RENT RESTRICTION (SHORT TENANCIES) ACT

CHAPTER 59:51

Act
14 of 1944

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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RENT RESTRICTION (SHORT TENANCIES) ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE.

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CHAPTER 59:51

RENT RESTRICTION (SHORT TENANCIES) ACT

1950 Ed. Ch 27. No. 20.
14 of 1944.

An Act to modify the application of the Rent Restriction Act in the case of certain short tenancies.

Commencement.

[8TH JUNE 1944]

Short title and construction.

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

Interpretation.

2. In this Act, the expression "Principal Act" means the Rent Restriction Act and the Rent Restriction (Serviced Premises) Act; and the expressions "landlord" and "tenant" shall have the meaning ascribed to them in the Rent Restriction Act or in the Rent Restriction (Serviced Premises) Act 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 Acts 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 Principal Acts for any period not exceeding six months; but 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 subsections (1) and (2) any letting has been approved by the Board, then, if the premises are a dwelling house, section 14 of the Rent Restriction Act 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 Act, as modified in its application to serviced premises by the Rent Restriction (Serviced Premises) Act, shall not apply in relation to such approved letting.

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

4. (1) Without prejudice to any other rights or remedies of a landlord or tenant or to the provisions of section 7 of this Act, 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 situated 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; but entry upon any such 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 set out as Form A in the Schedule.

Form A. Schedule.

(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 subsection (1), section 3(3) shall not 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 section 14(1)*(a)*, *(b)*, *(c)*, *(d)*, *(m)* or *(n)* of the Rent Restriction

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Form B. Schedule.

Act and in section 3*(d)* of the Rent Restriction (Serviced Premises) Act, and the Board may cancel such approved letting. Such cancellation shall be in the form set out as Form B in the Schedule, and, in the event of such cancellation, the Board shall issue a warrant of possession forthwith which shall be in the form specified in section 4 of this Act with such alterations as may be necessary to make the same applicable to the circumstances.

Service of applications made to the Board.

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6. Notice of any application made under section 3(2) or section 4(1) or section 5 of this Act 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. Any person who 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 provided above, is liable on summary conviction to a fine of three thousand 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

Sections 4 and 5.

FORM A

WARRANT OF POSSESSION UNDER SECTION 4

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

No. of Application

Between

A.B. Applicant.

[address and description]
and

C.D. Respondent.

[address and description]

Whereas by an Order of this Board dated the day of 20 , 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) situated 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 f 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 , 20 .

Chairman.

To:

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

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FORM B

ORDER ON APPLICATION UNDER SECTION 5

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

No. of Application

Between

A.B. Applicant.

[address and description]
and

C.D. Respondent.

[address and description]

On the application of for the cancellation of the order made in this matter on the day of 20 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 , 20 .

By the Board.

Secretary.

To:

(the Applicant and Respondent, naming them).