

LAWS OF DOMINICA

TENANCIES AND RENT CONTROL ACT

CHAPTER 54:72

Act
38 of 1986
Amended by
12 of 1990

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 54:72

TENANCIES AND RENT CONTROL ACT

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CHAPTER 54:72

TENANCIES AND RENT CONTROL ACT

38 of 1986. **AN ACT respecting the regulation and control of tenancies and rent and for the establishment of Tenancies and Rent Control Tribunals.**

Commencement. [5th February 1987]

PART I

PRELIMINARY

Short title. **1. This Act may be cited as the –
TENANCIES AND RENT CONTROL ACT.**

Interpretation. **2. In this Act –**

“action” means a civil proceeding commenced by an application to a Tribunal for any relief or remedy provided for under this Act;

“agent” means the person authorised by the owner of premises to act, on behalf of the owner, by receiving rent payable for the letting of any premises, or for any other use or purpose, connected with such premises;

“application” means the written request made to a Tribunal for any relief or remedy under this Act;

“authorised rent” means the rent at which any premises were let on the 31st December 1986 or in the case of any such premises not so let on that date, such amount as may have been fixed, or may be fixed by a Tribunal acting under section 7;

“building land” means land let to a tenant for the purpose of the erection thereon by the tenant of a building used or to be used as a dwelling, or land on which the tenant has lawfully erected such a building;

“cause” includes any action or other proceeding and any criminal proceedings brought by or on behalf of the State;

“claim” includes application;

“claimant” includes plaintiff;

“decision” includes any ruling, order or other determination of a cause or matter by a Tribunal;

“defendant” means any person charged with an offence against the provisions of this Act, and any person served with any summons or other process issued by authority of the presiding officer of a Tribunal, requiring such person to attend any proceedings of the Tribunal in answer to any application, claim or complaint;

“dwelling house” means a house or part of a house separately let, or a room separately let, which at the material date was or is used mainly as a dwelling, and includes land occupied with the premises under the tenancy, but does not include a house, part of a house or a room when let with agricultural land;

“furniture” includes fittings, machinery and other articles used in premises not being fixtures;

“judgment” includes any final adjudication of a Tribunal in any proceedings, and includes any award, rule, order or other final determination of a cause or matter;

“landlord” includes –

- (a) the owner of any premises;
- (b) any person deriving title under the original landlord;
- (c) any person having a vested interest in the property who is entitled to receive the rent payable for the letting of any premises beneficially;
- (d) any person who is entitled to the possession of the premises; or
- (e) any person *bona fide* acting for or on behalf of the landlord in managing the premises and collecting rental therefor;

“let” includes sub-let;

“let furnished” means let at a rent which includes payment for the use of furniture;

“matter” includes every proceeding before a Tribunal;

“Minister” means the Minister responsible for Housing;

“order” includes a decision or ruling;

“premises” means premises to which this Act applies;

“proceeding” includes every action, cause or matter;

“rent collectable” means rent due and payable to the owner of premises being let, whether or not the rent has actually been paid by the tenant, and includes money payable to the owner for use and occupation of the premises, notwithstanding that the tenancy is terminated by notice to quit, and includes mesne profits;

“standard rent”, in relation to premises let at the commencement of this Act, means the rent at which they were let at that date, or where they were not let at that date, the rent at which they were so let before that date, or in the case of premises first so let after that date, then the rent at which they were first let;

“tenant” includes a sub-tenant and any person deriving title from the original tenant or sub-tenant, as the case may be;

“tenancy” includes sub-tenancy;

“Tribunal” means a Tenancies and Rent Control Tribunal established by section 4.

Application of
Act.

3. (1) This Act applies to all land which is or becomes building land and to all dwelling houses, whether let furnished or unfurnished, where the rent of such land, house or building is a designated rent within the meaning of subsection (2) at the 31st December 1986 or, if not the subject of a letting on that date, at the commencement of the first letting after that date.

(2) A designated rent for the purposes of subsection (1) is as follows:

- (a) in the case of building land, a rent of one hundred dollars a year;
- (b) in the case of a dwelling house, a rent not exceeding eight hundred dollars a month, whether payable monthly or otherwise.

PART II

ESTABLISHMENT OF A TRIBUNAL IN EACH MAGISTRATE'S COURT DISTRICT

Establishment of
Tribunals.

4. (1) For the purpose of hearing and determining any matter arising out of the letting of premises, there shall be a Tenancies and Rent

Control Tribunal in each Magistrates' Courts district of the State, which shall each deal with cases arising from premises situated in its district.

(2) A Tenancies and Rent Control Tribunal shall consist of a presiding officer and where necessary two members of the assessment panel appointed under subsection (5).

(3) The presiding officer of a Tribunal shall be either the Chief Magistrate or the Magistrate sitting on the day designated for Tribunal sittings in the Magistrates' Courts District in which the Tribunal is situated or where the Chief Magistrate so directs any other Magistrate of the State.

(4) The Secretary of a Tribunal shall be the Clerk of the Magistrate's Court for the District in which the Tribunal is situated.

(5) For the purposes of subsection (2), the Minister shall appoint a panel of assessors from which the Chief Magistrate shall assign two assessors to assist the presiding officer of a Tribunal in all cases where a Tribunal is required to fix the rent to be paid for the letting of any premises and all such cases shall be decided by a majority vote.

(6) The panel of assessors shall be persons who in the opinion of the Minister are suitably qualified for membership of a Tenancies and Rent Control Tribunal by virtue of their knowledge and experience in matters relating to rentals of land, dwelling houses and buildings and to building construction and costing.

(7) A Tribunal shall have full jurisdiction and authority to hear and determine summarily any dispute or claim between a landlord and tenant arising out of the tenancy of premises let by the landlord to the tenant, and affecting the rights, privileges, liabilities and responsibilities of the landlord and tenant with respect to such tenancy, as well as all matters incidental thereto or arising from any agreement between the landlord and tenant with respect to that agreement, or from any breach of the provisions of this Act with regard to tenancies.

(8) Notwithstanding any law to the contrary the presiding officer of a Tribunal shall be the sole authority for giving judgment in cases of notices to quit and the delivery of possession of rented premises.

(9) Appeals against decisions of a Tribunal involving notices to quit and the delivery of possession of rented premises shall be made to a Judge in Chambers, whose decision on the matter shall be final.

PART III

AUTHORISED RENT PROVISIONS

Fixing of
authorised rent.

5. (1) A Tribunal may on the application of a landlord or a tenant or upon the presiding officer's own motion, fix the rent to be paid for the letting of any premises. A rental so fixed shall be referred to as the authorised rental.

(2) Unless invited to do so by the Minister responsible for External Affairs, a Tribunal shall not fix the rental of premises, let to, or on behalf of, other governments or external agencies.

Rent in excess of
authorised rent
unlawful.

6. A landlord shall not demand or receive from any tenant any rent for the letting of any premises which exceeds the standard rent, or the authorised rental of the premises in question.

Rent in excess of
authorised rent
recoverable by
the tenant and
Tribunal may fix
authorised rent
upon hearing of a
claim for
recovery of
arrears of rent.

7. (1) Notwithstanding any agreement to the contrary, where the rent of any premises exceeds the authorised rent, the amount of the excess shall, unless sanctioned by a Tribunal, be irrecoverable from the tenant, and if it is paid by the tenant, shall be recoverable by him from the person to whom it was paid or his personal representatives, and may without prejudice to any other method of recovery be deducted from any rent or money due or subsequently becoming due from the tenant or may be the subject-matter of an order of a Tribunal made in favour of the tenant in any proceedings between the landlord and the tenant, whether commenced by the application of the tenant for that purpose or otherwise.

(2) In any claim for the recovery of rent of any premises, a landlord shall not be entitled to recover any amount which is in excess of the authorised rent, and a Tribunal may, notwithstanding the provisions of section 5, upon the hearing of the claim, proceed to fix the authorised rent in respect of the premises in issue, and may adjourn the hearing of the claim pending final determination of the authorised rent.

Decrease of rent.

8. A Tribunal may on the application of a tenant sanction a decrease of rent of any premises, and may on the hearing of the application take into consideration the locality in which the premises are situated, or the state of repairs in which the premises are maintained, or the lack of or deteriorating conditions of sanitation facilities available upon the premises, and any other relevant factors brought to the attention of the Tribunal.

9. (1) The amounts by which the rent of any premises to which this Act applies may exceed the standard rent shall, subject to the provisions of this Act, be – Permitted
increases in rent.

- (a) the amount of any increase in rent which a landlord could lawfully have made after the date by reference to which the standard rent of the premises is establishable;
- (b) an amount proportionate to any increase in the amount of the rates and taxes payable by the landlord since the date by reference to which the authorised rent of the premises is determinable;
- (c) the amount of any percentage increase sanctioned under subsection (2);
- (d) any amount sanctioned by a Tribunal, on the application of the landlord, where the landlord has incurred expenditure in effecting –
 - (i) substantial improvements or structural alterations in the premises other than for ordinary or necessary repairs, or
 - (ii) substantial improvements to the amenities of the premises or substantial improvements in the locality from which the tenant derives benefit, not being improvements for necessary maintenance or drainage;

but a Tribunal may decline to make an order under this subsection in respect of premises which, in the opinion of the Tribunal, are not in tenanted repair, unless such condition is due to the tenant's neglect or default.

(2) The Minister may, by Order, subject to negative resolution of the House, sanction an increase of rents by such percentage of the standard rents as he may think fit.

(3) A Tribunal may at any time on the application of the landlord or the tenant, determine in relation to any premises the amount by which the rent may exceed the standard rent in any of the circumstances contemplated by subsection (1) (a) or (b).

(4) Whenever a Tribunal may fix a provisional standard rent of any premises it may also, in an appropriate case, fix the amount by which the rent of the premises when let may exceed the provisional standard rent.

(5) A Tribunal may revise, either by increasing or decreasing the amount, any order made by it under this section in any case in which in the opinion of the Tribunal altered circumstances justify the revision and, without prejudice to the generality of this power, the Tribunal may revise any such order if the premises are not in tenantable repair, unless such condition is due to the tenant's neglect or default.

Duty of landlord to pay all municipal rates and taxes.

10. It is the duty of the landlord to pay all municipal and other rates and taxes payable in respect of any premises, other than water and sewer rates, and where paid by the tenant, such rates and taxes are deductible from any rent due or becoming due and payable to the landlord.

Authorised rent to take into consideration municipal rates and taxes payable by landlord.

11. In determining or fixing the rent payable in respect of the letting of any premises, for the purposes of section 5 or 7, a Tribunal shall take into consideration –

- (a) municipal and other rates and taxes payable by the landlord; and
- (b) payment for the supply of water on the premises and for the use of sewer facilities when available upon the premises.

Payment for electricity consumption a separate agreement.

12. The authorised rent of any premises shall not include payment for the use and consumption of electricity which shall be paid for separately by the tenant either directly to the utility concerned or where this facility is shared between the landlord and the tenant or between the tenant and other tenants of the landlord, by a separate agreement with the landlord, which shall not form part of the tenancy agreement.

Tenants right to independent electricity connection.

13. A tenant of any premises shall be entitled to have electricity supplied to himself directly without consent of the landlord who shall not hinder any such undertaking by the tenant.

Knowingly demanding, paying or receiving increased rent an offence.

14. Any landlord who knowingly demands or receives or any tenant who knowingly pays an increase of rent which is not sanctioned in accordance with the provisions of section 9 is guilty of an offence.

No premium to be chargeable in respect of tenancy.

15. Where a landlord, as a condition of a grant or renewal or continuance of a tenancy of any premises, requires payment of a premium or other like sum, or the giving of any consideration in addition to the rent, he is guilty of an offence and where any such payment or consideration is paid or given, the amount or value thereof is recover-

able by the tenant by whom it was made or given, and without prejudice to any other method of recovery may be deducted from any rent payable by him to the landlord, or may be the subject-matter of a claim for recovery of same brought by or on behalf of the tenant in any proceedings before a Tribunal.

PART IV

FALSE ENTRIES AND ARREARS OF RENTAL

16. If any person in any Rent Book or a similar document makes any false entry showing or purporting to show any tenant as being in arrears of any sum which by virtue of this Act is irrecoverable, and on being requested by or on behalf of the tenant to delete the entry refuses or neglects to cause the entry to be so deleted, that person is guilty of an offence.

False entries in Rent Book an offence.

17. If a landlord or agent of a landlord receives rent from a tenant –

Failing to issue proper receipt an offence.

- (a) without issuing to the tenant a valid receipt for the payment of the same; and
- (b) without entering the details of the said receipt in a book, (hereinafter called a "Rent Book"), issued to the landlord showing –
 - (i) the date on which the payment was made;
 - (ii) the amount paid;
 - (iii) the period in respect of which the payment was made; and
 - (iv) the signature of the person who received the payment,

the landlord or agent, as the case may be, is guilty of an offence.

18. A landlord is not entitled to recover possession of any premises if the claim for possession is based upon the reason that some rent which is due and owing to the landlord has not been paid, and it is proved at the hearing of the claim that the rent remaining unpaid or part thereof was tendered to the landlord and acceptance of same was refused by the landlord when tendered by or on behalf of the tenant, and that the payment was tendered within fourteen days of the demand by the landlord for payment.

Restriction on right of possession after tender of rent which is refused.

PART V

REGISTRATION AND RELATED MATTERS

Receiving rent for non-registered premises an offence.

19. If any person receives any rent for the letting of any premises to which this Act applies, whether as owner or agent, and the premises are not registered in accordance with this Act, he is guilty of an offence.

Premises registered under Act 37 of 1976 deemed to be registered.

20. Premises to which this Act applies registered under the Tenancies and Rent Control Act 1976 (repealed by this Act) shall be deemed to have been registered under this Act and shall be kept registered in accordance with this Act.

Cancellation of registration.

21. Premises registered in accordance with this Act shall cease to be so registered when the owner or his agent gives notice to the relevant Tribunal that the premises have become vacant and are no longer for letting. Such a notice shall state the registration number of the premises and the date on which possession was delivered up by the tenant, whereupon the Tribunal shall cause the registration of the premises to be cancelled as from the date of delivery up of possession.

Premises for letting to be registered.

22. (1) From and after the date of commencement of this Act, every owner of premises which are for letting shall apply to register the same by sending to the relevant Tribunal not later than the 30th April in each year or if that day falls on a public holiday then on the next day thereafter, the following information together with the fee prescribed in the Schedule:

Schedule.

- (a) the name of the owners;
- (b) the name of the occupiers;
- (c) the full address of the premises giving the name of the parish, the city, town or village, district or area, the name of the road or street, lane or avenue etc., where the premises are located, as well as the building or lot number if any;
- (d) the rent being demanded or paid in respect of the premises; and
- (e) the date when payment of rent was first made.

(2) The Chairman of every City, Town, Urban or Village Council, and where there is no such Council, the Housing Development

Officer, shall submit to the relevant Tribunal a list of premises in the city, town, village, urban or other area, as the case may be, stating the names of the owners, the location of the premises, and whether they are being rented or not, not later than the 1st April in each year.

23. (1) Upon receipt of the information required by section 22, and upon payment of the prescribed registration fee mentioned in the Schedule, the presiding officer of the relevant Tribunal shall cause an entry to be made in the appropriate register of premises, and shall issue to the applicant a certificate of registration which shall state the entry number as the registration number of the premises in question and the date of registration which is the date on which the application was received; and the certificate of registration shall be conclusive proof of the registration of the premises for any purposes whatsoever.

Registration and
issue of
Certificate.
Schedule.

(2) Premises registered under this Act shall remain registered premises until they shall cease to be so registered by virtue of section 21.

24. The presiding officer of each Tribunal shall cause a register to be kept of all premises in its district that have been registered under the provisions of this Act, and a record of all the information required by section 22 shall be kept therein.

Presiding officer
of Tribunal to
keep register of
premises.

25. Any owner, agent or landlord who receives any rent for the letting of any premises that are not registered in accordance with the provisions of this Act is guilty of an offence.

Receiving rent
for unregistered
premises an
offence.

26. Notwithstanding anything in any law to the contrary, no application shall be made to a Tribunal, and no claim shall be brought or maintained by or on behalf of any landlord in any proceedings in any court for the recovery of possession of any premises to which this Act applies, or for the recovery of rent within the meaning of this Act, unless the premises in respect of which the application is made or the claim is brought or maintained are registered in accordance with the provisions of this Act.

Restriction on the
right of recovery
of possession or
recovery of rent
for reason of non-
registration.

27. The onus of proving that any premises are registered in accordance with the provisions of this Act is upon the person relying upon proof of registration.

Onus of proof.

PART VI
NOTICES TO QUIT

Validity of notice
to quit.

28. (1) Notwithstanding the provisions of any law to the contrary, no notice to quit any premises to which this Act applies shall be dealt with by a Tribunal unless –

- (a) it is in writing and signed by the landlord, his agent or solicitor, and gives a description and the address of the premises to which it refers, the registration number of the premises, the grounds on which notice is given and the date by which possession is to be delivered up by the tenant;
- (b) it is duly served on the tenant, either by its delivery to the tenant personally or by leaving it with some adult person at the last or most usual place of abode of the tenant, or if the tenant cannot be found, or the place of his abode either is not known, or admission thereto cannot be obtained, then by posting it on some conspicuous place on the premises to which the notice to quit refers;
- (c) when it is served on the tenant, the person serving the notice to quit makes a statutory declaration as to the manner in which it was served, that is, in accordance with paragraph (b), and the declaration, authenticated by the signature of the authorised person by whom it was served, is endorsed on a copy of the notice to quit;
- (d) proof is supplied by the landlord that a copy of the notice to quit, endorsed with the statutory declaration in the manner required by paragraph (c), has been filed at the office of the relevant Tribunal; and
- (e) a filing fee as prescribed in the Schedule together with a certificate from the presiding officer of the relevant Tribunal that the premises are registered are lodged with the Tribunal.

Schedule.

(2) When the conditions of subsection (1) have been met the relevant Tribunal shall hear and determine the application for recovery of the premises.

29. Where in any action for recovery of possession of any premises a tenant specifically denies that there was service of the notice to quit, the service shall be proved by evidence on oath at the trial of the cause, and if accordingly proved the landlord in the action shall be allowed the costs incurred in proving service of the notice to quit, as well as the cost of any necessary adjournment consequent thereupon, notwithstanding any final result of the action.

Specific denial of service of notice to quit.

30. Notwithstanding the provisions of any law to the contrary, for the purpose of this section, a Tribunal shall not determine that a tenancy agreement has been terminated for the reason only that a notice to quit has been served on the tenant of any premises for the late payment of rental if the rental is paid within seven days of the service of notice or if it is offered to the Tribunal at the time of trial. In such an event the tenant shall pay such costs as the Tribunal may order.

Determination of tenancies.

31. No notice to quit shall be valid for the purpose of terminating any tenancy agreement between a landlord and a tenant for the letting of building land where the tenant having erected a building thereupon has been in continuous occupation thereof for a period of twenty years, save and except for a reason contained in section 33, other than subsection (1)(h) of that section.

Restriction on right of possession after twenty years occupation by a tenant of building land.

32. Where in any agreement for the letting of any premises, there is no stipulation by deed or in writing as to the period of notice to be given by either party to terminate the tenancy, the following provisions apply and take effect as part of any such agreement:

Length of notice to quit in certain cases.

- (a) in the case of any tenancy whether weekly, monthly, quarterly or yearly, a clear three months' notice;
- (b) in the case of any tenancy for a term longer than one year, a clear six months' notice.

PART VII

RESTRICTION OF RIGHT TO POSSESSION

33. (1) No order or judgment for the recovery of possession of any premises to which this Act applies, or for the ejectment of a tenant therefrom, shall be made or given, whether in respect of a notice given or proceedings commenced before or after the commencement of this Act, unless –

Restriction of right to possession, [12 of 1990].

- (a) some rent lawfully due from the tenant has not been paid for at least thirty days after it became due;
- (b) some other obligation of the tenancy (whether expressed or implied and whether under the contract of tenancy in so far as the same is consistent with the provisions of this Act or under this Act) has been broken or not performed and, in the case of the non-performance of any such obligation by the tenant, the tenant has been in default for at least thirty days;
- (c) the tenant or any person residing or lodging with him or being his sub-tenant has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose, or the condition of the premises has, in the opinion of the Tribunal, deteriorated or become insanitary owing to acts of waste by, or the neglect or default of the tenant or any such person and, where such person is a lodger or sub-tenant, the Tribunal is satisfied that the tenant has not, before the making or giving of the order or judgment, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant;
- (d) the tenant has given notice to quit, and, in consequence of that notice, the landlord has contracted to sell or let the dwelling house or has taken any other steps as a result of which he would, in the opinion of the Tribunal, be seriously prejudiced if he could not obtain possession;
- (e) the premises, being a dwelling house, are reasonably required by the landlord for –
 - (i) occupation as a residence for himself or for some person wholly dependent upon him, or for any person *bona fide* residing or to reside with him, or for some person in his whole time employment; or
 - (ii) use by him for business, trade or professional purpose; or
 - (iii) a combination of the purposes in subparagraphs (i) and (ii) above;

- (f) the premises, being building land, are reasonably required by the landlord for –
- (i) the erection of a building to be used for any of the purposes specified in paragraph (e); or
 - (ii) use by him for business, trade or professional purposes not involving the erection of a building; or
 - (iii) a combination of such purposes;
- (g) the premises, or any portions thereof, have been compulsorily acquired under the Land Acquisition Act, or are required for the purpose of an approved scheme under the Slum Clearance and Housing Ordinance or the Town and Country Planning Act or any Acts replacing these enactments;
- Ch. 53:02.
Cap. 180.
(1961 Ed.).
17 of 1975.
- (h) the premises are required by the landlord, or by a person claiming through or under him, for the purpose of oil-mining or refining or for purposes ancillary thereto;
- (i) the premises, being a dwelling-house, are required for the purpose of being repaired, improved or rebuilt;
- (j) the premises are required for a public purpose;
- (k) the dwelling-house, or the building erected by the tenant on building land, as the case may be, is required by law to be demolished;
- (l) the tenant has sublet or parted with the possession of the whole or any part of the premises without either obtaining the consent of the landlord or being expressly authorised by or under the tenancy agreement or lease to do so; but –
- (i) where a tenant of premises in which a business is carried on by the tenant converts the business into a company with limited liability or being such a company transfers the undertaking to another company under any scheme for the reconstruction of the company or the amalgamation of the company with any other company or companies, the delivery of possession of the premises by the tenant to such company or such other company, as the case may be, shall be deemed to have been with the consent of the landlord;

- (ii) the consent of a landlord shall not be unreasonably withheld where a tenant of building land desires to transfer the whole of the premises to a person who is the purchaser of the buildings erected on such land;
- (iii) in any case in which any building standing upon building land is in the occupation of a person who holds of the tenant of the building land and is not in the personal occupation of the tenant, the tenant shall, notwithstanding the occupation by such other person, be deemed to be the person personally occupying the same for the purposes of this subsection and is entitled to the protection afforded tenants of premises by this subsection;
- (m) the tenant of a dwelling-house, or of building land on which the building erected by the tenant is used or is intended to be used mainly as a dwelling, uses the house or building mainly for business, trade or professional purposes without either obtaining the consent of the landlord or being authorised by or under the tenancy agreement or lease to do so;
- (n) the tenant has been offered by the landlord in writing a new tenancy at a higher rent which is permissible under this Act but otherwise on the same terms as the existing tenancy and has failed to accept such offer in writing within a reasonable time;
- (o) a building on building land has been sold under distress for rent;
- (p) a dwelling-house has been let to a tenant in the employment of the landlord on condition that the tenancy shall subsist only during the continuance of the employment, or only until the expiration of a period not exceeding one month after the termination of the employment, and the employment has terminated, or such period has expired, as the case may be; or
- (q) a dwelling-house has been let to a tenant in the employment of the landlord in consequence of that employment, and the employment has been determined or the landlord has offered the tenant alternative accommodation;

and unless in addition, in any such case as aforesaid, the Tribunal asked to make the order or give a decision considers it reasonable to make the order or give the decision; but an order or decision shall not be made or given on any ground specified in paragraphs (e), (f) or (i) unless the Tribunal is also satisfied that having regard to all the circumstances of the case, less hardship would be caused by granting the order or decision than by refusing to grant it; and such circumstances are hereby declared to include –

- (i) when the application is on a ground specified in paragraph (e) or (f), the question of whether other accommodation is available for the landlord or the tenant;
- (ii) when the application is on a ground specified in paragraph (i), the question of whether other accommodation is available for the tenant.

(2) A Tribunal when asked to make such an order or give such a judgment may –

- (a) adjourn the application from time to time;
- (b) stay or suspend execution of the order or decision or postpone the date of possession for such period as it thinks fit, and from time to time grant further stays or suspensions of execution and further postponements of the date of possession;

and any such adjournment, stay, suspension or postponement may be granted subject to such conditions, if any, as the Tribunal thinks fit, and, if such conditions are complied with, and the order has been made or the judgment given, may discharge or rescind the order or judgment.

(3) Nothing in this Act shall prevent the making of an order for the ejection of any person where, in the opinion of a Tribunal asked to make the order, the ejection is expedient in the interest of public health or public safety.

(4) If, after a landlord has obtained an order or judgment for possession or ejection under this section, it is subsequently made to appear to a Tribunal that the order was obtained by misrepresentation or the concealment of material facts, the Tribunal may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by the tenant as a result of the order or judgment.

(5) In granting an order or giving a decision under this section for possession or ejectment in respect of building land, the Tribunal may require the landlord to pay to the tenant such sum as appears to it to be sufficient as compensation for damage or loss sustained by the tenant, and effect shall not be given to the order or judgment until such sum is paid.

(6) Whenever a landlord has obtained an order or judgment for possession of any premises to which this Act applies on any ground specified in subsection (1)(e), (f) or (j), and the order or judgment is executed or the tenant voluntarily gives up his tenancy in consequence of that order or judgment, the landlord is guilty of an offence –

(a) if, without first obtaining the permission of the Tribunal, he uses or permits to be used or occupies or permits to be occupied or lets the premises at any time for any purpose other than the purpose which constituted the ground on which the order was made or the judgment was given; or

(b) if, having obtained permission as aforesaid, he fails to comply with any terms or conditions which the Tribunal may have attached to that permission;

and the Tribunal may decline to grant any such permission as aforesaid, in any case in which the landlord has failed to take such steps (if any) to renew the tenancy of the former tenant as the Tribunal may have directed, or in any case in which the Tribunal is not satisfied that the premises will be used, occupied or let to good advantage having regard to any prevailing shortage of similar accommodation.

(7) Whenever a landlord has obtained an order or judgment for possession of any premises to which this Act applies on any ground specified in subsection (1)(i), and the order or judgment is executed or the tenant voluntarily gives up his possession in consequence of that order or judgment, the landlord is guilty of an offence –

(a) if, without first obtaining the permission of the Tribunal, he uses or permits to be used or occupies or permits to be occupied or lets the premises at any time; or

(b) if, without first obtaining the permission of the Tribunal, he fails to give the tenant who occupied the premises immediately before an order to give up possession under subsection (1)(i) was obtained the first option to rent the repaired, improved or rebuilt premises; or

(c) if, having obtained permission as aforesaid, he fails to comply with any terms or condition which the Tribunal may have attached to that permission;

and the Tribunal may decline to grant any such permission aforesaid on any ground on which the Tribunal could decline permission under subsection (6).

(8) If a Tribunal makes an order or gives judgment for the possession of tenanted premises or the ejection of a tenant therefrom, and the tenant fails to deliver possession of the premises by the date ordered by the Tribunal, the Tribunal may, on application by the landlord in favour of whom the order or judgment was given, forthwith issue a warrant for the ejection of the tenant by a date prescribed in the warrant.

(9) Whenever a Tribunal orders possession or the ejection of a tenant, it shall issue a warrant of possession addressed to the bailiff for execution during daylight hours and with such force and assistance as in the circumstances may be reasonable and necessary to gain entry upon the premises, and shall deliver up possession of the premises to the landlord.

PART VIII MISCELLANEOUS

34. (1) The seal of a Tribunal shall be authenticated by the signatures of the presiding officer and the secretary of the Tribunal and shall be judicially noticed. Seal.

(2) All documents, other than those required by law to be under seal, and all decisions of a Tribunal shall be signified under the hand of the presiding officer.

35. The forms or similar forms issued from time to time under the Magistrates' Code of Procedure Act may, with such variations and additions as circumstances require, be used for the purposes of this Act. Forms.
Ch. 4:20.

36. (1) The scale of fees specified in the Schedule shall be the fees payable in respect of matter submitted to a Tribunal and shall be paid in stamps upon presentation of the relevant documents for filing. Acknowledgment
of receipt of
documents for
filing.
Schedule.

(2) The secretary of a Tribunal shall, if the documents are properly stamped, endorse a copy thereof with the words "Filed For Action", and with the date of the filing and shall return the copies to the person presenting the same.

(3) The presiding officer of a Tribunal may dispense with the payment of fees or may grant a remission of part of the fees in cases of hardship or lack of means.

Powers of bailiff.
Ch. 4:20.

37. (1) Any bailiff of the Magistrates' Courts appointed under section 136 of the Magistrates' Code of Procedure Act shall exercise such duties and responsibilities as may be assigned to him by the presiding officer of a Tribunal and shall, when carrying out such duties and responsibilities, be entitled to the same powers, privileges, immunities and protection of law as is afforded him under the Magistrates' Code of Procedure Act.

(2) Any person who disturbs, hinders or assaults any bailiff in the execution of his duty, or aids, abets or assists therein is guilty of an offence.

Power to receive
statutory
declarations.

38. The presiding officer and the secretary of a Tribunal are authorised to receive statutory declarations.

Parties may be
represented by
counsel or
solicitor.

39. Any party to any proceedings under this Act may be represented by counsel or solicitor and in any such case, may be awarded reasonable counsel's or solicitor's costs.

Failure to
comply with
orders, rulings or
judgments of a
Tribunal an
offence.

40. Any person who fails to comply with an order, ruling or judgment of a Tribunal is guilty of an offence.

Penalty.

41. Any person who is guilty of an offence against this Act is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for three months.

42. Save as hereinbefore provided, an appeal shall lie from the decision of the Tribunal in the exercise of their jurisdiction to the Court of Appeal, and the appeal shall be governed by the provisions of the Eastern Caribbean Supreme Court (Dominica) Act, and shall be in accordance with the Rules of the Supreme Court 1970 and the Court of Appeal Rules 1968.

Right of appeal
and manner and
form of appeal.

Ch. 4:02.
Ch. 4:01.
Sub. Leg.

SCHEDULE

Section 36(1).

FEEES

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Application for registration	1.50
Application for increase of rent	5.00
Application for decrease of rent	1.00
Application to fix authorised rent	1.50
Application to summon witness	1.00
Application for issue of warrant of possession	5.00
Application for issue of notice to quit	5.00
Claim for recovery of possession	5.00
Claim for recovery of rent	5.00
Claim for recovery of possession and rent	7.50
Filing of notice of vacant possession	1.00
Filing of notice to cancel registration	1.00
Filing of notice of re-occupation	1.00
Receiving statutory declaration	1.00
Issue of copy of certificate of registration	1.50
