

CHAPTER 239

TENANTRIES CONTROL

1965-34

This Act came into operation on 8th June, 1965.

Amended by:

1971-34

1974-24

1980-54

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

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**BARBADOS**

TENANTRIES CONTROL

1965-34

An Act to provide for the control of tenancies.

[Commencement: 8th June, 1965]

Short title

1. This Act may be cited as the *Tenancies Control Act*.

[1980-54]

Interpretation

2.(1) For the purposes of this Act

“Minister” means the Minister responsible for Lands;

“tenantry” means any area of land, other than land vested in or leased to the Crown or a statutory board, which is now or shall be hereafter sub-divided into more than 5 lots for the purpose of being let to tenants as sites for chattel buildings used or intended to be used as dwellings.

[1971-34]

(2) For the purposes of this Act, two or more contiguous areas of land owned or leased by the same person shall be deemed to be a single area of land.

[1974-24]

(3) Any land which is or becomes a tenantry by virtue of this Act shall, notwithstanding that the number of lots into which that land is sub-divided is reduced to less than 6, continue to be a tenantry for the purposes of this Act until the Minister

(a) in writing, certifies to the owner or lessee thereof; and

(b) by notice published in the *Official Gazette* declares,

that the land has ceased to be a tenantry for the purposes of this Act.

[1974-24]

No division or sale of lots in prescribed area without permission

3.(1) No owner or lessee of a tenantry or of any part thereof which now or hereafter is sub-divided into lots for the purpose of being let to tenants for housing shall, without the prior permission of the Chief Town Planner signified in writing, divide or sell any lot or part of such tenantry.

(2) For the purposes of this Act, the provisions of section 16 of the *Town and Country Planning Act*, Cap. 240 shall apply to all applications for permission to sell any lot or lots in a tenantry.

(3) Before granting permission the Chief Town Planner shall consult the Minister and shall not grant permission unless the Minister certifies in writing that he is satisfied that the grant of permission will not cause undue hardship to any tenant or tenants.

Limitations on orders of ejectment

4. No order of ejectment shall be made on the application of the owner or lessee or of any agent of the owner or lessee of a tenantry or of any part thereof against any tenant in such a tenantry unless it is proved to the satisfaction of a

court of summary jurisdiction under the provisions of any law affecting the relationship of landlord and tenant that

- (a) any part of the rent payable in respect of the tenancy is in arrear, in the case of a monthly tenancy for a period of 3 months or more or, where the tenancy is a weekly tenancy, for a period of 13 weeks or more; or
- (b) the tenant has without the consent in writing of the owner or lessee parted with the possession of, assigned or sublet the lot held by him; or
- (c) the tenant has created a nuisance to the annoyance and detriment of other tenants or of the owner or lessee of the tenancy and has neglected or refused to abate the same after notice given by the owner or lessee or his agent; or
- (d) the tenant has given notice to quit and in consequence of that notice the owner or lessee has contracted to let or sell the lot in respect of which the notice to quit has been given; or
- (e) the tenancy or any part thereof has been compulsorily acquired under the *Land Acquisition Act*, Cap. 228 is allocated in any development plan under any Act for the time being relating to the control of development and use of land for purposes of development of a class inconsistent with its continued use as a tenancy or is required for public purposes; or
- (f) the tenant has been offered by the owner or lessee in writing a new tenancy of the lot at a rent not higher than a rent which is permissible under section 6 but otherwise on the same terms as the existing tenancy and has failed to accept such offer within a reasonable time.

Powers of court in ejectment proceedings

5.(1) Notwithstanding anything to the contrary in any other Act, a court asked to make an order of ejectment may

- (a) adjourn the application from time to time;

- (b) stay or suspend execution of the order or postpone the date of possession for such time as it thinks fit;
- (c) from time to time grant further stays and suspensions of execution and further postponements of the date of possession and on such conditions, if any, as the court thinks fit;
- (d) if such conditions are complied with and the order has been made, discharge or rescind the order.

(2) Where, after an owner or lessee has obtained an order of ejectment, it is made to appear to the court that the order was obtained by misrepresentation or the concealment of any material fact, the court may rescind the order, or, if the order has been executed, may order the owner or lessee to pay to the former tenant such sum as appears to the court to be sufficient as compensation for any damage or loss sustained by such tenant.

Control of increases of rent

6.(1) The rent exigible by an owner or lessee immediately before the 1st June, 1974 in respect of any lot in a tenantry may, with effect from that date or any date thereafter, be increased by an amount not exceeding 20 percent thereof but no further increase may be made in the rent payable after the date on which it was increased by 20 percent in respect of that lot except in the manner and in accordance with regulations made under section 7 of this Act.

(2) An owner or lessee who desires to increase the rent of any lot or lots in a tenantry shall make application to the magistrate exercising jurisdiction under paragraph (c) of subsection (2) of section 4 of the *Magistrates Jurisdiction and Procedure Act*, Cap. 116, in the magisterial district in which the tenantry or any part thereof in respect of which the application is made is situated.

[1974-24]

Regulations

7.(1) The Minister may make regulations for fixing the rent of any lot or lots in a tenantry and generally for carrying out the purposes of this Act.

(2) All regulations made under this Act shall be subject to negative resolution.

Penalty for charging excess rent

8.(1) Any owner or lessee of a tenantry who demands or receives any rent in excess of the rent which is permissible under this Act or who increases the rent otherwise than in accordance with subsection (1) of section 7 shall be guilty of an offence and shall be liable on summary conviction to a penalty of \$200 or imprisonment for 6 months.

(2) Where a prosecution for an offence under subsection (1) has been instituted, a magistrate may, in addition to the fine or sentence, if any, imposed by him, order an owner or lessee convicted of such an offence to pay to the tenant any sum paid by him in excess of the permitted rent.

False entries

9. Any person who in any rent book or similar document or on any receipt makes any false entry or any entry showing or purporting to show that a tenant is in arrear of payment of rent in respect of any sum which by virtue of this Act is not permitted shall be guilty of an offence and shall be liable on summary conviction to a penalty of \$100 or imprisonment for 3 months.

General penalty

10. Any person contravening any of the provisions of this Act for which a penalty is not hereinbefore provided shall be liable on summary conviction to a fine of \$100 or imprisonment for 3 months.

Limitation of prosecution

11. Proceedings before a magistrate in respect of any offence under this Act may, notwithstanding anything to the contrary contained in the *Magistrates Jurisdiction and Procedure Act*, Cap. 116, be taken at any time within 2 years from the date on which the offence was committed.