

THE RENT RESTRICTION ACT

ORDER

(under section 3 (1) (e) (ii))

The Rent Restriction (Public and Commercial Buildings—Exemption) Order, 1983 L.N. 25/83

ORDER

(under section 8 (1))

The Rent Restriction (Exempted Premises) Order, 1983 L.N. 24/83
117D/83
95D/86
171K/86
3G/89
4B/93
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RULES

(under section 11(1))

The Rent Restriction Rules, 1984 L.N. 44/84

ORDER

(under section 19)

The Rent Restriction (Percentage of Assessed Value) Order, 1983 L.N. 26/83

ORDER

(under section 21 (1))

The Rent Restriction (Excluded Amount) Order, 1968 L.N. 257/68

ORDERS

(under section 21 (2))

(Omitted)

REGULATIONS

(under section 23)

The Rent Restriction Regulations, 1967 L.N. 353/67

[The inclusion of this page is authorized by L.N. 4/1997]

RENT RESTRICTION

ORDER

(under section 29)

L.N. 319/76 **The Rent Book (Prescribed Particulars) Order, 1976**

REGULATIONS

(under section 37)

L.N. 26A/83 **The Rent Restriction (General) Regulations, 1983**

THE RENT RESTRICTION ACT

ORDER

(under section 3 (1) (e) (ii))

THE RENT RESTRICTION (PUBLIC AND COMMERCIAL
BUILDINGS-EXEMPTION) ORDER, 1983

(Made by the Minister on the 18th day of March, 1983
and affirmed by the House of Representatives)

[5th April, 1983.] L.N. 25/83

1. This Order may be cited as the Rent Restriction (Public and Commercial Buildings-Exemption) Order, 1983.

2. Any public or commercial building which an Assessment Officer certifies would have been of such a valuation at the 31st day of August, 1980, as to warrant being let at that date at a rent of—

(a) \$6.00 or more per square foot, where such building is in the urban and suburban districts of the Corporate Area (as defined in the Second Schedule to the Kingston and St. Andrew Corporation Act); or

(b) \$4.00 or more per square foot, where such building is in any area outside the urban and suburban districts of the Corporate Area as so defined,

is exempt from the provisions of the Act.

THE RENT RESTRICTION ACT

ORDER
(under section 8 (1))

THE RENT RESTRICTION (EXEMPTED PREMISES) ORDER, 1983

*(Made by the Minister on the 25th day of March, 1983
and amalgamated with the Order made by the Minister
on the 17th day of November, 1983)*

L.N. 24/83
117D/83
Amdts:
L.Na. 95D/86
171K/86
3G/89
4B/93
68/94

1. This Order may be cited as the Rent Restriction (Exempted Premises) Order, 1983.

2. The class of premises specified in the Schedule are hereby declared to be exempt for the purposes of the Act. Schedule.

SCHEDULE (Paragraph 2)

- (i) any resort cottage as defined in the Resort Cottages (Incentives) Act which is approved by the Minister; L.N. 24/83
- (ii) dwelling-houses— L.N. 117D/83
 - (a) that are owned by the Government; or
 - (b) that are rented by the Government from an officer or employee of the Government and occupied as tenant by such officer or employee;
- (iii) any building—
 - (a) owned or erected by the Jamaica Promotions Corporation on lands owned by the Corporation or by Government; and
 - (b) leased by the Corporation, in whole or in part, to any person for operation as a factory;
- (iv) any building—
 - (a) within the area of the Kingston Export Free Zone as defined in Part A and Part B of the Second Schedule to the Jamaica Export Free Zone Act;
 - (b) within the area of the Montego Bay Export Free Zone as defined from time to time by order under section 3 of the Jamaica Export Free Zone Act;
- (v) any hotel as defined in the Hotels (Incentives) Act which is approved by the Minister;
- (vi) factory premises—
 - (a) owned by the Factories Corporation of Jamaica Limited;
 - (b) under the management and control of the Factories Corporation of Jamaica Limited.

THE RENT RESTRICTION ACT

RULES

(under section 11 (11))

THE RENT RESTRICTION RULES, 1984

(Made by the Rent Restriction Committee and approved by the Minister on the 28th day of February, 1984) L.N. 44/84

1. These Rules may be cited as the Rent Restriction Rules, 1984. Citation.

Application to Board for order respecting overdue rent or refund of rent

2. An application made to a Board pursuant to section 36 of the Act— Application for order respecting arrears and refund of rent.

(a) shall, if made by a landlord for an order of the Board requiring the tenant to pay rent due, be in the form set out as Form 1 in the Schedule; and Schedule. Form 1.

(b) shall, if made by a tenant for an order of the Board requiring the landlord to refund rent collected in excess of the permitted rent, be in the form set out as Form 2 in the Schedule. Form 2.

and in each case, shall be filed with the Secretary of the Board.

3.—(1) Where, pursuant to rule 2, an application is filed by a landlord or tenant (hereinafter referred to as the applicant) the Secretary of the Board shall, not less than fifteen days before the date of the hearing of the application, cause to be served on the tenant or landlord against whom the order is sought (hereinafter referred to as the respondent) a notice of claim in the form set out as Form 3 in the Schedule. Notice of claim. Form 3.

(2) A notice of claim may be served by the applicant, and service may be effected—

- (a) by delivering the notice to the respondent personally, or to some other person who is at the respondent's usual place of abode and is apparently not less than sixteen years old; or
- (b) where the respondent is a body corporate or any association of persons (whether incorporated or not), by delivering the notice or sending it by post to the registered or principal office of the body or association.

(3) Where a notice of claim is served by an Inspector of the Board, a fee shall be payable in respect of that service and shall be payable on the same scale as the Bailiff's fees payable on a plaint lodged in a Resident Magistrate's Court, so, however, that the portion payable for travelling shall be determined according to the distance from the office of the Board.

(4) If a notice of claim is not served within the period of six months from the date of its issue, the application in respect of which it was issued shall be struck out of the book referred to in rule 15, unless, before the expiration of such period aforesaid, the time for service of the notice is extended by the Board and the notice is served within the time so extended.

Secretary to notify intention to defend.

4. Where the respondent gives to the Secretary of the Board, within eight days after the service of a notice of claim on him, a notice in writing signed by himself and stating that he intends to defend the claim, the Board shall hear the application in the ordinary course, but in any event, the Secretary shall, immediately after the expiration of that period of eight days, cause to be sent to the applicant or to be left at his usual place of abode or business, a letter stating whether the respondent has or has not given notice of his intention to defend.

Board may permit defence despite lack of notice.

5. Where the respondent does not, within the time specified in rule 4, give notice in the manner so specified of his intention to defend the claim, then the Board may, upon an affidavit disclosing a defence on the merits and explaining the neglect, permit him to defend the claim upon such terms as the Board thinks just.

Duty of Board to order payment in certain circumstances.

6.—(1) If the respondent does not, within eight days after the service thereof, give to the Secretary of the Board notice in writing signed by himself and stating that he intends to defend the claim, the applicant may, within two months after the expiration of that period of eight days, file with the Secretary an affidavit by himself or by any other person who can swear positively to the facts of the service on

the respondent, to the truth of the claim stated in the notice of claim and any further claim for such amount as may have fallen due since the notice of claim was filed.

(2) The Secretary of the Board shall, as soon as is practicable after an affidavit referred to in paragraph (1) has been filed with him, lay the affidavit before the Board, and if it is satisfied that the requirements of rule 3 and paragraph (1) of this rule have been complied with, the Board shall order the respondent to pay the amount which it is satisfied is due to the applicant at the date of the hearing, and costs to be determined by the Board.

(3) An order of the Board under paragraph (2) shall be as valid and effectual and be in the same form as if the respondent had defended the claim.

7. The scale of costs applicable to proceedings before a Board in respect of any application referred to in paragraph (a) or (b) of rule 2 shall, as nearly as possible, be on the same basis as that provided under the Judicature (Resident Magistrates) Act in respect of an action in a Resident Magistrate's Court for a debt or liquidated money demand. Costs.

8. An order of the Board—

- (a) for the payment of overdue rent shall be in the form set out as Form 4 in the Schedule; and
- (b) for the refund of rent collected in excess of the permitted rent shall be in the form set out as Form 5 in the Schedule.

Form of order for payment, refund of rent. Schedule. Form 4.

Form 5.

Application to Board to exercise powers of review

9. Every application to the Board by an aggrieved person for a review of an Assessment Officer's decision in respect of any premises—

- (a) shall be made in the form set out as Form 6 in the Schedule within sixty days of the date of the decision in respect of which the application is made or within such longer time as the Board may in any case allow;
- (b) shall be accompanied by such fee prescribed in rule 10 as is appropriate to that application; and
- (c) shall be lodged with the Secretary of the Board for the area in which the premises are situated.

Application for review. Form 6.

Fees.

10. The fee payable on an application to the Board for a review of an Assessment Officer's decision—

- (a) shall, in relation to an application to review the standard rent of any premises as determined by him, be—
 - (i) \$1.00, where the assessed value of the premises is less than \$30,000; and
 - (ii) where the assessed value thereof is \$30,000 or more, be \$1.00 plus an amount calculated on the basis of 50 cents for each \$1,000 or fractional part thereof by which the assessed value exceeds \$30,000; and
- (b) shall, in relation to an application to review any other decision by him affecting any premises, be—
 - (i) 20 cents, where the monthly rent charged therefor is less than \$100; and
 - (ii) \$2.50 for every \$100 or fractional part thereof, where the monthly rent charged is \$100 or more.

Notice of hearing.

11.—(1) Where an application is made to a Board for the review of a decision of an Assessment Officer, the Secretary of the Board shall cause to be served on the landlord, tenant and Assessment Officer who are parties to the application, a notice of the hearing in the form set out as Form 7 in the Schedule.

Schedule. Form 7.

(2) Every notice under this rule shall be served not less than ten days before the date of the hearing.

Special powers of Board in relation to review.

12. A Board may, at the sitting at which an application for review of an Assessment Officer's decision is listed—

- (a) direct that the notice of hearing be served on any person who may be directly affected by the application, whether that person is a party to the proceedings or not, and in the meantime, postpone or adjourn the hearing of the application upon such terms as seems just, and may make such order as might have been made if the person on whom the Board directs the notice of hearing to be served had been originally a party;
- (b) give leave to amend the particulars of the application, upon such terms as seem just.

Form of order after review. Form 8.

13. An order of a Board in respect of an application for review of a decision of an Assessment Officer shall be in the form set out as Form 8 in the Schedule.

14. Any person who applies to the Board for a review of an Assessment Officer's decision may withdraw his application by filing with the Secretary of the Board notice in writing of the withdrawal, and thereupon the application shall be struck out of the book referred to in rule 15.

Withdrawal of application for review.

General

15. The Secretary of each Board shall keep a book in which shall be recorded particulars of all applications received by the Board and of all orders made by the Board in respect of these applications.

Record of applications and orders.

16. The service of any notice under these Rules may be proved by endorsement on the original or a copy of the notice under the hand of the person effecting the service showing the fact and mode of the service of that notice.

Proof of service.

SCHEDULE

FORM I

(Rule 2 (a))

Application for Order for Payment of Overdue Rent

Application No.

To the Rent Assessment Board

For the Parish of

BETWEEN

Landlord

AND

Tenant

The Landlord's claim is \$ situated at

being arrears of rent in respect of premises

in the parish of

And the Landlord claims costs

.....
Landlord

THE RENT RESTRICTION RULES, 1984

SCHEDULE, *contd.*

FORM 2

(Rule 2 (b))

Application for Order for Refund of Rent Charged in Excess of the Permitted Rent

Application No.

To the Rent Assessment Board

For the parish of

BETWEEN

Tenant

AND

Landlord

The Tenant's claim is \$ being a refund of rent charged in excess of the permitted rent in respect of premises situated at

in the parish of

And the Tenant claims costs

.....
Tenant

SCHEDULE, contd.

FORM 3

(Rule 3 (1))

Notice of Claim

Application No..... 19.....

In the Rent Assessment Board for the parish of.....

To.....*Landlord/Tenant

of.....

Whereas an application has this day been made against you to this Board

by.....*Landlord/Tenant

of.....P.O.
claiming from you the sum stated below being—

* { rent owing and due for the period.....
in respect of your tenancy at.....
in the parish of.....

* { refund of rent paid in excess of the permitted rent for the period.....
.....in respect of my tenancy at.....
.....in the parish of.....

Take notice that unless within eight days of the service hereof you return
to the Secretary of the Board at.....

.....the notice given below, dated and signed by
yourself, you will not afterwards be allowed to make any defence to the
claim which the *Landlord/Tenant makes on you, but the *Landlord/Tenant
may, on making affidavit of the truth of the claim and without further proof
of this claim, apply for an order and execution. If you return such notice
to the Secretary of the Board within the time specified you must appear in
person or by your Attorney-at-Law before the Rent Assessment Board at

.....
on the.....day of....., 19.....at.....o'clock

in the forenoon to answer the said application which will be heard on that
day or on such other date as may be fixed by the Board.

THE RENT RESTRICTION RULES, 1984

SCHEDULE, contd.

FORM 3, contd.

Given under the hand of the Secretary of the Board at.....
.....the.....day of.....19.....

.....
*Secretary,
Rent Assessment Board.*

Amount claimed \$

Hours of attendance at the office of this Board are from 9.00 a.m. to 4.00 p.m. and on Fridays 9.00 a.m. to 3.00 p.m.

Notice of Intention to Defend

Application No.....19.....

In the Rent Assessment Board at

*Landlord/Tenant.....
vs

*Landlord/Tenant.....

I intend to defend the claim in this application.

Dated this.....day of.....19.....

.....
**Landlord/Tenant*

SCHEDULE, *contd.*

FORM 3, *contd.*

This Notice of Claim was served by.....
personally on.....
on the.....day of.....19.....

In the Rent Assessment Board,

Parish of.....

Holden at.....

On the.....day of.....19.....

.....
**Landlord/Tenant*

VS

.....
**Landlord/Tenant*

Affidavit of Service of Notice of Claim

.....of.....

MAKE OATH AND SAY THAT I did on the.....day of.....19.....

duly serve.....abovenamed

**Landlord /Tenant* with a Notice of Claim, a true copy whereof is hereunto
annexed, marked "A" by delivering a copy of the same personally to the

Said **Landlord/Tenant* at.....

Sworn atin the parish of.....

this.....day of....., 19.....before me.

.....
(* Delete what does not apply.

THE RENT RESTRICTION RULES, 1984

SCHEDULE, contd.

FORM 4

(Rule 8 (a))

Order for Payment of Overdue Rent

Application No.....

In the Rent Assessment Board for the parish of.....

BetweenLandlord and
.....Tenant

Upon the hearing of this application at a sitting of the Board holden this day, it is ordered that the Landlord do recover against the Tenant the sum of
.....for rent and the sum of.....for costs and it is ordered that the Tenant do pay to the Landlord the sums abovementioned.

TO THE TENANT:—

Take notice that if you do not pay the sums abovementioned, a warrant may be issued by the Clerk of the Resident Magistrate's Court, on the application of the Landlord, requiring the Bailiff of the Court to levy the sums abovementioned together with further costs.

Dated this.....day of.....19.....

- Chairman:
Member:
Member:

FORM 5

(Rule 8 (b))

Order for Refund of Rent in Excess of Permitted Rent

Application No.....

In the Rent Assessment Board of the parish of.....

Between.....Tenant and
.....Landlord

Upon the hearing of this application at a sitting of the Board holden this day, it is ordered that the Tenant do recover against the Landlord the sum of
.....as rent paid in excess of the permitted rent and the sum of
.....for costs and it is ordered that the Landlord do pay the Tenant the sums abovementioned.

SCHEDULE, contd.

FORM 5, contd.

TO THE LANDLORD:—

Take notice that if you do not pay the sums abovementioned, a warrant may be issued by the Clerk of the Resident Magistrate's Court, on the application of the Tenant, requiring the Bailiff of the Court to levy the sum abovementioned, together with further costs.

Dated this.....day of.....19.....

Chairman:

Member:

Member:

FORM 6

(Rule 9 (a))

Application for Review of Decision of Assessment Officer

Application No.....

In the Rent Assessment Board for the parish of.....

In the matter of {	The review of an Assessment Officer's grant or refusal of a Certificate of Exemption.
	The review of an Assessment Officer's decision regarding the termination of rights of shared accommodation.
	The review of the Assessment Officer's determination of the standard rent.
	The review of the Assessment Officer's decision sanctioning increases in the standard rent and the charging of additional amount for rates and taxes.

In respect of premises

situated at.....

and in the matter of the Rent Restriction Act.

Particulars of Application

The applicant.....
<i>Surname</i>	<i>First Name</i>	<i>Middle Initial</i>

is the Landlord/Tenant (1) of the abovenamed premises and hereby applies to the Rent Assessment Board for the parish of.....

to review the decision of the Assessment Officer to the effect that (2)

The applicant states that the following persons are interested parties in these proceedings:—

[The inclusion of this page is authorized by L.N. 86/1985]

THE RENT RESTRICTION RULES, 1984

SCHEDULE, contd.

FORM 6, contd.

Name of Party

Address of Party

.....
.....
.....

Dated this.....day of....., 19.....

.....
Signature of Applicant

IN THE RENT ASSESSMENT BOARD

For the Parish of.....

No. of Application.....

BETWEEN

.....

AND

.....
Respondent

In respect of premises situated at.....

.....

- (1) Delete what does not apply.
- (2) State the decision that is challenged.

SCHEDULE, *contd.*

FORM 7

(Rule 11 (1))

Notice of Hearing

Rent Assessment Board

.....

.....

.....19.....

To:.....

Address:.....

.....

RE: Premises situated at.....

.....

An application has been received by this Board from.....

.....Landlord/Tenant (1) of the abovementioned premises,

for a review of the Assessment Officer's decision that (2).....

.....

.....

.....

.....

The application will be heard at this Board's Office on the.....

day of....., 19..... ato'clock.

Yours faithfully,

.....

Secretary

(1) Delete what is not applicable.

(2) State the decision challenged.

THE RENT RESTRICTION RULES, 1984

SCHEDULE, contd.

FORM 8

(Rule 13)

Order of Board after Review

Application No..... of 19.....

In the Rent Assessment Board for the parish of.....

Holden at.....

on the.....

In the matter of

In respect of premises situated at

The review of an Assessment Officer's grant or refusal of a Certificate of Exemption.

The review of an Assessment Officer's decision regarding the termination of rights of shared accommodation.

The review of the Assessment Officer's determination of standard rent.

The review of the Assessment Officer's decision sanctioning the increase in standard rent and the charging of additional amounts for rates and taxes.

The Order of the Board is as follows —

Dated this.....day of....., 19.....

Chairman:

Member:

Member:

THE RENT RESTRICTION ACT

ORDER
(under section 19)

THE RENT RESTRICTION (PERCENTAGE OF ASSESSED VALUE) ORDER 1983

(Made by the Minister on the 25th day of March, 1983 and
affirmed by the House of Representatives)

L.N. 26/83

1. This Order may be cited as the Rent Restriction (Percentage of Assessed Value) Order, 1983.

2. Subject to paragraph 3, the percentage of the assessed value of premises to be used by an Assessment Officer in determining the annual rate of the standard rent of any premises in respect of the categories of letting specified in the first column of the Schedule, shall be the percentage specified in relation thereto in the second column of that Schedule.

3.—(1) The standard rent as determined for any premises pursuant to the Schedule shall be increased on each anniversary of the application date by such amount as shall be necessary to increase, by $7\frac{1}{2}$ per cent, the standard rent payable immediately prior to such increase.

(2) In sub-paragraph (1) "application date" means, as respect any premises—

- (a) the date on which an application is made for the determination of the standard rent of those premises pursuant to section 18 of the Act so, however, that all matters pending before a Board at the 5th day of April, 1983 and all applications made to a Community Rent Tribunal before the 31st day of December, 1981 shall, where relevant, be deemed to be applications made pursuant to section 18 of the Act on the 5th day of April, 1983;
- (b) where no application is made but the premises are assessed pursuant to section 18 (5) of the Act, the date of issue of the Certificate of Assessed Rent.

THE RENT RESTRICTION (PERCENTAGE OF ASSESSED VALUE)

<u>Categories of Letting</u>	SCHEDULE	(Paragraph 2)
	<u>Annual Rent Expressed as Percentages of Assesed Value</u>	
Building Land		5%
<i>Dwelling House Let Unfurnished</i>		
Building		12½%
Land		5%
<i>Dwelling House Let Furnished</i>		
Building		2½%
Land		5%
Furniture		20%
<i>Public or Commercial Building Let Unfurnished</i>		
Building		15%
Land		5%
<i>Public or Commercial Building Let Furnished</i>		
Building		15%
Land		5%
Furniture		20%

THE RENT RESTRICTION ACT

ORDER
(under section 21)

THE RENT RESTRICTION (EXCLUDED AMOUNT) ORDER, 1968

(Made by the Minister on the 28th day of June, 1968)

L.N. 257/68

1. This Order may be cited as the Rent Restriction (Excluded Amount) Order, 1968.

2. The amount which shall be excluded for the purposes of paragraph (b) of subsection (1) of section 21 of the Act shall be the first \$24 of the increase in the rates and taxes of any controlled premises in respect of the year commencing 1st April, 1968 or the whole of such increase, whichever is the less.

THE RENT RESTRICTION ACT

REGULATIONS
(under section 23)

THE RENT RESTRICTION REGULATIONS, 1967

(Made by the Minister on the 3rd day of November, 1967) L.N. 353/67

1. These Regulations may be cited as the Rent Restriction Regulations, 1967. Citation.

2. Every statement supplied in accordance with subsection (1) of section 23 of the Act shall be in the form set out as Form A in the Schedule. Statement of permitted rent. Schedule. Form A.

3. Every notice exhibited in accordance with subsection (2) of section 23 of the Act shall be in the form set out as Form B in the Schedule. Notice of permitted rent. Form B.

SCHEDULE

FORM A (Regulation 2)

STATEMENT OF PERMITTED RENT

.....
Landlord's address

.....
Date

To.....
Tenant's name

.....
Tenant's address

In compliance with your written request of
and subsection (1) of section 23 of the Rent Restriction Act, I have to inform you that the permitted rent of the premises at
Date
Address of controlled premises

of which you are the tenant, is per , which is the standard rent of the premises (together with the amount(s) permitted under that Act to be added to the standard rent, on the grounds stated in

