
First Session Second Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 45 of 1981

[L.S.]

AN ACT to restrict the rents of certain dwelling-houses.

[Assented to 24th December, 1981]

WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly : ^{Preamble}

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

NOW, THEREFORE, BE IT ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title

1. (1) This Act may be cited as the Rent Restriction (Dwelling-Houses) Act, 1981.

Act at variance with Ch. 1. of the Constitution

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation

2. In this Act—

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

“authorised rent” means the base rent together with any increase thereon as authorised by the Minister under section 6 or by the Board under section 7 and includes a variation of base rent by a Board;

“base rent” means the rent determined in accordance with section 4;

“Board” means a Rent Assessment Board constituted under section 5 of the Rent Restriction Act for the area in which a dwelling-house is situate;

“corporation” includes an unincorporated body of persons;

“dwelling-house” means a building, part of a building separately let or a room separately let which 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;

“landlord” includes any person deriving title under the original landlord and any person who is entitled to the rents and profits of the dwelling-house;

“let” includes sub-let;

“Minister” means the member of the Cabinet to whom responsibility for Finance is assigned;

“tenant” includes—

(a) a sub-tenant and any person deriving title from the original tenant or sub-tenant;

(b) the surviving spouse of a tenant who was residing with the tenant in the dwelling-house up to the date of the tenant’s death and where the tenant leaves no surviving spouse, such member of the tenant’s household who was residing in the dwelling-house for a period of not less than six months immediately before the death of the tenant as may be decided in default of agreement by a Board.

3. This Act applies to all dwelling-houses which were let for a rent whether payable monthly or not, not exceeding one thousand dollars per month in the case of an unfurnished letting or one thousand five hundred dollars per month in the case of a furnished letting as at 31st December, 1978 or, where on that date the house was not the subject of a letting, at the commencement of the first letting after that date. ^{Application}

4. Base rent is the rent, whether payable monthly or not, not exceeding one thousand dollars per month in the case of an unfurnished letting or one thousand five hundred dollars per month in the case of a furnished letting, at which a dwelling-house was let— ^{Base rent}

(a) either as at 31st December, 1978; or

(b) where the house was not the subject of a letting on 31st December, 1978, at the commencement of the first letting after that date.

Rent restricted

5. Subject to sections 6 and 7 and notwithstanding any agreement between landlord and tenant, a dwelling-house may not be let at a rent in excess of the base rent or the authorised rent, as the case may be.

Minister may authorise increase in rent

6. The Minister may by Order specify the rate at which base rent or authorised rent may be increased for any period after 31st December, 1982.

Landlord may apply to Board to increase rent

7. (1) Where after 31st December, 1978 or the commencement of the first letting, as the case may be, a landlord effects repairs to any premises to which this Act applies, he may make application in writing to a Board for permission to increase the rent chargeable for those premises.

(2) The landlord shall in his application specify the current rent, include a description of the premises prior to the repairs and detail the nature and cost of the repairs.

(3) A Board may, having regard to the nature and cost of the repairs, current interest rates, property taxes and the general state of the housing market, authorise an increase in the rent or refuse the application of the landlord.

(4) In this section "repairs" includes in the case of a furnished letting, repairs to or replacement of furniture or appliances.

(5) Where during the currency of a letting and by agreement between the landlord and the tenant, the letting of a dwelling-house is changed from a furnished letting to an unfurnished letting or vice versa, either the landlord or the tenant may apply to the Board to have the rent varied and the rent as varied is the authorised rent.

Penalty for receiving excess rent

8. A landlord who receives rent in excess of the base rent or authorised rent, as the case may be, in respect

of any period commencing on or after the commencement of this Act, is guilty of an offence and is liable on summary conviction—

- (a) where that landlord is an individual, to a fine of five thousand dollars or imprisonment for twelve months; or
- (b) where that landlord is a corporation, to a fine of ten thousand dollars.

9. Where in respect of any period commencing on or after the commencement of this Act, a landlord receives rent in excess of the base rent or the authorised rent, as the case may be, the tenant may recover the excess from the landlord as a civil debt, save that where the tenancy continues the tenant may deduct the amount due to him by way of excess rent paid, from the amount due to the landlord as rent in accordance with this Act. Excess rents recoverable by tenants

10. (1) Rents paid in respect of periods prior to the commencement of this Act and which are in excess of or below the rents payable under this Act are not recoverable. Excess rents paid before this Act not recoverable

(2) Rents due and owing in respect of periods prior to the commencement of this Act are recoverable by the landlord even though such rents may be in excess of the rents payable under this Act.

11. (1) Subject to subsection (2) every tenant and every landlord of a dwelling-house, whether or not the dwelling-house is one to which this Act applies, shall register with the Board within three months of the commencement of this Act or of the tenancy, whichever is the later. Registration by landlord or tenant

(2) Where at the commencement of this Act, a dwelling-house to which this Act applies is the subject of a letting, the landlord or the tenant or both shall register with the Board not later than 28th February, 1982.

(3) Registration shall be in the form set out in the Schedule. Schedule

Failure to register

Ch. 59:50

12. (1) Where a tenant fails to register he cannot avail himself of the protection of section 9 or of the Rent Restriction Act (hereinafter referred to as "the Act") in respect of his tenancy.

(2) Where a landlord fails to register, the Board is entitled to accept as true and correct for all the purposes of this Act the information contained in the registration form signed by the tenant in respect of the dwelling-house and the tenancy, including such information as may determine whether or not the dwelling-house is one to which this Act applies.

Copy of registration form to be filed with the Board of Inland Revenue

Penalty

Ch. 33. No. 1

13. (1) On registration under section 11, a landlord shall file with the Board of Inland Revenue a copy of the completed registration form.

(2) Where a landlord fails to comply with the requirements, of subsection (1), he shall forfeit his right to the income tax exemption granted under section 18(B)(2) of the Income Tax Ordinance.

Register to be open to public

14. (1) Every Board shall keep a register of landlords and another of tenants registered with that Board and the registers shall be open to the public.

(2) A register may be examined on payment of a fee of one dollar.

(3) The Minister may by Order vary the examination fee.

Sections of Ch. 59:50 to apply

15. (1) Sections 13, 14 and 15 of the Act apply to the tenancy of all dwelling-houses to which this Act applies and section 18 of the Act applies in respect of prosecutions under this Act as if sections 13, 14 and 15 of the Act are provisions of this Act.

(2) A person who requires any payment or the giving of any consideration in contravention of section 13 of the Act and any person making any such payment or giving any such consideration is guilty of an offence and liable on summary conviction to a fine of three thousand dollars or to imprisonment for six months or where that person is a corporation to a fine of eight thousand dollars.

16. A landlord who lets a dwelling-house to another and who fails to issue receipts for the rent received, within seven days of the payment of such rent, is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

Failure to
give rent
receipts, etc.

17. Proceedings of a Board in determining an application either by a landlord or a tenant shall be as set out in section 6 of the Act, save that the decision of the Board shall be final.

Proceedings of
Board

18. Magistrates determining matters arising out of tenancies of dwelling-houses shall have and exercise the same jurisdiction they have and exercise under the Summary Ejectment Ordinance.

Jurisdiction of
Magistrates

Ch. 27. No. 17

SCHEDULE

[Section 11(3)]

THE RENT RESTRICTION (DWELLING-HOUSES) ACT, 1981

REGISTRATION FORM

- 1. Address of dwelling-house.....
- *2. Description of dwelling-house.....
.....
.....
- 3. Name of tenant.....
- 4. Date of commencement of tenant's first letting.....
.....
- 5. Monthly rental at commencement of tenant's first letting
.....
- 6. Name of landlord.....
- †7. Address of landlord.....
- 8. Monthly rental at 31st December, 1978 or Monthly rental at
commencement of first letting after 31st December, 1978
(whichever applicable).....
.....
- 9. Is the letting furnished or unfurnished.....

.....
Landlord or Landlord's Agent *Tenant*

*Indicate number of bedrooms, bathrooms, etc., description of facilities, size of building lot, etc.

†Where landlord resides abroad give address of landlord's agent in Trinidad and Tobago.

Passed in the House of Representatives this 15th day of December, 1981.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say the votes of 25 members of the House.

J. E. CARTER
Clerk of the House

Passed in the Senate this 19th day of December, 1981.

R. L. GRIFFITH
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say the votes of 22 Senators.

R. L. GRIFFITH
Clerk of the Senate