

TRINIDAD AND TOBAGO.

No. 1893.

8th May, 1893.

AN ORDINANCE to provide for the recovery of the possession of premises unlawfully held over, and to amend the law relating to Landlords and Tenants.

BE it enacted by His Excellency the Governor with the advice and consent of the Legislative Council as follows :—

1. This Ordinance may for all purposes be cited as Short title
“The Landlords and Tenants Amendment Ordinance,
“1893.”

2. In this Ordinance,

Interpretation.

The word “Premises” shall mean lands, houses or other corporeal hereditaments.

The word “Person” shall include a body politic or corporate as well as an individual.

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The term "Landlord" shall mean the person entitled to the immediate reversion of the premises, or if the property be held in joint tenancy or tenancy in common shall mean any of the persons entitled to such reversion.

The word "Agent" shall mean any person usually employed by the Landlord in the letting of the premises or in the collection of the rents thereof or specially authorised to act in the particular matter by writing under the hand of such Landlord.

Persons holding
over after
determination
of the tenancy.

3. When and so soon as the term or interest of the tenant of any premises held by him at will or for any term not exceeding two years either without being liable to the payment of any rent or at a rent not exceeding the rate of two hundred and forty dollars a year shall have ended or shall have been determined by a legal notice to quit or otherwise and such tenant or (if such tenant do not actually occupy the premises or only occupy a part thereof) any person by whom the same or any part thereof shall be then actually occupied shall neglect or refuse to quit and deliver up possession of the premises or of such part thereof respectively it shall be lawful for the landlord of the said premises or his agent to make complaint on oath before the Stipendiary Justice of the Peace for the district in which such premises or any part thereof is situate. Such complaint may be in the form set forth in Schedule A to this Ordinance or such other form as the circumstances of the case may require.

Service and
form of Sum-
mons.

4. The Stipendiary Justice of the Peace shall upon such complaint issue a summons in the form set forth in the Schedule B to this Ordinance or such other form as the

circumstances of the case may require, directed to such tenant or occupier and requiring him to appear before such Stipendiary Justice of the Peace at such place and time not less than three days after the service of such summons as may be mentioned therein.

5. If the tenant shall not appear in obedience to such summons and show to the satisfaction of the Stipendiary Justice of the Peace reasonable cause why possession should not be given up and shall still neglect or refuse to deliver up possession of the premises or of such part thereof as he is then in possession of to the landlord or his agent, it shall be lawful for such landlord or agent to give to the Stipendiary Justice of the Peace proof of the holding and of the end or other determination of the tenancy with the time and manner thereof, and where the title of the landlord has accrued since the letting of the premises the right by which he claims the possession, and upon proof of the service of the summons and of the neglect or refusal of the tenant or occupier as the case may be, it shall be lawful for such Stipendiary Justice of the Peace to order such tenant or occupier to pay a fine not exceeding Five Pounds and the cost incurred by such landlord or agent and in default of payment thereof to be imprisoned with or without hard labour for any period not exceeding one month and such Stipendiary Justice shall issue a warrant under his hand to the Police Constables of the district within which such premises or any part thereof is situate commanding them within a period to be named therein not less than three nor more than seven clear days from the date of such warrant to enter by force if needful into the premises and give possession of the same to such landlord or agent. Provided always that entry upon any

Consequence of
Tenant disobey-
ing Summons.

such warrant shall not be made on a Sunday, Good Friday, Corpus Christi or Christmas Day. Such warrant may be in the form set forth in Schedule C or such other form as the circumstances of the case may require.

Liability of person on whose application warrant is granted.

6. Nothing in this Ordinance contained shall be deemed to protect any person on whose application and to whom any such warrant shall be granted from any action which may be brought against him by any such tenant or occupier for or in respect of such entry and taking possession where such person had not at the time of granting the same lawful right to the possession of the same premises.

Service of Summons.

7. The summons directed to be issued under this Ordinance may be served either personally or by leaving the same with some person being in and apparently residing at the place of abode of the person holding over as aforesaid. Provided that if the person so holding over cannot be found and the place of abode of such person shall either not be known or admission thereto cannot be obtained for serving such summons the posting up of the said summons on some conspicuous part of the premises so held over shall be deemed to be good service on such person.

How executions of warrants of possession may be stayed.

8. In every case in which the person to whom any such warrant shall be granted had not, at the time of granting the same, lawful right to the possession of the premises, the obtaining of any such warrant as aforesaid, shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant; and in case any such tenant or occupier will become bound with two sureties, as hereinafter provided, to be approved of by the Stipendiary Justice of the Peace, in such sum as to him shall seem reasonable, regard being

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had to the value of the premises, and to the probable cost of an action, to sue the person to whom such warrant was granted, with effect and without delay, and to pay all the costs of the proceedings in such action in case Judgment shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action, or the same shall be dismissed, execution of the warrant shall be delayed until Judgment shall have been given in such action of trespass; and if, upon the trial of such action of trespass, Judgment shall be given for the plaintiff, such Judgment shall supersede the warrant so granted, and the plaintiff shall be entitled to double costs in the said action of trespass: Provided always, that any person who shall have obtained such warrant as aforesaid, shall be at liberty by serving a notice, in writing, within two days from the day of obtaining the warrant on the occupier of the premises, of his intention to abandon the warrant, then and in such case all further proceedings, on both sides, upon or in respect of such warrant shall forthwith cease.

Abandonment
of warrant.

9. Every such bond, as hereinbefore mentioned, shall be made to the said landlord or his agent, at the cost of such landlord or agent, and shall be approved of and signed by the Stipendiary Justice of the Peace: and if the bond so taken be forfeited, or if, upon the trial of the action for securing the trial of which such bond was given, the Court by which it shall be tried shall not order, and cause to be entered upon the proceedings, that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made, may bring an action, and recover thereon.

Proceedings on
the Bond in
Actions of
trespass.

10. It shall not be lawful to bring any action or prosecution against the said Stipendiary Justice of the Peace

Protection of
Justices, Con-
stables, &c.

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by whom such warrant as aforesaid shall have been issued or against any Police Constable or assistant Constable by whom such warrant may be executed, for issuing such warrant or executing the same respectively, by reason that the person on whose application the same shall have been granted had not lawful right to the possession of the premises.

Where the Landlord has a lawful title, he shall not be deemed a trespasser by reason of irregularity, but be liable in an action for special damage proceeding from irregularity.

11. Where the landlord, at the time of applying for such warrant as aforesaid, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said landlord, nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Ordinance, but the party aggrieved may, if he think fit, bring an action for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially laid, and may recover full satisfaction for such special damage, with costs of suit : Provided, that if the damage so laid be not proved, the defendant shall be entitled to a Judgment, and that if proved, but assessed by the Court at any sum not exceeding One Pound the plaintiff shall recover no more costs than damages, unless the Court before which the trial shall have been held shall declare, and then cause to be certified upon the proceedings, their opinion that full costs ought to be allowed.

Notice to quit.

12. Notwithstanding any law or custom to the contrary and in the absence of any express agreement to the contrary every monthly tenancy shall be determinable at any time during the month by fourteen days notice to quit, such notice to date from the day on which it is served on the tenant.

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This Section shall not apply to any tenancy the rent in respect of which shall exceed the rate of Two Hundred and Forty Dollars per annum.

13. The Ordinance mentioned in Schedule D to this Ordinance is hereby repealed to the extent specified in such Schedule. Repeal of enactment in Schedule "D."

Passed in Council this eighth day of May, in the year of Our Lord one thousand eight hundred and ninety-three.

Clerk of the Council.

SCHEDULE A. (SECTION 3.)

COMPLAINT BEFORE STIPENDIARY JUSTICE.

The complaint of (owner or agent, &c., as the case may be) made before me, _____ Stipendiary Justice of the Peace for the district of _____, who maketh oath and saith that the said _____ did let to _____ a tenement consisting of _____ for _____ under the rent of _____, and that the said tenancy expired (or was determined) by notice to quit, given by the said _____ (as the case may be) on the _____ day of _____, and that the said _____ refused (or neglected) to deliver up possession of the said tenement, and still detains the same, although he hath been required to deliver up the possession thereof.

Sworn before me, the _____ day of _____

(Sgd.)

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SCHEDULE B. (SECTION 4.)

SUMMONS.

Whereas complaint on oath hath been made before me,
 Stipendiary Justice of the Peace for the district,
 by _____ against _____ for
 having refused or neglected to deliver up the possession of a certain
 tenement, consisting of _____, after the expiration
 of the tenancy under which the same was held by the said _____
 : Now I do hereby summon you, the said _____
 at _____, to appear before me,
 _____ on the
 _____ day of _____ at the hour of _____
 _____, then and there to answer the said complaint, and to
 shew cause, if any you can, why a warrant should not be issued to put
 the said _____ into peaceable and quiet possession
 of the said tenement.

SCHEDULE C. (SECTION 5.)

WARRANT TO CONSTABLES TO TAKE AND GIVE POSSESSION.

Whereas (set forth the complaint) I,
 Stipendiary Justice for the _____ district,
 do authorize and command you, on any day within _____ days
 from the date hereof (except on Sunday, Good Friday, Corpus Christi,
 and Christmas day, to be added if necessary) 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 owner or agent, as the case may be) or
 any person or persons whom you may think requisite to call to your
 assistance, into and upon the said tenement, and to eject thereout any
 person, and of the said tenement full and peaceable possession to
 deliver to the said _____ (the owner or agent).

Given under my hand, this _____ day of _____

To _____ and all }
 other Constables and Peace Officers acting }
 for the district or division, etc., etc.

SCHEDULE D. (SECTION 13.)

No. OF ORDINANCE.	EXTENT OF REPEAL.
No. 12 of 1840	... The whole.