

CHAPTER 27. No. 20.

RENT RESTRICTION (SHORT TENANCIES).

Ordinance
No. 14-1944.

AN ORDINANCE TO MODIFY THE APPLICATION OF THE RENT RESTRICTION ORDINANCE IN THE CASE OF CERTAIN SHORT TENANCIES.

Commence-
ment.

[8th June, 1944.]

Short title
and con-
struction.

1. This Ordinance may be cited as the Rent Restriction (Short Tenancies) Ordinance, and shall be read and construed as one with the Rent Restriction Ordinance, (which Ordinance is hereinafter referred to as the Rent Restriction Ordinance) and the Rent Restriction (Serviced Premises) Ordinance, (which Ordinance is hereinafter referred to as the Rent Restriction (Serviced Premises) Ordinance).

Interpre-
tation.

2. In this Ordinance, the expression "Principal Ordinances" means the Rent Restriction Ordinance and the Rent Restriction (Serviced Premises) Ordinance; and the expressions "landlord" and "tenant" shall have the meaning ascribed to them in the Rent Restriction Ordinance or in the Rent Restriction (Serviced Premises) Ordinance respectively according as these expressions, or either of them, are or is used in relation to dwelling houses or serviced premises.

Provisions
as to short
tenancies.

3. (1) If a landlord, who ordinarily resides in his own dwelling-house or in his own serviced premises, is residing, or intends to reside elsewhere, temporarily, the Board may on the application of such landlord, approve the letting of the dwelling-house or serviced premises, as the case may be, by such landlord to some other person (hereinafter referred

to as a "temporary tenant") on any terms permissible under the Principal Ordinances for any period not exceeding six months.

(2) If a tenant of a dwelling-house or of serviced premises is residing or intends to reside elsewhere, temporarily, the Board may, on the application of such tenant, approve the letting of the dwelling-house or serviced premises, as the case may be, by such tenant to some other person (hereinafter referred to as a "temporary tenant") on any terms permissible under the Ordinances for any period not exceeding six months: Provided that no such approval shall be given unless the landlord has been given an opportunity of submitting his views to the Board.

(3) Subject to the provisions hereinafter contained, whenever under the provisions of the preceding subsections of this section any letting has been approved by the Board, then, if the premises are a dwelling-house, section 14 of the Rent Restriction Ordinance shall not apply in relation to such letting (hereinafter referred to as an "approved letting") and, if the premises are serviced premises, section 14 of that Ordinance, as modified in its application to serviced premises by the Rent Restriction (Serviced Premises) Ordinance, shall not apply in relation to such approved letting.

4. (1) Without prejudice to any other rights or remedies of a landlord or tenant or to the provisions of section 7 of this Ordinance, a landlord or tenant may, not later than one month after the termination of the period of an approved letting, apply to the Board for a warrant of possession whenever any temporary tenant of such landlord or tenant (as the case may be) remains in occupation of any dwelling-house or serviced premises the subject matter of such approved letting after the termination of the said period of approved letting, and the Board shall, as soon as possible thereafter, issue a warrant under the hand of the Chairman to any constable of the district within which such dwelling-house or serviced premises is situate commanding him, within seven days from the date of such warrant, to enter, by force if necessary, into the dwelling-house or serviced premises and give possession of the same to such landlord or tenant: Provided that entry upon any such

Rights of landlord or tenant to obtain warrant of possession from Board in cases of holding over.

Schedule.

warrant shall not be made on a Sunday, Good Friday, Corpus Christi or Christmas Day. Such warrant shall be as near as may be, in the form A of the Schedule hereto.

(2) Where a landlord or a tenant, after the termination of a period of approved letting, fails to apply for a warrant of possession of the dwelling-house or serviced premises concerned within the time prescribed by the preceding subsection, the provisions of subsection (3) of the last preceding section shall be deemed not to apply in relation to such dwelling-house or serviced premises.

Board empowered to cancel an approved letting in certain cases.

5. A landlord or tenant may apply to the Board for the cancellation of an approved letting on any of the grounds set out in paragraphs (a), (b), (c), (d), (m) or (n) of subsection (1) of section 14 of the Rent Restriction Ordinance and in paragraph (d) of section 3 of the Rent Restriction (Serviced Premises) Ordinance, and the Board may cancel such approved letting. Such cancellation shall be in the form set out in form B of the Schedule thereto, and, in the event of such cancellation, the Board shall issue a warrant of possession forthwith which shall be in the form hereinbefore specified in section 4 of this Ordinance with such alterations as may be necessary to make the same applicable to the circumstances.

Service of applications made to the Board.

6. Notice of any application made under subsection (2) of section 3 or subsection (1) of section 4, or section 5 of this Ordinance shall be served upon such persons as the Board thinks fit, and in the manner provided by the Rent Restriction Rules, and each such person shall be entitled to be heard.

Liability of temporary tenant in cases of holding over.

7. If any person without the written consent of the landlord or the tenant as the case may be remains in occupation of any dwelling-house or serviced premises after the termination of the period of the approved letting of any such dwelling-house or serviced premises, or for seven days after any such approved letting has been cancelled in the manner hereinbefore provided, he shall be liable on summary conviction to a fine of four hundred and eighty dollars or imprisonment for six months and shall in respect of the period during which he remains in occupation as aforesaid, pay to the landlord or tenant,

as the case may be, or to the executors or administrators of such landlord or tenant, treble the rent which he should otherwise have paid, to be levied, sued for or recovered in the same manner as the single rent could be levied, sued for or recovered.

SCHEDULE.

FORM A.

Warrant of Possession under section 4.

Before the Rent Assessment Board, holden at . In the Matter of the Rent Restriction (Short Tenancies) Ordinance.

No. of Application

Between

A.B. [address and description] Applicant.

and

C.D. [address and description]. Respondent.

Whereas by an Order of this Board dated the day of 19 , and made in the above application it was ordered that a warrant be issued to place the above-named applicant in possession of the premises (or part of the premises, that is to say) situate at and known as , I, Chairman of the said Board, do authorise and command you, on any day within seven days from the date hereof (except on Sunday, Good Friday, Corpus Christi and Christmas Day) between the hours of nine in the forenoon and four in the afternoon, to enter (by force if needful) and with or without the aid of the said applicant or any other person or persons whom you think requisite to call to your assistance into and upon the said premises and to eject thereout any person, and of the said premises full and peaceable possession to deliver to the said applicant.

Dated this day of , 19 .

Chairman.

To
(and all other Constables in the area comprised within the jurisdiction of this Board).

FORM B.

Order on Application under section 5.

Before the Rent Assessment Board, holden at . In the Matter of the Rent Restriction (Short Tenancies) Ordinance.

No. of Application

Between

A.B. [address and description] Applicant.

and

C.D. [address and description]. Respondent.

On the application of for the cancellation of the order made in this matter on the day of 19 by , whereby it was ordered that and upon hearing

This Board doth order that the said order be (and the same is hereby) cancelled.
(Or, this Board doth order that the application of the said be (and the same is hereby) dismissed.)

(Add order as to costs, if any.)

Dated this day of , 19 .

By the Board.

Secretary.

To:
[the Applicant and Respondent, naming them].