

**STATE LAND (REGULARISATION OF TENURE)
(CERTIFICATE OF COMFORT) REGULATIONS**

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36/2000.

**STATE LAND (REGULARISATION OF TENURE)
(CERTIFICATE OF COMFORT) REGULATIONS**

made under section 34(2)

Citation.

1. These Regulations may be cited as the State Land (Regularisation of Tenure) (Certificate of Comfort) Regulations.

Application for
Certificate of
Comfort.

2. (1) A squatter to whom the Act applies shall apply for a Certificate of Comfort on the prescribed form.

(2) An application shall have annexed thereto—

(a) the sworn declarations of two deponents, as required by section 11(3) of the Act, which declarations shall be made on the prescribed form; and

(b) other documentary evidence supportive of the fact that the applicant was in occupation of the dwelling house, which is the subject of the application, on or before the appointed day.

Proof of
occupation of
dwelling house
which is the
subject of the
application.

3. (1) The documentary evidence referred to in regulation 2(2) may include bills, receipts, testamentary dispositions, agreements, bills of exchange, bills of sale and any other documents which tend to prove the applicant's occupation.

(2) The Agency may refer to the 1998 aerial photography lodged with the Director of Surveys to assist in establishing the applicant's occupation on or before the appointed day.

Where the
applicant is out
of occupation.

4. (1) For the purpose of determining whether a contractual or quasi-contractual relationship, as referred to in section 4(4) of the Act, exists between the applicant and the actual occupier, the Agency may have regard to the following:

(a) the written statement of the actual occupier made in the presence of a duly authorised officer of the Agency;

(b) investigations conducted by the Agency into the applicant's reasons for being out of occupation;

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- (c) documents from any source supportive of the reasons tendered by the applicant for being out of occupation; or
- (d) any other evidence that the Agency considers relevant.

(2) Reasons acceptable to the Agency for the applicant being out of occupation include the following:

- (a) the applicant had to be institutionalised for medical treatment over a period of time or had to seek medical attention overseas;
- (b) the applicant vacated the dwelling house for a period of not more than 6 months to seek seasonal employment either overseas or elsewhere in Trinidad and Tobago;
- (c) the applicant vacated the dwelling house for a period of not more than 6 months in order to look after an ailing relative;
- (d) the applicant was forced to flee the neighbourhood of the dwelling house because of threats to the security of his person or life; or
- (e) any other reason that justifies the applicant leaving the dwelling house in the occupation of another person.

(3) Where the Agency is satisfied that the applicant is not entitled to the Certificate of Comfort by reason of having fulfilled none of the criteria mentioned in subregulation (2) it may issue the Certificate of Comfort in the name of the actual occupier.

5. Upon receipt of an application, the Agency shall—

- (a) determine that the application has been made in accordance with the procedure set out in these Regulations;
- (b) check the accuracy of the information contained in the application; and
- (c) ascertain whether the dwelling house, which is the subject of the application, is on State land.

Duties of the Agency in respect of an application for a Certificate of Comfort.

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Issue of
Certificate.

6. (1) Subject to the requirements of regulations 4 and 5 the Agency shall issue a Certificate of Comfort to the applicant.

(2) The Certificate shall be signed by the Secretary or where the Secretary is unable to sign, by a member of the Committee, duly authorised by resolution of the Committee for that purpose.

Issue of
Certificate in
joint names.

7. (1) Where an applicant is legally married and living together with his spouse, the Agency shall advise the parties to make a joint application for the Certificate of Comfort, and where the parties so apply, the Certificate of Comfort and subsequently, the Statutory Lease, shall be issued in the names of both parties.

(2) Where it is brought to the attention of the Agency that the applicant is living in the dwelling house with another person, as husband and wife on a *bona fide* domestic basis, and has continued to live in such a cohabitational relationship for a period of not less than five years, the Agency shall advise the parties to make a joint application for the Certificate of Comfort, and where the parties so apply, the Certificate of Comfort and subsequently, the Statutory Lease, shall be issued in the names of both parties.

(3) Where the parties referred to in subregulation (2) are no longer desirous of living together in the dwelling house, they may take such action that is available under the law to have the issue of property adjustment determined.

Late
applications.

8. The provisions of these Regulations shall apply to late applications made under section 12 of the Act.

Application of
Regulations.

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9. These Regulations do not apply to State Land vested in the Tobago House of Assembly pursuant to section 54 of the Tobago House of Assembly Act.