

LAWS OF TRINIDAD AND TOBAGO

NATIONAL HOUSING AUTHORITY (VESTING) ACT

CHAPTER 33:06

**Act
10 of 2004**

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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NATIONAL HOUSING AUTHORITY (VESTING) ACT

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 33:06

NATIONAL HOUSING AUTHORITY (VESTING) ACT

10 of 2004. **An Act to provide for the Vesting of certain State lands in the National Housing Authority for a term of 999 years.**

Commencement. [9TH MARCH 2004]

WHEREAS the National Housing Authority (“the Authority”) established by the Housing Act is responsible for the execution and carrying out of the policy of the Government in relation to housing:

And Whereas the Authority has over a number of years in the exercise of the functions, powers and duties conferred on it by the Housing Act upon the instructions and/or with the acquiescence of the State occupied certain lands owned by the State and constructed thereon housing projects without having obtained conveyances, transfers, leases, or other documentary title to the aforesaid lands:

And Whereas the absence of such documentary title to the said lands has prevented the Authority from providing evidence of title to the occupiers of the houses and apartments erected by the Authority on the said lands, thereby causing great hardship and anxiety to them:

And Whereas the accelerated housing delivery policy of the Government requires that the Authority be empowered to provide the recipients of the housing units with documents of title promptly so as to enable them to achieve the full benefit of home ownership.

Short title. **1.** This Act may be cited as the National Housing Authority (Vesting) Act.

Interpretation. **2.** In this Act—
“appointed day” means the 1st January, 2004;
“building lease” means a lease for nine hundred and ninety-nine years granted in furtherance of the provisions of this Act;

“demised lands” means the lands identified and described in the First Schedule to this Act; First Schedule.

“housing project” has the meaning assigned to it in the Housing Act; Ch. 33:01.

“Minister” means the Minister charged with the responsibility for the administration of Housing.

3. The demised lands are hereby declared to be held by and vested in the Authority for a term of nine hundred and ninety-nine years from the appointed day, upon the terms and conditions set out in Part I of the Second Schedule, excepting and reserving the matters set forth in Part II of the said Second Schedule. Vesting of the land in the Authority.
Second Schedule.

4. The Vesting effected by virtue of this Act shall not have effect so as to— Effect of Vesting.

- (a) give rise to any forfeiture;
- (b) invalidate or discharge any contract or security; or
- (c) terminate any lease or other estate granted by the State prior to the appointed day, however, where such prior lease or estate exists, the building lease herein vested shall take effect as a lease of the reversion immediately expectant at the determination of the existing term.

5. The Stamp Duty Act shall not apply to the transfer and vesting of lands effected by virtue of this Act or under any Order made by the Minister under section 6 hereof. Ch. 76:01 not applicable.

6. (1) Upon request duly made by the Authority, the Minister may, from time to time after consultation with the Minister with responsibility for State lands, by Order subject to negative resolution of Parliament, amend the First Schedule by adding to or removing lands therefrom. Amendment of First Schedule.

(2) The lands so added may be subject to such additional conditions as the Minister may determine.

FIRST SCHEDULE

Site Name	Administrative Division	Ward Sheet	Lands and Surveys References	Number of Parcels	Size
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 211	7	30,418 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 212	18	69,295 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 213	26	119,591 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 214	23	109,507 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 215	23	76,413 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 216	21	80,066 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 217	10	49,801 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 218	11	54,829 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 219	2	10,563 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 220	3	14,708 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 221	6	18,001 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 987 FOL. 222	19	96,602 sq. ft.
Mon Repos, San Fernando	City of San Fernando	<u>53F</u> 1/c	BK. 1008 FOL. 17	3	16,346 sq. ft.

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Site Name	Administrative Division	Ward Sheet	Lands and Surveys References	Number of Parcels	Size
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/c & 4/d	A.N. 10	242	337,626 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/c	P.K. 65	77	322,729 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/c	P.K. 41	49	207,984 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/c	A.M. 3	35	163,149 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/d	P.K. 27	15	71,767 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/d	C.M. 4	17	86,949 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/d	P.E. 39	10	43,925 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/d	F.A. 145	20	29,930 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/d	BK. 1094 FOL. 91	2	8,000 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/d	BK. 1094 FOL. 216	2	8,000 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/d	M.A. 62	109	462,383 sq. ft.
Malick Housing Scheme, Malick	Ward of St. Ann's	<u>13E</u> 4/d	BK. 1089 FOL. 2	2	11,914 sq. ft.

FIRST SCHEDULE — Continued

Site Name	Administrative Division	Ward Sheet	Lands and Surveys References	Number of Parcels	Size
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.C. 19	58	290,845 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	M.A. 75	28	144,323 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.C. 10	22	123,038 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P. C. 12	31	154,807 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	A.K. 70	35	147,111 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.G. 50	19	77,749 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.G. 56	16	67,398 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	A.K. 75	7	32,954 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	A.K. 69	28	123,433 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.G. 36	15	76,502 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.E. 103	12	56,896 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.G. 20	10	52,539 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.G. 21	16	290,845 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	<u>13E</u> 4/c	P.G. 33	12	58,789 sq. ft.

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Site Name	Administrative Division	Ward Sheet	Lands and Surveys References	Number of Parcels	Size
Morvant Housing Scheme, Morvant	Ward of St. Ann's	23B 2/a	C.M. 19	15	72,730 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.G. 27	5	35,749 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.G. 28	12	55,646 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.A. 27	26	107,424 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.G. 26	10	45,263 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	23B 2/a	C.M. 1	11	59,260 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	23B 2/a	C.M. 3	7	31,693 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.E. 49	19	90,466 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.F. 7	25	128,553 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	C.K. 52	8	42,353 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	C.M. 76	14	74,283 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.E. 50	6	35,134 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	C.M. 79 4/c	17	93,570 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.E. 51	23	105,235 sq. ft.

FIRST SCHEDULE — Continued

Site Name	Administrative Division	Ward Sheet	Lands and Surveys References	Number of Parcels	Size
Morvant Housing Scheme, Morvant	Ward of St. Ann's	23B 2/a	BK. 987 FOL. 136	14	62,279 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 987 FOL. 147	6	39,340 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 987 FOL. 114	8	41,153 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 1008 FOL. 149A	3	16,907 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 987 FOL. 155	4	19,499 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	23B 4/c	BK. 987 FOL. 179	5	25,047 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	23B 2/a	BK. 987 FOL. 115	9	41,280 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 987 FOL. 45	16	78,949 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 987 FOL. 41	1	4,689 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 987 FOL. 44	1	4,568 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 987 FOL. 42	1	5,946 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	BK. 987 FOL. 43	1	4,805 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	C.N. 42	45	228,758 sq. ft.
Morvant Housing Scheme, Morvant	Ward of St. Ann's	13E 4/c	P.E. 51	23	105,235 sq. ft.

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Site Name	Administrative Division	Ward Sheet	Lands and Surveys References	Number of Parcels	Size
Malabar	Ward of Arima	24C 3/b	A.M. 23	101	277,438 sq. ft.
Malabar	Ward of Arima	24C 3/b	C.M. 142	101	269,902 sq. ft.
Real Spring East, Valsayn South	Ward of Tacarigua	23C 4/b	BK. 1066 FOL. 187	1	8A OR 15P
Edinburgh South, Chaguuanas	Ward of Chaguuanas	34A 1/a & 1/b	E.G. 3	1	183A 2R 25P
Sobrian Street, Siparia	Ward of Siparia	73B 1/a	A.K. 98	20	118,296 sq. ft.
Crown Street, Arouca	Ward of Tacarigua	24A 2/b	C.M. 144	43	150,920 sq. ft.
Guayaguayare, Mayaro	Ward of Guayaguayare	66E 2/d	P.F. 24	19	95,313 sq. ft.
Maracas Valley Settlement	Ward of Tacarigua	13C 4/d	R.C. 51	20	123,982 sq. ft.
Old Boys Lane, d'Abadie	Ward of Arima	24B 4/b	E.C. 189	58	265,991 sq. ft.
Tumpuna Road, Arima	Ward of Arima	24C 4/a	D.L. 62	94	231,616 sq. ft.

FIRST SCHEDULE — Continued

Site Name	Administrative Division	Ward Sheet	Lands and Surveys References	Number of Parcels	Size
Picton Hill, Laventille	Ward of St. Ann's	<u>23B</u> 1/a	P.C. 41	48	119,760 sq. ft.
Curepe	Ward of Tacarigua	<u>23C</u> 2/b & 2/d	P.K. 80	99	244,415 sq. ft.
Hubertstown	Ward of La Brea	<u>62E</u> 1/d	D.L. 57	17	69,036 sq. ft.
Valencia	Ward of Manzanilla	<u>25A</u> 2/b	BK. 1057 FOL. 41	20	112,009 sq. ft.

SECOND SCHEDULE

PART I

TERMS AND CONDITIONS OF THE BUILDING LEASE

1. The demised lands shall be held upon terms, conditions and subject to covenants and obligations identical in all material particulars to the standard nine hundred and ninety-nine years leases heretofore granted by the State to the Authority.

2. Without prejudice to the generality of the foregoing the Authority shall—

- (a) pay to the State a rent of one dollar (\$1.00) in advance for each and every year of the term;
- (b) pay all rates, taxes, duties, charges and assessments, out-goings and impositions whatsoever whether legislative, municipal, local or otherwise including any charges made by the State for providing water and sewerage facilities which are now or at any time hereafter shall be assessed, charged or imposed upon or become payable in respect of the demised lands or any buildings or other erections at any time standing thereon or on the owners or occupiers in respect thereof;
- (c) develop and lay out the demised lands into settlements comprising *inter alia* building lots, parks, recreation grounds and commercial sites together with all necessary roads, pavements, drains, fences, sewers and all necessary amenities and in the execution of the said developmental works to conform with all the provisions of all ordinances, statutes, statutory instruments, orders, bye-laws and regulations which are applicable thereto;
- (d) grant under-leases of the lands to be developed to such persons and/or organisations as satisfy the requirements for distribution of State lands in accordance with the stated policy for distribution of same for the time being in force and in particular to obtain the consent of the State to the form of under-lease to be used in the land distribution of the demised lands;
- (e) erect or cause to be erected on the demised lands where necessary in accordance with plans, elevations and specifications to be approved in writing by the competent authorities, buildings to be used for private residences or for educational, recreational, religious or commercial purposes or for any other purpose as may previously be approved by the State in writing;

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- (f) comply and ensure compliance by its under-lessees in the construction of buildings on the demised lands with the requirements of all ordinances, acts, rules and regulations governing the same for the time being in force;
- (g) remove or secure the removal of any erection or other works made without the consent of the competent authority or in respect of which the permission of the competent authority is withdrawn or lapsed and comply with every such order of such authority requiring the removal or demolition or other work in connection with such erection or other works and in all such cases to make good all damage caused by such removal, demolition or other work and restore all parts of any buildings on the demised lands affected thereby to a good and tenable condition;
- (h) repair and keep in tenable repair all buildings erected on the demised lands and all other buildings at any time on the demised lands and all additions thereto and all sewers, roads, drains and all boundary, walls, fences and hedges;
- (i) provide and maintain on the demised lands proper and sufficient roads, drains, culverts and passages for carrying off any water which shall arise or be produced by the exercise of the rights and liberties hereby conferred and to carry out the works hereby authorised in such manner that the natural flow of the water on the demised lands shall not be interrupted to the end, that the drainage of the demised lands be not prejudicially affected nor otherwise cause or permit (either by its own act or the act of its servants and/or agents) any foul water, refuse, oil or other liquid or solid or other matter of an offensive nature to be discharged or deposited into the sea, water-courses and/or the area surrounding the demised lands;
- (j) permit the State and its duly authorised officers and/or agents with or without workmen and others upon giving previous notice in writing at all reasonable times to enter upon the demised lands or any part thereof and upon any building for the time being standing on the demised lands to examine the state and condition of the same and to ascertain that there has not been and thence is no breach or non-compliance by the lessee of or with the several covenants herein contained;
- (k) not use or permit or suffer to be used the demised lands and the buildings thereon or any part thereof for any illegal or immoral purpose nor do or permit or suffer to be done on or upon the same, anything which may be or become a nuisance, annoyance or cause damage or inconvenience to the State or the tenant or tenants of the State or occupiers of any adjoining or neighbouring lands;

- (l) not assign the whole of the demised lands without the consent of the State first had and obtained;
- (m) indemnify and keep harmless the State and its duly authorised agents each and everyone of them from all loss, damage, claims and demands whatsoever of all persons whomsoever which may be in any way sustained or be made for or by reason or in consequence of the use of the demised lands for the purposes hereinbefore defined or the works, matters or things by these presents authorised or in consequence of any act or omission of the Authority in reference to this lease or any other loss, damage or liability in respect of or arising out of the use of the demised lands;
- (n) at the expiration or sooner determination of the said term to quietly yield up unto the State the demised lands together with all buildings and erections thereon in tenantable repair.

3. Upon the Authority paying the rent hereby reserved and observing and performing the several covenants and stipulations on its part herein contained, it shall and may peaceably hold and enjoy the demised lands during the said term without any interruption by the State or any person claiming under or in trust for the State.

4. If the rent hereby reserved or any part thereof shall be unpaid for twenty-one days after becoming payable (whether legally or formally demanded or not) or if the Authority or its permitted assigns whilst the demised lands or any part thereof remain vested in it or being a corporation shall be dissolved or being a company shall go into liquidation whether voluntary (save for the purpose of amalgamation or reconstruction) or compulsory or being an individual or individuals shall become bankrupt or make assignment for the benefit of or enter into any agreement or composition with their creditors or if any covenant on the Authority's part to be observed or performed shall not be performed or observed then and in any of such cases it shall be lawful for the State at any time thereafter; to re-enter upon the demised lands or any part thereof in the name of the whole and thereupon the demise shall absolutely cease and determine but without prejudice to the right of action of the State in respect of any antecedent breach or non-observance of the Authority's covenants herein contained.

5. It is reserved to the State if and whenever the necessity should arise (of which necessity the State shall be the sole judge) the right without notice to re-enter, occupy and make full use of same for so long as the necessity shall continue the demised lands or any part thereof and/or any building(s) or erection(s) then standing thereon for public, naval, military and/or airforce purposes paying to the Authority however reasonable compensation for the use thereof and/or for all damage (if any) eventually done to the demised lands and/or to any building or other erection standing thereon as a result and for all loss occasioned to the Authority by such re-entry; use and/or occupation.

6. It shall at all times be lawful for the State to resume any part of the demised lands which it may be deemed necessary to resume for making railways, tramways, roads, canals, towing paths or for any other purpose whatsoever which may be considered necessary for the public benefit or which may be for public utility or convenience. So, nevertheless that the land so to be resumed shall not exceed one-twentieth part of the demised lands and that no such resumption shall be made of any land upon which any building may have been erected. Compensation shall be payable to the Authority and shall be assessed in accordance with the provisions of the Resumption of Land Act, Ch. 57:03 or any Act amending or replacing the same but shall be limited to the improvement works done by the Authority on the demised land.

7. Notwithstanding anything to the contrary herein contained or implied it shall be lawful for the State at any time after the expiration of five years from the appointed day, to enter into and upon the demised lands to take possession of any portion or portions thereof as have not yet been built upon or be in effective use for the purposes hereby authorised and thenceforth the said portion or portions thereof shall be excluded from and shall thereupon cease to form part of or be comprised in the demised land.

8. If any question, difference or dispute shall arise between the State and the Authority or any person, or persons, corporation claiming under them respectively or concerning or touching the construction of any clause herein contained or the rights, duties or liabilities of the parties or if the parties shall fail to agree upon the quantum of any compensation payable hereunder or in any other way touching or arising out of these presents, the same shall upon failure of the parties hereto to settle the matter amicably be referred to the decision of two arbitrators one to be appointed by each party to the difference or to an umpire to be appointed by such arbitrators before proceeding in the reference in accordance with the Arbitration Act, Ch. 5:01 or any statutory re-enactment or modification and/or any amendment thereof for the time being in force.

PART II

RESERVATIONS AND EXCEPTIONS

There shall be reserved and excepted—

- (a) to the State, all mines and minerals (including in these expressions sand and gravel) timber and other trees under or upon the demised land together with such working rights as shall be necessary for the exploration and exploitation of the said minerals; and

- (b) to the State or its successors-in-title and their lessees of adjacent lands—
- (i) the free passage and running of water, soil, gas, electricity and other services as are now or hereafter to be used and enjoyed from or to other buildings and lands of the State, its successors-in-title or their lessees as aforesaid through the mains, pipes, sewers, drains, channels, cables in or under the demised lands together with the right to lay, construct and maintain (or permit to be laid, constructed and maintained) in or under the demised lands such further mains, pipes, sewers, drains, channel, cables, manholes, stopcocks, inspection chambers and similar apparatus as may in the opinion of the State and its agents and all other persons lawfully authorised with or without workmen and others at all reasonable times, to enter upon the demised lands or any part thereof for the purpose of laying, constructing, inspecting, maintaining, repairing and renewing any main pipe, sewer, drain, channel, manhole, stopcock, cable, inspection chamber or similar apparatus by the State or such other persons as aforesaid making good all damage caused to the demised lands by reason of the carrying out of any such works;
 - (ii) the full right and liberty at any time hereafter and from time to time to execute works, erections and additions or to alter and rebuild any of the buildings from time to time erected on its or their adjoining and neighbouring lands and to use its or their adjoining and neighbouring lands and buildings in such manner as it or they may think fit notwithstanding that interference may thereby be caused to the access of light and air to any buildings for the time being erected on the demised lands.