

LEGAL NOTICE No. 54

REPUBLIC OF TRINIDAD AND TOBAGO

THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES OF COURT

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF THE
SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

THE SUPREME COURT (LAND TENANTS) (SECURITY OF
TENURE) RULES, 1982

1. These Rules may be cited as the Supreme Court (Land Tenants) ^{citation}
(Security of Tenure) Rules, 1982.

2. Immediately after Order 94 of the Rules of the Supreme Court, <sup>Rules of the
Supreme
Court 1975
amended</sup>
1975, the following new Order is inserted:

“ORDER 94A

THE LAND TENANTS (SECURITY OF TENURE) ACT, 1981

Interpretation

1. In this Order—

“the Act” means the Land Tenants (Security of Tenure) Act,
1981;

“Form” means a Form in Appendix A;

“section” means a section of the Act.

Proceedings to be brought by Originating Summons

2. Where a person applies in pursuance of—

(a) section 5(3)(a) for the determination of the open market
value of land for the purpose of computing the ground
rent;

(b) section 5(3)(c) where landlord and tenant have failed to
reach agreement for re-defining the prescribed value of
the land for the purpose of computing the ground rent;

(c) section 5(4)(a) or 5(4)(b) for redress for non-payment of
rent;

(d) section 5(6)(c) to enforce the agreement between the
parties for the payment of the purchase price of land
to be made by instalments;

- (e) section 9(2) for determining whether or not a tenant has an option to purchase conferred by section 5(5);
- (f) section 9(3) to enforce an option to purchase the land;
- (g) section 9(4) for determining the open market value of the land for the purpose of exercising an option to purchase the same;
- (h) section 9(7) for an order where the tenant fails to pay three successive instalments of the purchase price;
- (i) section 10(4) for determining whether the landlord's consent should be dispensed with;
- (j) section 11(1) for determining any question or claim relating to the purchase price of a chattel house or land on which a chattel house is erected or for the determination of any matter in dispute capable of settlement under the Act,

the proceedings may, subject to the provisions of this Order, be brought by originating summons.

Forms of Originating Summons

3. (1) Subject to paragraph (2) the originating summons shall be in Form No. 9.

(2) Where a tenant who desires to exercise his option to purchase land in pursuance of section 5(5) is unable, after taking reasonable steps, to trace or identify the landlord for the purpose of reaching an agreement as to the open market value of the same, the originating summons shall be in Form No. 10.

(3) No appearance need be entered to the originating summons under this Order.

Affidavit in Support

4. The plaintiff shall file in support of the originating summons an affidavit stating—

- (a) his interest in the chattel house and that he is in occupation of the house and the land on which it is sited in right of a statutory lease under the Act;
- (b) a statement of the particulars of the statutory lease, if any, and of the grounds of the application;
- (c) whether any, and if so what, attempts have been made to reach an agreement;
- (d) where the summons is in Form No. 10, that he has taken all reasonable steps (describing them) to trace or identify the landlord.

Service of Originating Summons

5. (1) Notwithstanding rule 3(3) the originating summons together with a copy of the affidavit in support shall be served on the defendant—

- (a) in accordance with Order 10, rule 5, or
- (b) by sending them, by registered post, to him, at his usual or last known place of abode or business, or in the case of a body Corporate, at the registered or principal office of that body, or
- (c) in such other manner as the Court may direct.

(2) Order 28, rule 3, shall not apply to proceedings under this Order.

Order for Possession

6. (1) An order for possession under section 5(4) shall not be made less than 7 clear days after the date of service of the originating summons.

(2) An order for possession in proceedings under the Act shall be in Form No. 54 with such modifications as may be necessary to bring the same into conformity with the provisions of section 7.

Discharge of Mortgages

7. Where a tenant deposits into Court the price payable for the land pursuant to section 17(2)—

- (a) he shall file an affidavit stating—
 - (i) the reasons for making such deposit;
 - (ii) the chattel house and land to which such deposit relates and the name and address of the landlord, and
 - (iii) so far as they are known to the tenant, the name and address of every person who is or may be interested in or entitled to the deposit;
- (b) on the filing of the affidavit he shall make such deposit and the Registrar shall send notice of the deposit to the landlord and to every person whose name and address are given in the affidavit pursuant to sub-paragraph (a)(iii).

Setting Aside Order

8. The Court may, on such terms as it think just, set aside or vary any order made in proceedings under this Order.

Made by the Rules Committee this 12th day of February, 1982.

I. HYATALI
Chief Justice

C. A. KELSICK
Judge of the Court of Appeal

A. WARNER
Judge of the High Court

R. MARTINEAU
Attorney General

C. CHAMBERS
Registrar, Supreme Court

J. A. WHARTON
Barrister

S. HOSEIN
Solicitor

Laid in the House of Representatives this 5th day of March, 1982.

J. E. CARTER
Clerk of the House

Laid in the Senate this 9th day of March, 1982.

R. GRIFFITH
Clerk of the Senate