

TRINIDAD AND TOBAGO.

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No. 34—1933.

I ASSENT,

[L.S.]

A. C. HOLLIS,
Governor.

21st December, 1933.

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

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 Rent Restriction Short title.
Ordinance, 1933.

2. In this Ordinance—

"Landlord", "Tenant", and "Mortgagee" include Interpre-
any person from time to time deriving title under tation.
the original landlord, tenant, or mortgagee ;

"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" ;

[Price 6d.]

Cap. 224 *et al.*

Cap. 230.

Cap. 204 and
No. 16 -1932.

“Rateable Value” means the annual value at which a house is assessed under the Port-of-Spain Corporation Ordinances in the case of a house situated in Port-of-Spain, or the Municipal Corporations Ordinance in the case of a house situated in San Fernando, and in the case of a house situated elsewhere means the amount at which it is for the time being assessed under the Lands and Buildings Taxes Ordinances ;

“Standard Rent” means the rent at which a dwelling-house or land was let on the thirtieth day of June, 1933, 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, 1933, 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, and every such house, part of a house, or room shall be deemed to be a dwelling-house to which this Ordinance applies.

(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 or to any premises used for business, trade, or professional purposes, or for the public service, or to any house where the annual amount of the standard rent exceeds thirty-seven pounds and ten shillings.

Provided that the application of this Ordinance to any house or part of a house shall not be excluded by reason only that part of the premises is used for business, trade, or professional purposes; or for the public service.

(4) This Ordinance shall apply to houses and land situated within the City of Port-of-Spain and within a distance of six miles from the limits of the City of Port-of-Spain, and to any area to which it may be extended by order under section 4 of this Ordinance.

4. (1) The Governor in Executive Council may, if he thinks fit, by order 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 house or land becoming 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.

(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 this Ordinance applies has been increased since the thirtieth day of June, 1933, or where, after the commencement of this Ordinance, the rent of any dwelling-house or land to which this Ordinance applies is increased, then, if the increased rent exceeds the standard rent by more than ten 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,

Restriction on increase of rents.

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 penalty not exceeding one hundred pounds, and if a landlord, to be ordered to repay to the tenant the amount of such increase.

Statement as to standard rent to be supplied.

6. The landlord of any dwelling-house or land 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 dwelling-house or land, 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, on summary conviction before a Magistrate, be liable to a penalty not exceeding ten pounds.

Restriction on demand of premiums.

7. (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 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) 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 penalty 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.

8. (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) When adjudicating upon such application the Magistrate may take into consideration *inter alia* any expenditure incurred by the Landlord—

- (a) on substantial improvements or structural alterations to a dwelling house other than for ordinary or necessary repairs ;
- (b) on substantial improvements made to the roadway adjacent to the land other than for necessary maintenance and drainage ;
- (c) in providing a suitable water supply or the extension of such a water supply from which the tenant derives benefit.

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

(4) 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.

(5) 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,

Apportionment to determine standard rent.

9. Where, for the purpose of determining the standard rent of any dwelling house 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 Magistrate may, on the application of either party or of the superior landlord, make such apportionment as seems just, and the decision of the Magistrate as to the amount to be apportioned to the dwelling-house shall be final and conclusive.

Jurisdiction.

10. (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.

Procedure (Cap. 24 and amending Ordinance.

(2) The Summary Conviction Offences (Procedure) Ordinances shall apply to all applications and matters which are by this Ordinance to be dealt with by a Magistrate.

Appointment of assessors.

(3) The Governor may, if he thinks fit, 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.

Additional Magistrates.

(4) The Governor may, if he thinks fit, 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 Ordinances as extended by this Ordinance.

Cap. 68 and No. 22—1929.

Restrictions on ejectment orders.

11. (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) 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 ; or
- (f) the land is reasonably required by the landlord for the purpose of erecting thereon a dwelling house for occupation as a residence for himself or for any member of his family or for some person in his employment or for extension, construction or diversion of a roadway ;

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.

Discretion of
Court.

Power to
rescind or
vary order
already made.

(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.

Ejectment in
public
interest.

(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 interests of public health or public safety.

Right of
sub-tenant
not affected.

(5) An order or judgment against a tenant for the recovery of possession of any dwelling-house or ejectment therefrom under this section shall not affect the right of any sub-tenant to whom the premises or any part thereof have been sub-let with the consent of the landlord in writing before proceedings for recovery of possession or ejectment were commenced, to retain possession under this section, or be in any way operative against any such sub-tenant; but such sub-tenant 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.

Order
obtained by
misrepresentation.

(6) Where a landlord has obtained an order or judgment for possession or ejectment under this section on the ground that he requires a dwelling-house for occupation as a residence for himself or for any member of his family or for some person in his employment and it is subsequently made to appear to the Court that the order was obtained by misrepresentation 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 the result of the order or judgment.

Failure of
landlord to
carry out
undertaking.

(7) Where a landlord has obtained an order or judgment for possession or ejectment under this section on the ground that the dwelling-house is required for the purpose of being repaired, improved, or rebuilt and has given an

undertaking that the tenant will be given an opportunity of renewing his tenancy after completion of the repairs, improvements, or alterations, and it is subsequently made to appear to the Court that the landlord has failed to carry out such undertaking, the Court may order the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as the result of the failure on the part of the landlord to carry out such undertaking.

(8) In granting an order or judgment for possession or ejection under this section on the ground that the landlord requires the land for erecting thereon a dwelling house for occupation as a residence for himself or for any member of his family or for some person in his employment or for extension, construction or diversion of a roadway the Court may require the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant, and such order shall not be given effect to unless such sum be paid.

Compensation
for ejection
in certain
events.

12. An appeal shall lie to the Full Court from any conviction, order or judgment of a Magistrate, made or given under this Ordinance, including an order for adjournment of an application, or stay or suspension of execution, or postponement of the date of possession, and the procedure in respect of such appeals shall be such as is laid down in the Summary Conviction Offences (Procedure) Ordinance, and any Ordinance amending the same.

Appeal.

Cap. 24.

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

Temporary
extension of
Magistrates'
jurisdiction
in ejection.

Cap. 68 and
No. 22 of 1929.

14. 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 penalty not exceeding twenty pounds.

False entries
in rent books.

Limitation of
actions.

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

Power to
make
regulations.

16. (1) Any Magistrate, may 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 of a Magistrate to regulate the procedure of his Court.

Duration of
Ordinance.

17. This Ordinance shall continue in force until the thirty-first day of December, 1938: 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.

Passed in Council this eighth day of December, in the year of Our Lord one thousand nine hundred and thirty-three.

J. O'CONNOR,
Clerk of the Council.