

CHAPTER 91.

RENT RESTRICTION.

[No. IV of 1922.]

[29th April, 1922.]

1. This Ordinance may be cited as the Rent Restriction Ordinance. Short title.

2. For the purposes of this Ordinance, except where the context otherwise requires,— Interpretation :

“ standard rent ” means the rent at which a dwelling-house or land was let on the first day of January nineteen hundred and nineteen, or where the dwelling house or land was not then let, the rent at which it was let before that date, or in the case of a dwelling-house or land first let after that date, the rent at which it was first let :

Provided that—

(a) in the application of this Ordinance to a tract of land known as Newtown, situate in the county of Demerara, and more fully described in the schedule hereto, “ standard rent,” as from the first day of July, nineteen hundred and twenty-three means the rent at which a dwelling-house or land was let on the first day of January nineteen hundred and nineteen, together with an amount of forty-five per centum thereof in addition thereto, or where the dwelling-house or land was not then let, the rent at which it was let before that date, together with an amount of forty-five per centum thereof in addition thereto, or in the case of a dwelling-house or land first let after that date, the rent at which it was first let; and,

(b) in the case of a dwelling-house or land let at a progressive rent payable under a tenancy agreement or lease, the maximum rent payable under that tenancy, agreement, or lease, shall be the standard rent; and, where at the date by reference to which the standard rent is calculated the rent

Proviso.

Schedule.

does not exceed by thirty per centum the rent on the first day of July nineteen hundred and fourteen, then the rent on that day and an amount of thirty per centum thereof in addition thereto shall be the standard rent;

“ landlord ” and “ tenant ” include anyone from time to time deriving title under the original landlord or tenant;

“ landlord ” also includes, in relation to any dwelling-house or land, anyone other than the tenant who is, or but for this Ordinance would be, entitled to possession of the dwelling-house or land;

“ tenant ” and “ tenancy ” include sub-tenant and sub-tenancy;

“ let ” includes sub-let;

“ tenant ” includes the widow of a tenant dying intestate who was residing with him at the time of his death, or where a tenant dying intestate leaves no widow or is a woman, the member of the tenant's family so residing as aforesaid decided, in default of agreement, by the court;

Application
of Ordinance :

3.—(1) This Ordinance shall apply to a house or part of a house, or a room or rooms let as a separate dwelling, where the annual amount of the standard rent does not exceed seven hundred and twenty dollars, and the house or part of a house, or room or rooms, shall be deemed to be a dwelling-house to which this Ordinance applies :

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Provided that—

(a) this Ordinance shall not apply to a dwelling-house let in good faith at a rent which includes payments in respect of board, attendance, or use of furniture; and

(b) the application of this Ordinance to any house or part of a house shall not be excluded by reason only that part of the premises is used as a shop or office, or for business, trade, or professional purposes; and

(c) this Ordinance shall not apply to a house let together with land other than the site of the house.

(2) This Ordinance shall not apply to a dwelling-house erected after, or in course of erection, on the first day of January, nineteen hundred and nineteen.

(3) This Ordinance shall apply to every parcel of land let for the purpose of erecting a dwelling-house thereon or on which a dwelling-house has been erected by the tenant.

(4) This Ordinance applies to dwelling-houses or land situated in the city of Georgetown or within three miles of the boundaries thereof.

4. Subject to the provisions of this Ordinance, where the rent of a dwelling-house or of land to which this Ordinance applies, has been since the first day of January nineteen hundred and nineteen or is hereafter increased, then, if the increased rent exceeds the standard rent by more than the amount permitted under this Ordinance, the amount of the excess shall, notwithstanding any agreement to the contrary, be irrecoverable from the tenant, and if the excess, or any sum on account thereof, is paid by the tenant that excess or sum shall be recoverable from the landlord who received the payment, or his legal personal representative, by the tenant by whom it was paid, and may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord :

Restriction on increase of rent :

Provided that no payment so made before the twenty-second day of March nineteen hundred and twenty-two shall be recoverable or deducted.

Proviso.

5.—(1) The amount by which the increased rent of a dwelling-house or land to which this Ordinance applies may, with the sanction of the court, exceed the standard rent shall, subject to the provisions of this Ordinance, be as follows, that is to say,—

Permitted increases in rent :

(a) where the landlord has since the first day of January nineteen hundred and nineteen, incurred or hereafter incurs expenditure on the improvement or structural alteration of the dwelling-house (not including expenditure on decoration or repairs), an amount calculated at a rate per annum not exceeding eight per centum of the amount so expended :

Provided that the court may, in sanctioning the increase, consider whether the expenditure is or was necessary in whole or in part ;

Proviso.

(b) an amount not exceeding any increase in the amount for the time being payable by the landlord in respect of rates and taxes over the corresponding amount paid in respect of the yearly period which included the first day of July, nineteen hundred and fourteen, or, in case of a dwelling-house for which no rates were payable in respect of any period which included that date, the period which included the date on which the rates first became payable thereafter.

(2) In this section the expression "repairs" means any repairs required for the purpose of keeping premises in good and tenantable repair.

Restriction
on right to
possession :

6.—(1) No order or judgement for the recovery of possession of a dwelling-house or of land to which this Ordinance applies, or for the ejectment of a tenant therefrom, shall be made or given unless—

(a) any rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy (whether under the contract of tenancy or under this Ordinance) so far as it is consistent with the provisions of this Ordinance, has been broken or not performed; or

(b) the tenant or any person residing with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or to other tenants, or has used the premises, or allowed them to be used for an immoral or illegal purpose, or the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or that person; or

(c) the tenant has given notice to quit; or

(d) the dwelling-house or land is reasonably required by the landlord for occupation as a residence for himself or for any of his relatives, or for any member of his family, or for any person in good faith residing or to reside with him, or for some person in his employment; or

(e) the dwelling-house is required by the landlord for the purpose of being improved, or structurally altered, or of being rebuilt :

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Provided that the tenant shall be entitled to continue the tenancy at the rent and on the conditions determined by the court; or

- (f) a distress warrant for arrears of rent in respect of the dwelling-house or land has been issued against the tenant at the instance of the landlord twice at least before the application for possession; and
- (g) in any case aforesaid the court considers it reasonable to make the order or give the judgement.

(2) At the time of the application for, or the making or giving of, any order or judgement for the recovery of possession of the dwelling-house or land, or for the ejectment of a tenant therefrom, the court may adjourn the application, or stay or suspend execution on the order or judgement, or postpone the date of possession, for any period or periods it thinks fit, and subject to the conditions (if any) in regard to payment by the tenant of arrears of rent, or mesne profits, and otherwise the court thinks fit, and, if those conditions are observed, the court may, if it thinks fit, discharge or rescind the order or judgement.

(3) An order or judgement against a tenant for the recovery of possession of any dwelling-house or land or ejectment therefrom under this section shall not affect the right of any sub-tenant, to whom the premises or any part thereof have been lawfully sub-let before proceedings for recovery of possession or ejectment were commenced, to retain possession under this section, or be in any way operative against him :

Provided that this sub-section shall not apply in the case of an order or judgement under paragraph (d) or paragraph (e) of sub-section (1) of this section, and every order or judgement made under either of those paragraphs shall operate against any sub-tenant as if he were the tenant. Proviso.

(4) Where a landlord has obtained an order or judgement for possession or ejectment under this section on the ground that he requires a dwelling-house or land for his own occupation, and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the former tenant the sum appearing sufficient as compensation for damage or loss sustained by that tenant as the result of the order or judgement.

7. No distress for the rent of a dwelling-house or of land to which this Ordinance applies shall be levied except with the leave of the court, and the court shall, with respect to any application for that leave, have the same

Restriction
on levy of
distress for
rent.

or similar powers with respect to adjournment, stay, suspension, postponement, and otherwise as are conferred by the last preceding section in relation to applications for the recovery of possession.

Restriction
on premium.

8.—(1) A person shall not, as a condition of the grant, renewal, or continuance of a tenancy or sub-tenancy of a dwelling-house or of land to which this Ordinance applies, require the payment of any fine, premium, or other like sum, or the giving of any pecuniary consideration, in addition to the rent, and, where that payment of consideration has been made or given in respect of any dwelling-house or land under an agreement made on or after the twenty-second day of March nineteen hundred and twenty-two, the amount or value thereof shall be recoverable by the person by whom it was made or given.

Penalty.

(2) A person requiring any payment or the giving of any consideration in contravention of this section shall be liable on summary conviction to a fine not exceeding four hundred and eighty dollars, and the court by which he is convicted may order the amount paid or the value of the consideration to be repaid to the person by whom it was made or given, but that order shall be in lieu of any other method of recovery prescribed by this Ordinance.

(3) This section shall not apply to the grant, renewal, or continuance for a term of five years or upwards of any tenancy.

False entries
in rent
books.

9. If—

(a) anyone in any rent book or similar document makes an entry showing or purporting to show any tenant as being in arrear in respect of any sum which by virtue of this Ordinance is irrecoverable; or,

(b) where that entry has before the passing of this Ordinance been made by or on behalf of a landlord, the landlord, on being requested by or on behalf of the tenant so to do, refuses or neglects to cause the entry to be deleted within seven days,

Penalty.

that person or landlord shall on summary conviction be liable to a fine not exceeding one hundred dollars, unless he proves that he acted innocently and without intent to deceive.

10.—(1) A tenant who by virtue of the provisions of this Ordinance retains possession of a dwelling-house or of land to which this Ordinance applies shall, so long as he does so, observe and be entitled to the benefit of all the terms and conditions of the original contract of tenancy, so far as they are consistent with the provisions of this Ordinance, and shall only be entitled to give up possession of the dwelling-house on giving the notice which would have been required under the original contract of tenancy, or, if no notice would have been so required, on giving not less than three months' notice :

Conditions
of statutory
tenancy :

Provided that, notwithstanding anything in the contract of tenancy, a landlord who obtains an order or judgement for the recovery of possession of the dwelling-house or land, or for the ejection of a tenant retaining possession as aforesaid, shall not be required to give any notice to quit to the tenant.

Proviso.

(2) Any tenant retaining possession as aforesaid shall not, as a condition of giving up possession, ask or receive the payment of any sum, or the giving of any other consideration, by anyone other than the landlord, and anyone acting in contravention of this provision shall be liable on summary conviction to a fine not exceeding five hundred dollars, and the court by which he is convicted may order the payment or the value of the consideration to be paid to the person by whom it was made or given, but that order shall be in lieu of any other method of recovery prescribed by this Ordinance.

Penalty.

(3) Where the interest of a tenant of a dwelling-house or land to which this Ordinance applies is determined, either as the result of an order or judgement for possession or ejection, or for any other reason, any subtenant to whom the premises or any part thereof have been lawfully sublet shall, subject to the provisions of this Ordinance, be deemed to become the tenant of the landlord on the same terms as he would have held from the tenant if the tenancy had continued.

11. Where the landlord of a dwelling-house or of land to which this Ordinance applies has served a notice to quit on a tenant during the period subsequent to the twenty-first day of March, nineteen hundred and twenty-two, and the commencement of this Ordinance, that notice shall not be of any legal effect unless the circumstances are such that

Avoidance
of notice to
quit.

an order or judgement for the recovery of possession would have been made or given under section six of this Ordinance.

Procedure.

12.—(1) Any claim or other proceeding arising out of this Ordinance or any of the provisions thereof shall be dealt with by a magistrate's court.

(2) The decision of a magistrate on any claim or proceeding in respect of a dwelling-house or of land to which this Ordinance applies, where the annual amount of the rent does not exceed two hundred and forty dollars, shall be final.

(3) An appeal shall lie to the Supreme Court from the decision of a magistrate on any claim or proceeding in respect of a dwelling-house or of land to which this Ordinance applies where the annual amount of the rent exceeds two hundred and forty dollars, and the judgement or order of the Supreme Court shall be final.

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(4) The jurisdiction of a magistrate under the Rent and Premises Recovery Ordinance shall, subject to the provisions and during the continuance of this Ordinance, extend to all dwelling-houses and land to which this Ordinance for the time being applies.

(5) The law and practice of the magistrate's court, with the necessary modifications, shall apply to any claim or proceeding under this Ordinance, and the power to make regulations under section sixty-two of the Summary Jurisdiction (Magistrates') Ordinance shall include power to the Governor in Council to make rules regulating the procedure of courts under this Ordinance.

Chapter 9.

Duration of Ordinance :

13. This Ordinance shall continue in force until the first day of July nineteen hundred and twenty-three :

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Provided that—

(a) the Governor and Legislative Council may, prior to the expiration of this Ordinance, by resolution declare that this Ordinance shall continue in force for a further period of one year from the date of that expiration, and may from time to time, prior to the expiration of that or any further continued operation, similarly declare that it shall continue in operation for a further period of one year; and

(b) the expiration of this Ordinance shall not render recoverable by a landlord any rent or other sum which during the continuance thereof was irrecoverable, or affect the right of a tenant to recover any sum which during the continuance thereof was under this Ordinance recoverable by him.

SCHEDULE.

A tract of land, containing 60.08 acres, known as Newtown, part of plantation Kitty, Bel Air, situate on the east coast of the county of Demerara, as shown on a plan by J. T. Seymour, sworn land surveyor, dated the thirtieth day of March, nineteen hundred and twelve, and deposited in the deeds registry on the twentieth day of January, nineteen hundred and thirteen, bounded on the north by lands formerly of the Demerara Railway Company and now vested in the Government of the colony; on the south by Bel Air Park lands of Nelson Cannon; on the west by Vlissingen Road; and on the east by the continuation of Lamaha Street, Kitty village.
