
CHAPTER 163**RENT CONTROL**

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CHAPTER 163

RENT CONTROL

An Act to provide for control of the rent chargeable in respect of certain dwelling-houses and for connected purposes.

*28 of 1975
1 of 1981
25 of 1995
10 of 2006*

*[Assent 19th November, 1975]
[Commencement 6th February, 1976]*

1. This Act may be cited as the Rent Control Act. Short title.

Interpretation and Application

2. In this Act unless the context otherwise requires — Interpretation.

“Board” means the Rent Control Board established under section 12;

“dwelling-house” means a house, or part of a house, let as a separate dwelling, and means also the land appertaining to the dwelling-house and occupied or used by the tenant;

“furniture” means household effects and appliances, and fittings other than fixtures which would pass with the demise of the dwelling-house;

“landlord” means the person who is from time to time entitled or authorised to receive rent in respect of a dwelling-house, and in relation to a particular tenant, means the person entitled or authorised to receive rent from such tenant;

“let” includes sub-let;

“Minister” means the Minister responsible for Rent Control;

“tenant” includes sub-tenant;

“tenancy” includes sub-tenancy.

3. (1) This Act shall apply to New Providence, but the Minister may, by order, extend its application to any other island in The Bahamas. Territorial application.

(2) An order made under subsection (1) may contain such adaptations or modifications of this Act or of rules under this Act as may be necessary to meet the particular local circumstances prevailing on the island concerned.

Protected Dwelling-houses, their Value, the Rent Chargeable

Dwelling-house within protection of Act.
10 of 2006, s. 2.

4. A dwelling-house shall not be protected under this Act if it is established that its assessed, determined or declared value, whichever is appropriate and effective, exceeds seventy-five thousand dollars.

Assessed value of dwelling-house.

5. (1) The assessed value of a dwelling-house is that appearing on the effective notice of assessment deemed to have been served upon the owner of the dwelling-house under section 5(2) of the Real Property Tax Act or, where such notice has been amended or substituted in accordance with that Act, on the effective amended or substitute notice served upon the owner pursuant to section 13(2) of that Act.

Ch. 375.

(2) An amended or substitute notice of assessment shall not have effect in relation to a tenant until he is notified of it by the landlord.

Determined value of dwelling-house.

6. (1) The determined value of a dwelling-house is that determined by the Board.

Ch. 375.

(2) Where a dwelling-house has not been assessed under the Real Property Tax Act, the Board may, of its own motion, and shall upon application of the landlord or tenant, determine its value.

Ch. 375.

(3) Where a dwelling-house not assessed under the Real Property Tax Act is comprised in property which has been so assessed, the value of the dwelling-house shall be determined by apportionment.

(4) In making an apportionment under subsection (3), account shall be taken of the extent of the various portions, their amenity values and their physical advantages as at the date of the latest assessment of the property.

(5) Upon assessment of a dwelling-house under the Real Property Tax Act, a determination of value made under this section shall cease to have effect.

7. (1) The declared value of the dwelling-house is that declared by the landlord to the tenant. Declared value of dwelling-house.

(2) Where a dwelling-house has no assessed or determined value, the landlord shall place a fair and reasonable value on the dwelling-house and shall declare it in writing to the tenant.

(3) Where a dwelling-house is comprised in property which has been assessed under the Real Property Tax Act, the landlord shall annex to the written declaration made under subsection (2) a statement specifying the assessed value of the property and describing the several parts of the property comprised in the assessment. Ch. 375.

(4) Upon assessment of a dwelling-house under the Real Property Tax Act or upon a determination of value made under section 6, the declaration of value made under this section shall cease to have effect. Ch. 375.

(5) An effective declaration of value is binding upon the landlord for a period of twelve months.

8. The determined value of furniture is that determined by the Board upon an application of the landlord or tenant. Determined value of furniture.

9. (1) Where there has been and so long as there is, no determination of value under section 8, the value of the furniture shall be that declared in writing by the landlord or the tenant. Declared value of furniture.

- (2) The written declaration shall contain —
- (a) a list of all items of furniture supplied;
 - (b) a description of their state and condition;
 - (c) an estimate of the actual value of each item; and
 - (d) the total value of the furniture, which shall be the declared value.

10. (1) The rent lawfully chargeable in respect of a dwelling-house shall be such percentage, not exceeding twenty per centum per annum, of its assessed, determined or declared value as may be prescribed by order of the Minister. Rent payable for dwelling-house and furniture.

(2) Where the dwelling-house is furnished, the rent may include such additional percentage not exceeding twenty per centum per annum, of the determined or declared value of the furniture, as may be prescribed by order of the Minister.

Withholding of
rent until value
notified.

11. (1) The tenant of a dwelling-house shall be entitled to withhold all payment of rent until such time as he is notified by the landlord of the assessed, determined or declared value of the dwelling-house.

10 of 2006, s. 3.

(2) Where the tenant has been notified under subsection (1), and the value does not exceed seventy-five thousand dollars, he shall be entitled to withhold the rent payable in respect of the furniture until such time as he is notified by the landlord of the determined or declared value of the furniture.

Establishment of
Board.

12. (1) There is hereby established a Rent Control Board.

1 of 1981, s. 2.

(2) The Board shall be appointed by the Minister and shall subject to subsections (3) and (4) consist of such number of persons as the Minister may see fit to appoint as members, notice of which appointments shall be published in the *Gazette*.

1 of 1981, s. 2.

(3) The Board may sit in one or more panels consisting of not less than three members, one of whom shall be a stipendiary and circuit magistrate as chairman.

1 of 1981, s. 2.

(4) Each panel shall when sitting exercise all the jurisdiction, authority and powers conferred upon the Board by this Act, other than by section 23, in relation to that area of The Bahamas in respect to which the Minister has by notice in the *Gazette* designated the panel to receive applications under this Act and as regards such exercise references hereinafter in this Act to the Board shall be construed as necessary as references to a panel.

1 of 1981, s. 2.

(5) The members, other than a chairman, shall, unless they earlier resign by giving written notice to the Minister or unless removed by the Minister, hold office for a term not exceeding three years and shall be eligible for re-appointment.

25 of 1995, s. 2
and Sch.

Meetings of
Board.

13. (1) Meetings of the Board shall be held as, when and where the chairman directs, but at such intervals as to ensure the expeditious transaction of business.

(2) The chairman shall preside at all meetings of the Board.

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- 14.** There shall be paid to the members of the Board, who are not public officers, such allowances, if any, as the Minister may determine. Remuneration of members.
- 15.** (1) The Minister shall appoint a secretary to the Board. Appointment and duties of secretary.
- (2) The secretary of the Board —
- (a) shall receive applications made to the Board, notify the same to interested parties and advise them of the date on which the applications are to be entertained by the Board;
- (b) shall receive all reports of complaints and cause them to be investigated;
- (c) shall keep a register of all cases decided by the Board showing the names of the parties, the substance of the order made, and the address of the dwelling-house in respect of which the order was made; and
- (d) may exercise any of the duties of an inspector under section 16(2).
- 16.** (1) The Board may, with the approval of the Minister, appoint such inspectors as it considers necessary for the purposes of this Act. Appointment and duties of inspector.
- (2) An inspector —
- (a) shall investigate all complaints made to the Board;
- (b) may require any landlord or tenant to furnish him with information concerning the value of a dwelling-house and of furniture and the rent received or paid;
- (c) may institute proceedings against a landlord or tenant contravening this Act;
- (d) shall perform any other duties assigned to him by the Board.
- 17.** (1) Upon receipt of an application by a landlord or tenant for determination of the value of a dwelling-house, the Board shall through its secretary — Procedure upon application for determination of value of dwelling-house.
- (a) request the Chief Valuation Officer appointed under section 4 of the Real Property Tax Act, to value the dwelling-house and submit his valuation to the Board within a specified period of time which shall not be later than one month from the date of the request. Ch. 375.

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- (b) notify the other party to the application of the application, and of the day on which the application will come before the Board.
 - (2) On the notified day, the chairman of the Board shall read out the valuation report and —
 - (a) if the report is agreed by the parties, the value appearing on the report shall be deemed to have been determined by the Board;
 - (b) if the report is not agreed, then the chairman shall fix a date for hearing the evidence of the Chief Valuation Officer and for determining the issue.
 - (3) The Chief Valuation Officer may delegate his duties under this section to any member of his office.
 - (4) Where the Board proceeds to a determination of value of a dwelling-house of its own motion, subsections (1) and (2) shall apply save that the notification by the secretary under subsection (1)(b) shall be addressed to both the landlord and tenant.

Procedure at
hearings of the
Board.

18. (1) No issue shall be determined by the Board unless the parties have been given the opportunity of being heard and of adducing evidence.

(2) Parties may be represented before the Board by counsel and attorney.

(3) The procedure at a hearing of the Board shall follow as closely as possible that of a magistrate's court in the exercise of its civil jurisdiction, and the chairman of the Board shall have all the powers of a magistrate to compel the attendance and examination of witnesses and the production of documents.

(4) Where an issue to be determined by the Board has been initiated on the Board's own motion, the tenant shall, for procedural purposes, be deemed to have instituted the proceedings.

(5) Decisions of the Board shall be by majority vote but in the case of an equality of votes the chairman shall have a second or casting vote.

Effect of Board's
determination.

19. Once an application has been determined by the Board, no further application shall be entertained in respect of the same issue for a period of twelve months from the operative date of the determination.

20. Where, upon a determination of the value of a dwelling-house or of furniture, the Board finds that, in all the circumstances, the value declared by the landlord was unfair and unreasonable, it shall order the landlord to repay to the tenant the difference between the rent as a percentage of the determined value and the rent as a percentage of the declared value for the period of tenancy not exceeding one year immediately preceding the date of determination, and may institute proceedings against the landlord for the offence of making an unfair and unreasonable declaration.

Difference between declared and determined value.

21. (1) Any person aggrieved by an order of the Board may appeal to the Supreme Court against that order within 21 days by lodging a notice of appeal with the Board setting forth the grounds of appeal.

Appeals from Board.

(2) No appeal shall lie except upon a ground of appeal involving a question of law alone.

(3) Upon the hearing of an appeal the Court may make such order as it thinks just.

22. Upon the coming into force of this Act, and whenever a change of address makes it necessary, the chairman of the Board shall cause to be published in at least two newspapers a notice specifying —

Publication of Board's address.

- (a) the name, designation and address of the person to whom applications under this Act should be made and any complaints reported;
- (b) the place where the meetings of the Board will be held.

23. The Board may, subject to the approval of the Minister, make rules for prescribing any one or all of the following matters —

Power to make rules.

- (a) the form and manner of applications to the Board;
- (b) the fees to be paid on applications;
- (c) save as not inconsistent with this Act, the procedure of the Board;
- (d) the scale of costs applicable to its proceedings;
- (e) the forms of documents to be issued by the Board and the manner in which they are to be served.

Miscellaneous Provisions

Landlord's duty
to repair.

24. Notwithstanding any agreement to the contrary, there shall be implied on the part of a landlord of a dwelling-house protected under this Act a covenant to keep the dwelling-house in a tenantable state of repair.

Landlord's duty
to keep records
and issue
receipts.

25. (1) Every landlord shall keep a list of all dwelling-houses let by him, which list shall contain —

- (a) the address or location of each dwelling-house;
- (b) its value, specifying whether it is an assessed, determined or declared value;
- (c) the value of the furniture, if any is supplied, specifying whether it is a determined or declared value;
- (d) the rent charged in respect of the dwelling-house; and
- (e) in the case of a furnished dwelling-house, the rent charged in respect of furniture.

(2) Upon receiving payment of the rent, the landlord shall issue to the tenant a receipt which shall indicate —

- (a) the value of the dwelling-house, specifying whether it is an assessed, determined or declared value, and the amount of rent received in respect of the dwelling-house; and
- (b) in the case of a furnished dwelling-house, the value of the furniture, specifying whether it is the determined or declared value, and the amount of rent received in respect of the furniture.

(3) In the case of a dwelling-house not protected under this Act, the requirements of subsection (1)(c) and (e) and of subsection 2(b) need not be complied with.

Offences.

26. (1) Any landlord who —

- (a) in respect of a tenancy protected under this Act, demands or receives rent in excess of the rent lawfully chargeable under section 10;
- (b) in respect of a tenancy protected under this Act, demands, receives or retains any monies whatever other than rent;
- (c) makes a declaration of value which is found by the Board under section 20 to be unfair and unreasonable;

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- (d) fails to keep a list in accordance with section 25, or keeps a list which is incomplete or is false in any material particular;
 - (e) fails to issue a receipt in accordance with section 25 or issues a receipt which is incomplete or is false in any material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars.

(2) Any person who, in respect of a tenancy protected under this Act —

- (a) demands or receives any consideration, whether in money, in kind or any other manner whatever and whether by way of rent, fine, premium or otherwise, for the grant, renewal or continuance of the tenancy;
- (b) being an estate agent, broker or go between, demands of a tenant any reward or commission in connection with the grant, renewal or continuance of the tenancy,

shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

(3) Any person who being required to furnish information or to make a declaration under this Act fails to do so within a reasonable time, or furnishes information or makes a declaration which is incomplete or is false in any material particular, shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars.

(4) Where the offender is a body corporate, and it is proved that the offence was committed with the consent or connivance of a director or other officer of the body corporate, the director or other officer shall be guilty of the like offence.

(5) The court by which a person is convicted of an offence under subsection (1)(a) or (b) or under subsection (2) relating to the receipt of excess rent or other monies, may order the excess rent or monies so paid to be repaid to the person by whom it was paid and may enforce the repayment in the same manner as it would enforce payment of a fine.

Recovery from
landlord of
excess rent or
other monies.

27. (1) Where a tenant of a dwelling-house protected under this Act has paid to the landlord rent in excess of that lawfully chargeable under section 10 or any monies other than rent, he shall be entitled to recover the excess rent or other monies paid from the landlord or his personal representatives.

(2) Any amount which a tenant is entitled to recover under subsection (1) may, without prejudice to any other method of recovery be deducted by the tenant from any rent payable by him to the landlord.

Defence to action
for recovery of
possession.

28. (1) In any proceedings for the recovery of possession of a dwelling-house, it shall be a complete defence for the tenant to prove that the landlord brought such proceedings —

- (a) with intent to cause the tenant to refrain from exercising any right or pursuing any remedy under this Act; or
- (b) with intent to penalise the tenant because of —
 - (i) the exercise by the tenant of any right under this Act; or
 - (ii) the pursuit by the tenant of any remedy under this Act; or
 - (iii) the exercise by the Board of any power under this Act resulting in any relief being granted to the tenant.

(2) Notwithstanding subsection (1), the landlord shall be deemed to have brought the proceedings against the tenant with intent to penalise him if such proceedings are brought within one month of the exercise by the tenant of any of the rights or the pursuit of any of the remedies under this Act or the exercise by the Board of any power resulting in relief being granted to the tenant.

Expenses.

29. The expenses incurred in carrying this Act into operation shall be payable out of the Consolidated Fund.

Saving of existing
agreements.

30. Tenancy agreements existing at the commencement of this Act and affected by it, shall continue to have effect in all respects other than those which are inconsistent with the provisions of this Act.