



Celebrating

75
Years

RENT ASSESSMENT BOARD

MESSAGE OF SENATOR

THE HON. PEARNEL CHARLES Jr.

Minister Without Portfolio In the Ministry of
Economic Growth and Job Creation

It gives me great pleasure to congratulate the Rent Assessment Board (RAB) on behalf of the Ministry of Economic Growth and Job Creation and by extension the Government of Jamaica, for the many achievements since its inception 75 years ago.

The Board was established on the 10th of October 1944 and has been a stalwart institution for the provision of a framework for the business of renting properties.

Since it was founded the Rent Assessment Board has also become a highly respected organization for its role in monitoring and resolving conflicts that arise out of many Landlord/Tenant arrangements and for this the country is grateful.

Building on its solid foundation, the RAB has, over the years, continued to make remarkable contributions to the country. I want to particularly commend not only the current Board and staff who have continued to carry the mantle, but those members of staff who have been with the Board for a number of years and

continue to give of themselves selflessly to the development of this country.

I look forward to witnessing the continuous achievements of the RAB as it fulfills its mandate to ensure the delivery of consistently high-quality service by

informing and advocating for the rights of landlords and tenants through the provision of comprehensive Rent Services.

On this very special occasion, I applaud the RAB on a most fruitful and memorable 75th anniversary, and wish you continued success in your endeavours in the years to come.

“
*Rent Assessment
Board has also become
a highly respected
organization*
”



MESSAGE OF PERMANENT SECRETARY

AUDREY V. SEWELL (Mrs.) CD, JP
Ministry of Economic Growth and Job Creation

This year, the Rent Assessment Board celebrates 75 years of existence. There is no doubt that the rental market is a critical part of the housing sector, offering solutions for persons who are unable, or not ready to seek a mortgage to purchase a home.

Over the years, the Board has received and handled numerous disputes and made rulings in a fair, respectful and impartial manner, while upholding the tenets of the Rent Restriction Act which governs the sector.

However, we cannot ignore the fact that in an ever changing environment, we must react with flexibility. Specifically, we must retain what is beneficial and change what needs to be changed.

As such, efforts are being made to amend sections of the Rent Restriction Act to “level the playing field” to make the Act more equitable for both landlords and tenants. To this end, the Ministry of Economic Growth and Job Creation under which the Rent Assessment

Board falls, conducted a series of island wide public consultations in 2018. Some of the recommended changes include:

- Bringing the matter of the use and return of Security Deposits under the ambit of the Act.
- Expanding the scope of the Rent Assessment Board to include matters of Recovery of Possession so the persons can either go to the Courts or the Board in this regard
- Amending landlord and tenant covenants
- Increasing the fines and penalties

for Breaches of the Act which are currently neither punitive or effective

As the Board reaches this milestone year, I urge its members to reflect on its history, celebrate its successes and to remain vigilant in protecting and preserving the rights of landlords and tenants, as we all strive to create a Jamaica that is “the place of choice to live, work, raise families and do business”.

Heartiest congratulations!

“
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”



THE BEGINNING...

The Rent Assessment Board was established in 1944 to provide a framework for the business of renting properties and to resolve the constant disputes that arose between landlords and tenants. It was also created to establish rent control in order to protect tenants.

Each division was served by a Chairman, five deputy chairpersons, and Board members. In 1983, when the act was last amended, there were eight (8) Rent Assessment Boards with a total of one hundred and one (101) employees. The RABs were located in the following areas: Kingston, St. Ann, St. James, Manchester,


Portland, St. Catherine and St. Elizabeth. A policy decision to reorganize, reconstruct and ultimately reduce the civil service was formulated in 1995 and presently, only one Rent Assessment Board is in existence in the Corporate Area and has been providing service across the entire sphere of Jamaica.

The Ministry of Economic Growth and Job Creation (MEGJC) regional offices in Montego Bay, Savanna-la-mar and St. Ann's Bay have been instrumental in disseminating general information and assisting the Board to conduct hearings at their offices.

SERVICES OFFERED BY THE RENT ASSESSMENT BOARD

- *Assessment of rental premises*
- *Granting of exemption from rent control for some commercial properties*
- *Inspection of premises*
- *Dispute resolution between landlords and tenants*
- *Grant increases in rent above 7½%.*
- *Initiation of legal proceedings for illegal increases in rent, excess rent (security deposits) and arrears of rent*





FREQUENTLY ASKED QUESTIONS



NOTICES

- *Both landlords and tenants should give each other thirty (30) days' notice or more. The notice should expire the day before the next rent is due.*
- *The written notice entails the date the notice expires, location of premises, reasons for the notice, who served the notice and the date the notice was served.*

RECOVERY OF POSSESSION

A copy of the notice should be taken to the Parish Court in which the property is located. The landlord will then apply for recovery of possession which is only done at the Court.

If there is an agent that will be doing business on the landlord's behalf regarding this property, ensure that he/she is given a power of attorney. The power of attorney should be signed by a notary public for those landlords who are overseas and a Justice of the peace for those landlords who are in Jamaica. The agent should take that power of attorney to the Stamp Office and to the Registrar General's Department before they can apply to the Court for recovery of possession.

REASONS FOR NOTICE ARE:

1. *Premises required for major repairs*
2. *Arrears in rent*
3. *Premises required for the landlords own use*
4. *Premises required for someone dependent on the landlord*

ARREARS OF RENT

The landlord can sue for the arrears in rent at the Rent Assessment Board located at 25 Dominica Drive, Kingston 5 or the Parish Court in the Parish where the premises is located.

They should take any information relevant to the house and the tenancy such as: receipt book, power of attorney (for those who are overseeing a house), rental contract etc.



SECURITY DEPOSIT

Security deposits are held in the event that there are unpaid bills, damages to the property or if rent is owing. If there are no damages to the property, unpaid bills or rent owing, then the deposit should be returned to the tenant. If there are damages the landlord should provide an invoice or estimate of the amount to complete the repairs and return the remaining sum to the tenant, if there is money left. If there are unpaid bills then the landlord should pay the bills and return the remaining sum to the tenant, if there is money left. If the tenant does not have any bills or damages and the landlord refuses to return the deposit, then the tenant can sue the landlord for the return of the deposit at the Rent Assessment Board located at 25 Dominica Drive, Kingston 5 or the Parish Court in the Parish where the premises is located.

INCREASING THE RENT

Section 21 of the Rent Restriction Act state that if the landlord applies to the Rent Assessment Board to exceed the rent that was granted, the rent can be increased by the Rent Assessment Officer if:

- *The landlord has done substantial improvements or structural alterations in the premises.*
- *The landlord has done substantial improvements to the amenities of the premises*
- *The rates and taxes (other than water rates and sewer rates) at the premises have been increased after the date that the Rent Assessment Officer determined the standard rent.*

ILLEGAL INCREASE IN RENT

The rent can be increased by 7½% per annum. Anything above 7½% without the Rent Assessment Board's permission is considered an illegal increase in rent. Tenants who have paid the illegal increase in rent can sue the landlord for the return of the increase that was not sanctioned by the Board.

IF THE LANDLORD FAILS TO FULFILL HIS OBLIGATIONS TO PAY BILLS ETC.

Section 24, subsection 5 of the Rent Restriction Act states that if the landlord fails to pay for water, electricity, gas or any other service supplied or rendered, the tenant may pay the sum and deduct it from any rent or money due to the landlord.

For more information please contact the
Rent Assessment Unit

Website: <https://rentassessmentBoardjm.com/>
Address: 25 Dominica Drive Kingston 5.
Telephone Numbers: 906-4100 or 906-1765

Rent assessment deadline extended

The deadline for landlords to submit applications for rent assessment is being extended to Friday, July 22, the Minister of Construction, Senator Bruce Golding, announced yesterday.

This is to enable tenants who did not submit applications up to Monday, which was the deadline for submitting applications, to make their applications, he said in a statement.

"All landlords who have not yet done so are urged to submit their applications as early as possible and not wait until the extended deadline," he said.

This would prevent a repetition of the last-minute rush which occurred on Monday, he said.

Since the new Rent Restriction Act came into effect on April 3, the Rent Assessment Boards have been receiving applications at an average of 300 a day; but these applications increased last week as the deadline approached, climaxing with several hundred people seeking to make applications on Monday, the last day.

In anticipation of the expected last-minute rush, additional staff was assigned to deal with applications at the Corporate Area Rent Board office on Duke Street, but despite this, it proved impossible to deal with the large crowd. The situation was aggravated by the breakdown of the air-conditioning system at the office on Monday.

With the new deadline set at July 22, Senator Golding said there would be no justification for any further extension of the time limit.

He said it was his view that the period of 90 days which was allowed for the receipt of applications was sufficient to allow all landlords to make their applications in "an orderly and comfortable manner". However, many landlords waited until the last minute to submit their applications.

BLAST FROM THE PAST

Landlords rush Rent Board to register premises

Thousands of landlords from all sections of the Corporate Area flocked to the offices of the Rent Assessment Board on Duke Street in Kingston from just about daybreak yesterday in a last-minute bid to have their premises registered for valuation in terms of the new Rent Assessment Act.

Clerks and others having business at the office were unable to move about as the landlords tried to beat the deadline of July 4, forming themselves into a line which stretched from the office into Laws Street, blocking the street.

A spokesman for the Rent Assessment Board said that it was impossible to give a figure as to how many landlords had in fact registered before 2.00 p.m. yesterday, when the *Gleaner* checked; but that thousands of application forms had been received up to then.

Corporate Area landlords for the most part were reluctant to apply for registration of their premises as they

had thought that the new Rent Act offered landlords no protection but had some very stringent measures against landlords.

Their Association, the All-Island United Landlords Association, at one time said it would advise them not to apply for registration, but later changed its view, and did in fact advise them to do so. Some of the landlords had said that they were unable to apply for registration earlier, since they could not afford the \$20 registration fee.

In a statement to the *Gleaner* last week, the president of the association, Mr. Aston Carroil, said that the Minister of Housing had promised them to employ retired policemen to act as landlord bailiffs but that this promise was not kept. He said his Association was watching to see how the law was operating. If it was working against landlords, "we will come out and say so," Mr. Carroil said.

Rent assessment: Landlords have ten days

Landlords have only ten days left in which to submit applications to the Rent Boards to have their premises assessed.

Under the new Rent Restriction Act, landlords are required to apply to the Rent Boards for a Certificate of Assessed Rent. The deadline for receipt of such applications is July 4.

Any landlord who fails to submit an application by that date will be guilty of an offence and will be liable, upon conviction, to a fine of up to \$5,000 or to imprisonment for up to six months.

Landlords of commercial premises which are entitled to exemption from rent control pursuant to Section 3 of the Rent Restriction Act must submit a formal

application for exemption by July 4, failing which the premises will be presumed to be subject to rent control and treated accordingly.

The Ministry of Construction (Housing) in a release yesterday said there had been a steady flow of applications for assessment since the new rent control measures came into effect on April 5. Applications are now being received at an average rate of over 250 per day. Valuation of premises has already commenced and the first batch of Certificates of Assessed Rent under the new system will be issued shortly.

All applications for assessment must be accompanied by a fee of \$20. Whenever the Certificate of Assessed Rent is to be issued, the landlord will be required to pay an additional fee equivalent to \$1 for every thousand dollars of value in excess of \$20,000.

All landlords who have not yet done so are urged to submit their applications no later than July 4 in order to avoid prosecution as provided for under the law.

THE NEW RENT CONTROL MEASURES

a summary of the new rent control measures, prepared by the Ministry of Construction.

1. Every landlord will be required to apply, within a specified time, to the Rent Assessment Officer for a Certificate of Assessed Rent and will be required to pay a prescribed fee.
2. On receipt of an application from a landlord, the Rent Assessment Officer will refer the application to an approved Valuer who will inspect the premises and determine the separate values of the land and buildings as obtained at August 31, 1980.
3. The Valuer will submit a report of his valuation to the Rent Assessment Officer who will prepare a Certificate of Assessed Rent setting out the maximum amount which

- can be charged for rental of the premises.
4. The maximum permitted monthly rent to be set will be the equivalent of 5 per cent of the value of the land plus 10 per cent of the value of the building divided by 12.
5. In cases where premises are rented furnished or partly furnished the maximum permitted monthly rent will be increased by an amount equivalent to 1 2/3 per cent of the current value of the furniture as specified by the Rent Assessment Officer.
6. The Rent Assessment Officer will issue two copies of the Certificate of Assessed Rent to the landlord and will notify any known tenants of the premises of the maximum permitted rent

- which has been set.
7. If the premises are occupied by more than one tenant, the Rent Assessment Officer will determine the maximum amount of rent to be paid by each tenant and will issue separate Certificates of Assessed Rent in respect of each tenancy.
8. If a landlord fails to apply to the Rent Assessment Officer within the time specified, the Rent Assessment Officer shall have power to have the premises valued, the necessary Certificate of Assessed Rent prepared and steps taken to recover the appropriate fee from the landlord.
9. Any landlord or tenant who disagrees with the decision of the Rent Assessment Officer shall be entitled to appeal within 60 days to the Rent Assessment

- Board and if he is dissatisfied with the decision of the Rent Assessment Board he shall be entitled to appeal to the Court of Appeal.
10. Any person who wishes to know the maximum permitted rent for any premises for which a Certificate of Assessed Rent has been issued may obtain such information from the Rent Assessment Board free of cost. A certified copy of the Certificate of Assessed Rent may also be obtained from the Rent Assessment Board on payment of the prescribed fee.
11. Landlords who, after these measures come into force, are renting their premises for the first time will be required to apply to the Rent Assessment Officer for a Certificate of Assessed Rent

before renting the premises or as soon as possible thereafter.

12. The new rent control measures will apply to all residential premises as well as to public and commercial premises which were constructed prior to August 31, 1980, and for which the maximum permitted rent does not exceed \$10 per square foot per annum.
13. In respect of residential premises which are constructed after August 31, 1980, the maximum permitted rent will be based on the value of the land and building on the date when construction was completed.
14. Public and commercial premises which are constructed after August 31, 1980, or for which the maximum permitted rent would under the new system exceed \$10 per square foot shall be exempt from rent control but the landlords of such premises shall be required to apply to the Rent Assessment Officer for such exemption.
15. Each Certificate of Assessment shall specify the date at which the maximum permitted rent stated therein takes effect.
16. Until a Certificate of Assessed Rent has been issued and comes into effect, the maximum rent which a landlord is permitted to charge is the rent which was being charged on July 1, 1976, or such rent as may subsequently have been approved by the Rent Assessment Board. In the case of premises which were first rented since July 1, 1976, until a Certificate of Assessed Rent has been issued and comes into effect, the maximum rent which a landlord is permitted to charge is the rent at which the premises were first rented or such rent as may subsequently have been approved by the Rent Assessment Board.
17. The Certificate of Assessed Rent shall not affect the right of a landlord to recover unpaid rent which is lawfully due to him nor shall it affect the right of a tenant to recover increases in rent which may have been charged by the landlord without the prior approval of the Rent Assessment Board.
18. If, subsequent to the issuing of a Certificate of Assessed Rent, the landlord of any premises carried out improvements or additions to his premises he shall be entitled to apply to the Rent Assessment Officer for the maximum permitted rent to be reviewed. Such an application shall not be considered more than once every two years in respect of each premises.
19. Every landlord shall be required to keep a Rent Book setting out, among other things, particulars of the premises, the rental of the premises and the terms and conditions of the tenancy agreement.
20. If any rent lawfully due from a tenant has not been paid for at least 30 days the landlord may apply to the Rent Assessment Board which shall have the power to order the tenant to pay the rent due at the time when the application was made together with any amount which may subsequently have become due. The order of the Rent Assessment Board shall have the same effect as an order of the Courts.
21. If any landlord demands and receives from a tenant rent in excess of the maximum permitted rent specified in the Certificate of Assessed Rent, the tenant may apply to the Rent Assessment Board which shall have the power to order the

(Cont'd on Page 9)

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THE RENT ACT

be deducted from any rent or money due or subsequently becoming due from the tenant;

(b) by inserting in subsection (3) immediately after the words "the making of an order" the words "by the Board"; and

(c) by deleting the marginal note to the section and substituting therefor the following—
"Order for payment of overdue rent or for refund of excess rent."

(a) on any ground of appeal involving a question of mixed law and fact

The essence of the new system is, however, that determination of rent will in general be by administrative machinery rather than by confrontation in consequence any person intending to let premises for rent or to occupy any existing letting will be required to obtain a Certificate of Assessed Rent in respect of those premises from the Rent Assessment Officer.

3. In order to widen the scope of the legislation in its application to existing buildings, the Bill seeks to bring within its ambit public and commercial buildings the result of which, as directed by a Rent Assessment Officer, does not exceed ten dollars per square foot per annum. On the other hand, as to new buildings, public and commercial buildings constructed after the 31st day of August, 1980, will be exempt from the provisions of the Act.

4. With a view to improving the effectiveness of the legislation the Bill also seeks—

- (a) to double the fines for unauthorised increases in rent;
- (b) to introduce a covenant requiring a tenant, if he proposes to vacate the premises while owing rent, to notify the landlord of the arrangements made for payment of the rent and of an address at which process can be served;
- (c) to give to the Courts and Rent Assessment Boards jurisdiction to give judgment for rent accruing up to the date of the determination of the matter; and
- (d) to give to the Minister power to review from time to time the date at which standard rent shall be determined.

5. Opportunity has also been taken to repeal the provisions of the principal Act relating to special areas and Community Rent Tribunals, which are no longer operative.

BRUCE GOLDING,
Minister of Construction.

THE RENT ACT ASSESSMENT ORDER

THE RENT RESTRICTION (PERCENTAGE OF ASSESSED VALUE) ORDER, 1983 RESOLUTION

WHEREAS it is provided by Section 19 (1) of the Rent Restriction Act that the Minister may by Order prescribe the percentage of assessed value at which the annual rate of the standard rent of any premises in any category of letting shall be assessed, as shall be specified in the Order.

AND WHEREAS it is provided by Section 21(2) of the said Act that the Minister may, by Order, sanction increases in the rents of premises generally or in any specified way;

AND WHEREAS it is provided by Section 21(2) and Section 21 (2) of the said Act that every Order made under the said Section 19 (1) be subject to affirmative resolution.

AND WHEREAS the Minister has made the Rent Restriction (Percentage of Assessed Value) Order, 1983, under the said Section 19(1).

NOW, THEREFORE, BE IT RESOLVED by the Senate that the Rent Restriction (Percentage of Assessed Value) Order, 1983, a copy of which is set out in the Appendix, be affirmed:

APPENDIX
THE RENT RESTRICTION ACT
THE RENT RESTRICTION (PERCENTAGE OF ASSESSED VALUE) ORDER, 1983

In exercise of the power conferred upon the Minister by Section 19 and Section 21 of the Rent Restriction Act, the following Order is hereby made:

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 Schedule 1, 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 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 19 of the Act, so however that all matters pending before a Board at the commencement of the Rent Restriction (Amendment) Act, 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 19 of the Act on the date of commencement of the Rent Restriction (Amendment) Act, 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.

4. The Rent Restriction (Determination of Standard Rent) Percentage of Assessed Value Order, 1974, is hereby revoked.

SCHEDULE	Annual rate Expressed as Percentage of Assessed Value (Paragraph 2)
Categories of Letting	
Building	5%
Dwelling House Let Unfurnished	12 1/2%
Building	5%
Dwelling House Let Furnished	12 1/2%
Building	5%
Furniture	20%
Public or Commercial Building Let Unfurnished	15%
Building	5%
Public or Commercial Building Let Furnished	15%
Building	5%
Furniture	20%

■ SUMMARY OF ACT ON PAGE 10



HON. BRUCE GOLDING
Minister in charge of the Act



HON. WINSTON SPAULDING
.. took it through the House

THE RENT ACT EXEMPTION ORDER

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

WHEREAS it is provided by paragraph (e) (ii) of the proviso to subsection (1) of Section 3 of the Rent Restriction Act that the Minister may by Order prescribe the valuation at the prescribed date at which a public or commercial building may be exempt pursuant to an application by a landlord for a Certificate of Exemption;

AND WHEREAS it is provided by Section 3 (1A) of the said Act that every Order made under the said paragraph (e) (ii) of the proviso to subsection (1) of Section 3 shall be subject to affirmative resolution; AND WHEREAS the Minister has made the Rent Restriction (Public and Commercial Buildings — Exemption) Order, 1983, under the said Section 3 (1) (e) (ii);

NOW, THEREFORE, BE IT RESOLVED by the Senate that the Rent Restriction (Public and Commercial Buildings — Exemption) Order, 1983, a copy of which is set out in the Appendix to the Resolution, be affirmed.

APPENDIX
THE RENT RESTRICTION ACT
THE RENT RESTRICTION (PUBLIC AND COMMERCIAL BUILDINGS — EXEMPTION) ORDER, 1983

In exercise of the power conferred upon the Minister by paragraph (e) (ii) of the proviso to subsection (1) of Section 3 of the Rent Restriction Act, the following Order is hereby made:

1. This Order may be cited as the Rent Restriction (Public and Commercial Buildings — Exemption) Order, 1983, and shall come into effect on the date appointed by the Minister pursuant to Section 1 of the Rent Restriction (Amendment) Act, 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 the date at a rent of—

(a) \$6.00 or more per square foot, where such building is in the Urban and Sub-Urban 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 Sub-Urban Districts of the Corporate Area as so defined, exempt from the provisions of the Act.

Passed in the Senate with fifteen (15) amendments this 19th day of November, 1982.

OSWALD G. HARDING,
President.

Passed in the House of Representatives with eight amendments this 30th day of March, 1983.

T. M. FORREST,
Speaker

MEMORANDUM OF OBJECTS AND REASONS

In the past few years certain imbalances have arisen in the relationship between landlords and tenants. On the one hand some landlords have been charging exorbitant rent for their premises without reference to Rent Assessment Boards. On the other hand some tenants have been obtaining the relaxations introduced by previous legislation in consequence, in various degrees, hardship and inconvenience are being caused to both landlords and tenants.

2. This Bill seeks to address these problems. It introduces a completely new system for determining approved rents. The existing system remains in the majority of cases determined by Rent Assessment Boards consequent upon an application made by a landlord and the tenant confront each other as litigants. The system introduced by this Bill will set up an administrative mechanism involving—

(a) valuation by Valuation Officers or recognised private Valuers of all premises rented or proposed to be rented; and
(b) the determination of approved rents by a Rent Assessment Officer applying to each such valuation a mathematical formula of percentages relating to buildings on the land and the land itself.

Any person dissatisfied with the determination of the Rent Assessment Officer may make an application to a Rent Assessment Board to review the matter and at that stage the landlord and tenant may make any further representations. There will also continue to be a further appeal to the Court of Appeal—

(i) on any ground of appeal involving a question of law alone; or