



BELIZE

**RENT RESTRICTION ACT
CHAPTER 195**

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CHAPTER 195

RENT RESTRICTION

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CHAPTER 195

RENT RESTRICTION

Ch. 164,
R.L., 1958.
CAP. 158,
R.E. 1980-1990.

[1st April, 1948]

Short title.

1. This Act may be cited as the Rent Restriction Act.

Interpretation.

2. In this Act, unless the context otherwise requires,

“Board” means the Rent Assessment Board established under this Act for the rent restriction area in which any premises in question are situate;

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

“premises” means any dwelling-house, flat and any other building in which persons dwell and any part of any premises let or sublet separately;

“rent” includes any sum paid as rent or hire for the use of furniture where premises are let furnished or where premises are let and furniture therein is hired by the landlord to the tenant:

Provided that this interpretation shall not apply to any agreement for the letting and hiring of furnished rooms with board;

“rent restriction area” means the area within a radius of two miles from any courthouse in Belize and any other area which the Minister may by Order published in the *Gazette* declare to be a “rent restriction area”;

40 of 1963.

“tenant” includes subtenant.

Application of Act.
40 of 1963.

3. This Act shall apply to all premises in a rent restriction area except such premises as the Minister may, by Order published in the *Gazette*, declare not to be affected by the provisions of this Act.

PART II

*Rent Assessment Boards, Powers and Restrictions
on Recovery of Possession of Premises*

4.–(1) The Minister shall establish Rent Assessment Boards to exercise the powers conferred and perform the duties imposed by this Act.

Rent Assessment Board.

(2) In each judicial district, the Chairperson of the Board shall be the magistrate of that district or such other person as the Minister may from time to time appoint.

(3) The Minister shall appoint a panel of persons not exceeding five in number who shall be called Rent Assessors.

(4) The Board, at any sitting thereof, shall consist of the Chairperson and two Rent Assessors who shall be selected by the Chairperson from the panel appointed under subsection (3) of this section.

(5) All appointments under this section shall be during the Minister's pleasure.

(6) No person shall sit as a member of the Board in any matter in which, if he were a judge or magistrate, he would be disqualified acting on the ground of interest.

(7) The establishment of the Board and all appointments shall be published in the *Gazette*.

5.–(1) Subject to subsection (2) of this section, no landlord shall from and after the commencement of this Act and in respect of premises to which this Act applies,

Receipt of increased rent unlawful.

- (a) receive or recover rent in excess of that payable for such premises on the 1st January 1945; or
- (b) increase the rent of such premises beyond that payable therefor on 1st January 1945,

without an order of the Board, but the Board shall in no case allow an increase in rent of more than ten *per centum*.

(2) An increase of rent shall not be a prohibited increase under this Act if it is,

- (a) an increase of rent by an amount calculated at a rate per annum not exceeding eight *per centum* on any amount expended by the landlord since January 1945, in connection with any improvement or structural alteration of the premises (not including expenditure on decoration or repairs);
- (b) an increase of the yearly rent by an amount not exceeding,
 - (i) any increase in the yearly amount of the towns property tax and of any rates payable by the landlord in respect of the premises since 1st January 1945;
 - (ii) the yearly amount of any tax or rate imposed in respect of the premises since 1st January, 1945,

Provided that, where the rent is not payable yearly, any such increase shall be proportionate to the period in respect of which such rent is payable;

- (c) an increase of rent by an amount not exceeding ten *per centum*, if the tenant agrees with the landlord in writing to such increase.

(3) Any tenant may recover from a landlord, who has unlawfully received from him any such increased rent, the difference between any such increased rent unlawfully received and the rent payable before such increase and may, without prejudice to any other method of recovery, deduct from the rent payable by him to such landlord all sums paid by him since 1st January 1946, by way of such increased rent.

(4) Any transfer to a tenant of any burden or liability previously borne by the landlord shall, for the purpose of this Act, be treated as an alteration of rent, and where, as the result of such transfer, the terms on which premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased, and any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms on which any premises are held are on the whole not less favourable to the tenant than the previous terms, shall be deemed not to be an increase of rent for the purpose of this Act.

(5) For the purposes of this Act,

- (a) the rent of any premises which were standing vacant on the 1st January 1945, shall be deemed to be the rent at which such premises were last let;
- (b) the rent at which premises completed after the 1st January 1945, are first let, shall be such rent as, in the absence of agreement, may be fixed by the Board; and
- (c) where premises, not being premises to which the foregoing provisions of this subsection apply, were not let at a rent on 1st January 1945, and are first let after that date, the rent shall be such rent as, in the absence of agreement, may be fixed by the Board,

Provided that the rent which may be fixed by the Board in respect of any premises under the provisions of paragraphs (b) and (c) of this subsection shall be the rent at which such premises might, in the opinion of the Board, reasonably be expected to have been let for on 31st December 1944, plus any increase which this Board may deem it just to allow under the provisions of the *proviso* to subsection (1) of this section and any increase which is permitted to be made under the provisions of subsection (2) of this section.

Orders of the Board.

6.—(1) Any landlord or tenant or other person interested may apply to the Board for an order fixing the rent of any premises.

(2) When an application is made to the Board under this section, the Board may refuse to make an order or may, subject to the provisions of the *proviso* to subsection (1) of section 5 of this Act, make an order authorising the receipt or recovery of the whole or any part of the increased rent or an order fixing the amount by which the rent may be increased.

(3) Where an order has been made by the Board fixing the rent of any premises, the order shall, subject to the provisions of section 8 of this Act, be binding on all present and subsequent landlords, tenants and mortgagees.

(4) The Board shall have full powers of rehearing, reconsideration and revision in any case, in which it thinks fit to exercise such powers, and at any time.

Special powers of Board in sub-tenancies.

7.—(1) Notwithstanding anything in this Act, a landlord or any subtenant may apply to the Board for an inquiry into the terms and conditions of any sub-tenancy of the premises granted by the tenant after 1st January 1945.

(2) Upon an application under subsection (1) of this section, the Board may inquire into the terms and conditions of the sub-tenancy with a view to ascertaining whether, having regard to the rent paid by the tenant to the landlord, any rent payable to, or charged by, the tenant for any sub-tenancy is unreasonable or whether the tenant, by taking in lodgers or by subletting or otherwise parting with the possession of the whole or any part of the premises, is making a profit, whether directly or indirectly, which, having regard to the rent paid by the tenant, is unreasonable.

(3) On an inquiry under subsection (2) of this section, the Board may make an Order,

- (a) limiting the number of subtenants in the premises;
- (b) fixing the maximum rent payable by each subtenant and the maximum charge, if any, which the tenant may make in addition to the rent for any service rendered to the subtenant;

- (c) fixing the maximum profit which the tenant may make, whether directly or indirectly, by the sub tenancy.

(4) Any person who fails to comply with an order made by the Board under this section commits an offence, without prejudice to any other remedy for the enforcement of the order.

(5) The powers of the Board under this section shall be in addition to and not in derogation of any other powers of the Board exercised under this Act and any order made under this section shall have the same effect and be executed in the same manner as any other order made by the Board under this Act.

8.—(1) At sittings of the Board, the decision of the majority of the members shall prevail.

Proceedings before Board.

(2) Where no majority decision is reached, the decision of the Chairperson shall prevail.

(3) The Board shall for the purposes of this Act follow *mutatis mutandis* the procedure of the district court in civil matters and, subject, to the provisions of this Act, shall have all the powers and authority of the said court.

(4) No member of the Board shall be liable to any action for any matter or thing done by him in the exercise of his duties as such.

(5) An appeal shall lie to the Supreme Court from any decision of the Board and the procedure in respect of any such appeal shall be such as is laid down in Part IX of the Supreme Court of Judicature Act, Cap. 91.

(6) The Board shall determine the fees to be paid by parties in proceedings taken before the Board and on appeal from decisions of the Board, and the fees when determined shall be published in the *Gazette*.

(7) The proceedings of the Board shall be open to the public, and minutes of the same, including a summary of any oral evidence given before the Board, shall be kept by the Chairperson.

(8) Any interested party may be represented before the Board by an attorney-at-law.

(9) The proceedings of the Board shall be deemed to be judicial proceedings.

(10) Subject to this section, the Board may, with the approval of the Minister, make rules,

- (a) prescribing the manner in which applications shall be made to the Board under this Act and the fees to be paid by any applicant in connection therewith,

Provided that all such fees shall be subject to the approval of the National Assembly;

- (b) regulating the procedure of the Board in all proceedings before it.

Enforcing orders
of the Board.

9. An order of the Board or a copy thereof certified to be a true copy by the Chairperson of the Board shall, upon being filed with the clerk of the district court of the district within which the premises affected by the order are situate, be executed and obedience thereto enforced as if it were an order of the court.

Restriction on
ejectment.

10.—(1) No judgment or order for the ejectment of a tenant from premises to which this Act applies shall be given or made so long as the tenant continues to pay rent at the agreed rate as modified by this Act, and performs the other conditions of the tenancy, except,

- (a) on the ground that the tenant has committed waste or has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers and the court considers it reasonable to give such judgment or make such order;
- (b) on the ground that the premises are reasonably required by the landlord for occupation as a residence for himself, or his wife, or for some person wholly

dependent upon him, or for his child or grandchild, his brother or sister, or his parent or grandparent, or for any person *bona fide* residing or to reside with him, and the court, after considering all the circumstances of the case, considers it reasonable to give such judgment or make such order;

- (c) on the ground that the tenant has given notice to quit, and, in consequence of that notice, the landlord has contracted to sell or let the premises or has taken any other steps as a result of which he could, in the opinion of the court, be seriously prejudiced if he could not obtain possession; or
- (d) on the ground that the tenant, by taking in lodgers or by subletting or otherwise parting with the possession of the whole or any part of the premises, is making a profit, whether directly or indirectly, which, having regard to the rent paid by the tenant, is unreasonable and the court considers it reasonable to give such judgment or make such order,

Provided that,

- (i) no judgment or order shall be given or made under this paragraph if the landlord or any sub-tenant has applied to the Board under section 7 and the Board has made an order in respect of the premises which are the subject of the proceedings before the court;
- (ii) the court may direct that any judgment or order given or made under this paragraph shall not affect any sub-tenancy lawfully subsisting before the proceedings for ejectment were instituted; or
- (e) on the ground that the premises are required by the landlord for the substantial alteration or reconstruction thereof in such a way as to affect the premises or

for the demolition thereof, and the court, after being satisfied that the landlord has, where necessary, obtained the necessary permit for such alteration, reconstruction or demolition and has given to the tenant not less than three months' notice in writing to vacate the premises, considers it reasonable to make such judgment or make such order,

Provided that where such a judgment or order has been given or made but not executed before the coming into force of this Act, the court by whom the judgment or order was given or made may, if of opinion that the judgment or order would not have been given or made if this Act had been in operation at the date of the giving or making of the judgment or order, rescind or vary the judgment or order in such manner as the court may think fit for the purpose of giving effect to this Act.

(2) Where a landlord has obtained a judgment or order for ejection on either of the grounds specified in paragraphs (b) and (e) of subsection (1) of this section, and it is subsequently made to appear to the court that the judgment or order was obtained by misrepresentation or the concealment of material facts, the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the judgment or order.

(3) Where by reason of the provisions of this section any tenant continues in occupation of any premises after the expiration of any contract of tenancy, the terms and conditions of such contract of tenancy shall, in so far as they may be applicable and subject to the provisions of this Act, be deemed to apply to such occupation.

PART III

Miscellaneous

11. Where, prior to the coming into force of this Act, any agreement for a tenancy of any premises to which this Act applies was made between the landlord of such premises and any person not in occupation of such

Certain agreements
to be void.

premises, and by reason of section 10 of this Act such person is unable to obtain possession of such premises, such agreement shall be deemed to be void and no action for damages or otherwise shall be brought thereon in any court,

Provided that any consideration by way of rent, premium or otherwise already paid by such person to the landlord by virtue of such agreement shall be repaid by the landlord to such person and shall be recoverable as a civil debt.

12.—(1) From and after 1st January 1945, it shall be unlawful for anyone, in consideration of the grant, renewal, continuance, surrender or giving up of a tenancy or sub-tenancy of any premises to which this Act applies, to require, make or receive, the payment of any fine, premium or other like sum or the giving of any pecuniary consideration in addition to the rent.

No premium to be chargeable in respect of a tenancy.

(2) Where any payment is made in respect of any such premises after 1st January 1945, then the amount shall be recoverable by the tenant by whom it was made from the landlord by whom it was received, and may without prejudice to any other method of recovery, be deducted from any rent payable by him to the landlord.

13. Every court, whether of civil or criminal jurisdiction, shall, so far as is necessary, conform to this Act in all proceedings, actions, suits or cases between landlords and tenants or in which the rights, remedies or duties of the same are in question.

All courts to conform to this Act.

14. Every person who contravenes or fails to comply with any provision of this Act commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months, and for a second or subsequent offence shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Penalty.