by whom the same was given, but any such order shall be in lieu of any other method of recovery prescribed by this Ordinance.

(3) Where the interest of a tenant of a dwelling-house is determined, either as the result of an order for possession or ejection, or for any other reason, any sub-tenant to whom the premises or any part thereof have been sublet either with the consent of the landlord or in accordance with express authority conferred by or under the tenancy agreement or lease shall, subject to the provisions of this Ordinance, be deemed to become the tenant of the landlord on the same terms as he would have held from the tenant if the tenancy had continued.

False entries
in rent books.

16. 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 be guilty of an offence against this Ordinance and shall be liable to a fine of ninety-six dollars.

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.

18. Proceedings in respect of an offence against this Ordinance may be commenced at any time within twelve months from the date on which the offence was committed. Limitation of prosecution.

19. (1) The jurisdiction of Magistrates under the Summary Ejectment Ordinance, shall, during the continuance of this Ordinance, extend to all premises to which this Ordinance for the time being applies irrespective of the nature of the tenancy or the length of the term or the amount of the rent. Jurisdiction of Magistrates. Ch. 27. No. 17.

(2) The Governor may, if he thinks fit, appoint one or more additional Magistrates for the purpose of exercising in any district the jurisdiction conferred upon Magistrates by the Summary Ejectment Ordinance as extended by this section.

20. It shall be lawful for the Governor in Council to sanction any particular tenancy of premises, being a tenancy at a rent of \$200 per month or more, notwithstanding that the rent is in excess of that which could be lawfully recovered under this Ordinance and thereupon the provisions of this Ordinance shall cease to apply to the premises so let until the term of such tenancy shall have expired or the tenancy shall have been otherwise determined. Special powers of the Governor in Council.

21. Upon the coming into force of this Ordinance, the Rent Restriction Ordinance shall be repealed: Repeal. Provided that such repeal shall not render recoverable by a landlord any rent or sum which, during the continuance of that Ordinance, was not recoverable by such landlord, or affect the right of a landlord to recover any arrears of rent which, during the continuance of that Ordinance, were recoverable by such landlord, or affect the right of a tenant to recover any rent or sum which, during the continuance of that Ordinance was recoverable by such tenant, or prevent or affect the prosecution, conviction, or punishment of any person for anything done or omitted during the continuance of that Ordinance.

(Section 3).

THE SCHEDULE.

The City of Port-of-Spain.

The Borough of San Fernando and its suburbs within 1 mile of its boundaries.

The Borough of Arima.

The following towns and villages, viz. :—

Chaguanas, Couva, Princes Town, Rio Claro and Sangre Grande comprising the correspondingly named areas defined in the Schedule to the Public Health Ordinance, or any modification of such areas under the Public Health Ordinance.

Ch. 12. No. 4.

The Wards of Diego Martin, St. Ann's, Tacarigua and Arima in the County of St. George (excluding the Islands in the Gulf of Paria).

The Wards of Naparima, Pointe-a-Pierre and Savana Grande in the County of Victoria (excepting San Fernando and its suburbs).

The County of St. Patrick.

The Island of Tobago.