

# RENT TRIBUNAL (ESTABLISHMENT) ACT, 2010

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SCHEDULE I

SCHEDULE II

ISSN 0796 - 0298

Amendment "C" to The Gambia Gazette  
 Rent Tribunal (Establishment) Act, 2010

No. of \_\_\_\_\_, 2010

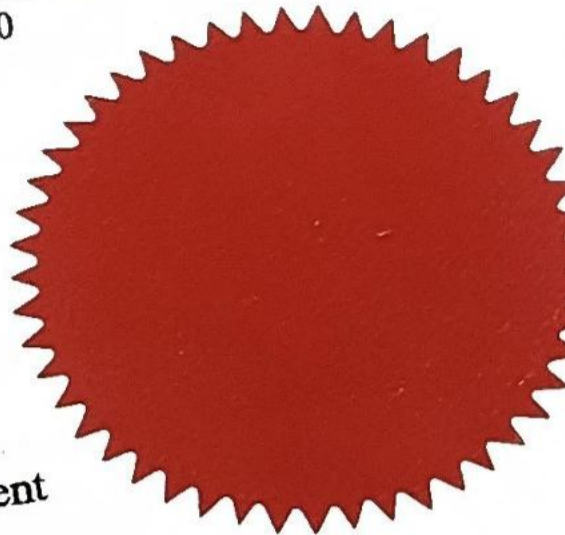


THE GAMBIA

NO. 7 OF 2010

Assented to by The President

this 28<sup>th</sup> day of May, 2010



LS

*[Signature]*  
 YAHYA A.J.J. JAMMEH  
 President

AN ACT to repeal the Rent Decree No. 67 of 1999 and enact the Rent Tribunal (Establishment) Act 2010 to establish tribunals to regulate and exercise control on rent and for purposes ancillary thereto.

Enactment [ ]

ENACTED by the President and the National Assembly.

title

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Clerk of the National Assembly

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- 31. Regulations and Order
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Enactment [ ]

**ENACTED** by the President and the National Assembly.

1. This Act may be cited as the Rent Tribunal (Establishment) Act 2010.

Interpretation

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

"administrative area" means all administrative area as defined in the Local Government Act;

"cement block house" means a house made of blocks from a mixture of cement and sand;

"Chairman" means the Chairman of a tribunal appointed under Section 5;

"Governor" means the Governor of a Region;

"krinting house" means a house made of bamboo sticks and plastered with cement, earthen lime;

"landlord" includes any person who has a right to enforce payment of a rent or a person to whom a tenant pays rent for the occupation of a property to which this Act applies;

"Minister" means the Minister responsible for the administration of this Act;

"mud block house" means a house made of mud from earth without the mixture of cement;

"other houses" means those houses which are built of corrugated iron sheets, empty tin sheets, laminated steel or mangrove rods;

"property" includes any compound, house, flat, room or premises to which this Act applies;

"rent" includes monies paid by a tenant to a landlord for the occupation of a property at a given period as agreed upon by the landlord and the tenant;

"self-contained" means a house that is built with all its facilities, such as toilet, bath, kitchen, store and other facilities, comprised within the building;

"standard rent" means the rent fixed by a tribunal in respect of a property under this Act;

"substantial improvement" includes improvement of roof, ceiling, wall, floor, door, window, toilet, kitchen, garage and other facilities in the property as a tribunal may determine;

"tenant" includes a person occupying, on payment of rent, any property to which this Act applies; and

"tribunal" means a tribunal established under Section 4.

3. (1) The provisions of this Act shall apply to residential and commercial properties.

(2) Notwithstanding subsection (1), the provisions of this Act shall not apply to residential properties owned by the Government and properties owned by the Assets Management and Recovery Corporation.

Establishment of  
Rent Tribunals

4. (1) There shall be established in each administrative area a tribunal to be known as Rent Tribunal with the responsibility of fixing rent in the administrative area it is located.

(2) The members of a tribunal shall be appointed

(a) in the case of the Banjul and Keleba administrative areas, by the Mayors

(b) in the case of other administrative areas other than those mentioned in paragraph (a), by the Governors of such areas

Composition of  
tribunal

5. (1) A tribunal shall comprise-

(a) a Chairman who shall be a Seyfong Community Leader and who shall be appointed by the Governor or in the Greater Banjul Area, by the Mayor and Chairman of the Municipality;

(b) one person who has professional qualifications or wide experience of at least ten years in the valuation of property and the administration of estates;

(c) one person who is a registered contractor; and

(d) a Legal Practitioner; and a

(e) community leader

(2) The Rent Officer of a tribunal shall be the Secretary to the tribunal.

(3) The members of a tribunal shall be persons who are resident in the administrative area in whose tribunal they are appointed.

(4) Notwithstanding subsection (3), where the Mayor or a Governor, as the case may be, cannot find a person with the qualifications referred to in paragraphs (b), (c) or (d) of subsection (1), he or she may appoint a person with such qualifications from any other administrative area.

6. A tribunal shall perform such functions and exercise such powers as are provided in this Act and shall in particular be responsible for-

(a) ensuring compliance by landlords and tenants with the provisions of this Act;

(b) monitoring the implementation of the provisions of this Act; and

(c) advising the Governor or Mayor as the case may be on matters relating to landlord and tenant and the payment of rent.

7. (1) A tribunal shall, in the performance of its functions, meet at such times and places as its Chairman deems fit, but shall in any case meet regularly to consider any applications on rent matters before it.

(2) The quorum at every meeting of a tribunal shall be three members.

(3) The Chairman shall preside at every meeting at which he or she is present, and in his or her absence the members present shall elect one of their members to preside.

(4) The validity of any proceedings of a tribunal shall not be affected by reason of a defect in the appointment of a member of the tribunal.

(5) Subject to the provisions of this Act, a tribunal shall determine and regulate its own rules of procedure.

Tenure of office

8. (1) The members of a tribunal shall hold office for a period of three years effective from the date of their appointment and may, at the expiration of such term, be eligible for re-appointment for another term only.

(2) Where the office of a member falls vacant otherwise than by the expiry of his term of office or where a member is for any reason incapacitated from performing his duties, the Mayor or a Governor, as the case may be, may appoint another person with the requisite qualifications to hold office for the unexpired residue of the term of office of the person.

(3) The Chairman or any member may, by instrument under his hand addressed to the Mayor or Governor, as the case may be, resign from office.

9. (1) Where a member of a tribunal is interested in a matter that is before the tribunal, he or she shall disclose to the tribunal the nature and extent of his interest and shall in respect of that matter withdraw from the proceedings of the tribunal.

(2) A party before a tribunal may apply to the tribunal for the withdrawal of a member who has an interest in a matter before it and the tribunal may make an order withdrawing such member from taking part in proceedings relating to that matter.

10. The Chairman and members of a tribunal shall be paid such remuneration as may be determined by the Mayor or Governor, whichever is applicable.

11. (1) There shall be for each tribunal a Rent Officer appointed by council who shall be charged with the responsibility of-

(a) registering a standard rent of any property to be let;

(b) preparing material and other documentary evidence for consideration by the tribunal;

(c) conducting investigations into properties that are rented for purposes of advising the tribunal on the assessable rent payable or the revision of rent, in respect of such properties; and

(d) performing such other duties as may be required.

(2) A Rent Officer shall be assisted in performance of his duties by Assistant Rent Officers who shall work directly under him.

Application for determination of rent and tenant implied covenant

12. (1) A landlord who intends to let his property shall apply to the tribunal in whose jurisdiction the property is situated for the determination of rent payable in respect of such property.

(2) Where upon the coming into force of this Act a landlord has property which is let to a tenant shall, within six months of the coming into force of this Act, apply to the tribunal in whose jurisdiction the property is situated for the determination of rent specifying-

- (a) the location, building, age and structure of the property;
- (b) the facilities in the property to which the tenant has access;
- (c) the number of tenants in the property;
- (d) the amount of rent paid by the tenant and whether the rent is payable weekly, monthly, yearly or by some other arrangement;

(3) Subject to subsection (4), where a tribunal receives an application under this section it shall proceed to determine the amount payable as rent in respect of the property for which the application is made.

(4) In determining the amount payable as rent in respect of any property, a tribunal shall afford the landlord, tenant and any other person interested in the property the opportunity to make representations in person or in writing.

(5) Representations under subsection (4) may be made by representatives of the parties concerned.

(6) Where a landlord does not make an application as provided in subsection (1) or (2), a tenant may apply to a tribunal in whose jurisdiction the property concerned is situated for the determination of rent.

(7) An application under this section shall be made in accordance with the form prescribed in Schedule I and the form shall be issued upon payment of the fee specified in Schedule II.

(8) A landlord who fails to comply with the provisions of subsection (1) or (2) commits an offence, and in addition to the penalty prescribed in section 29 of this Act the tribunal-

- (a) may make an order directing the landlord to refund any monies paid to him as rent by a tenant since the commission of the offence; and
- (b) shall fix the amount payable as rent for the property in respect of which the offence is committed.

## Rent Tribunal (Establishment) Act, 2010

(9) It shall be the responsibility of the tenant to

(a) deliver the premises to the landlord in tenantable state at the expiration of tenancy.

(b) repair and replace all damages to property, except for reasonable wear and tear.

(c) not to make any alteration or addition without the written consent of the landlord.

**13. (1)** The proceedings of a tribunal shall be held in public, unless the tribunal, with the consent of the parties, otherwise decides.

(2) A tribunal shall, in carrying out its duties, have the power to examine witnesses on oath and summon any person to give evidence or produce any document which it considers relevant.

**14. (1)** The Rent Officer for a tribunal shall prepare and keep up to date register for the purpose of registering properties and standard rent and shall make the register available for inspection in such place and manner as the tribunal may direct.

(2) The register shall contain-

(a) the name and address of the landlord;

(b) the date of registration of the property;

(c) the amount and effective date of the standard rent determined by the tribunal;

Proceedings  
and examination  
of witnesses

Register of rent

## Rent Tribunal (Establishment) Act, 2010

(d) the specifications and location of the property; and

(e) such other particulars with regard to the tenancy as the tribunal may consider relevant.

**15. (1)** Where a tribunal determines the standard rent for any property, the Rent Officer shall register such property and the standard rent after payment by the landlord of the fees prescribed in Schedule II.

(2) The registration of a property under this section shall not give title or confer ownership on the applicant under section 12 by virtue of this Act.

(3) A person who lets a property which is not registered under this Act commits an offence.

**16. (1)** The rent fixed by a tribunal in respect of any property shall, until varied, be the standard rent for that property and shall be in such form as may be prescribed and the rent shall bind the landlord and tenant and their successors and assigns.

(2) No rent or advance of rent paid before the commencement of this Act in excess of the standard rent shall be recoverable.

(3) The order of a tribunal fixing a standard rent for any property shall be signed by the Chairman or such other member of the tribunal as the Chairman may designate.

Standard rent

Landlord's obligations not transferable

17. (1) No landlord shall, after the determination or variation of a standard rent, transfer obligations of which he or she is before the determination or variation responsible.

(2) Any re-arrangement by a landlord, after the determination or variation of a standard rent which is less favourable to a tenant than the previous arrangement shall be construed as a transfer of the landlord's obligations.

Application to vary rent

18. (1) A Landlord or tenant may, after a period of two years from the registration of a standard rent in respect of a property, apply in writing to the tribunal to vary the standard rent fixed for the property:

Provided that where a tribunal is of the opinion that there has been a substantial improvement or diminution in the state of the property, it may at any time entertain an application to vary the standard rent.

(2) Where a landlord or tenant makes an application under subsection (1) he shall state the circumstances of the property and the extent to which the property has changed since the registration of the standard rent, to warrant the application.

(3) Without prejudice to the proviso of subsection (1), where a tribunal varies a standard rent in respect of any property, it shall not entertain an application for a standard rent earlier than two years from the date of the last application.

(4) A landlord who varies a standard rent to the disadvantage of a tenant without an application approved by a tribunal in accordance with this section-

(a) commits an offence; and

(b) shall, where payment has been made to or received by varied rent, refund the excess of the amount to the person who paid it.

19. (1) A landlord or tenant may terminate a tenancy by notice in writing specifying the date at which the tenancy is to come to an end:

Provided that the person who gives the notice may annul the notice before the tenancy comes to an end.

(2) A notice under subsection (1) shall not have effect unless-

(a) in the case of a weekly tenancy, the notice is given not less than one week;

(b) in the case of a monthly tenancy, the notice is given not less than one month; and

(c) in the case of a yearly tenancy, the notice is given not less than three months,

before the date of termination specified in the notice.

(3) Where a tenancy is for a period exceeding one year and the rent is payable as a lump sum or in parts whether quarterly, annually or otherwise, the period of notice prescribed in subsection (2) shall apply.

(4) A notice given to a tenant to give up possession of property after an application to fix or vary a standard rent has been lodged with a tribunal shall be void.

20. (1) Where a notice of termination of a tenancy is served on a tenant under section 19 and the date of termination specified in the notice has expired, the tenant may apply to a tribunal for the extension of the termination date.

(2) An application made under subsection (1) shall state the reasons for the application.

(3) Where an application is made under this section, the notice of termination to which the application relates shall not have effect before the determination of the application, unless the application is withdrawn.

(4) On an application under this section, a tribunal may, after-

(a) making such inquiry as it thinks fit; and

(b) giving to each party an opportunity of being heard or, at his or her option, of submitting representations in writing,

Power of tribunal in relations to notices

make an order extending the notice of termination to such period, not exceeding six months from the date on which the notice of termination by the landlord would have effect, as may be specified in the order.

(5) If a tribunal refuses to make an order under subsection (4)-

(a) the notice of termination shall not have effect before the expiry of seven days from the determination of the application or the expiry of the date specified in the notice of termination, whichever is later; and

(b) no subsequent application under this section shall be made in relation to the same notice of termination

(6) Where a tribunal refuses to make an order on an application under this section, or a tenant, after the expiry of the termination date refuses to give up possession of a property, the tribunal may, on an application by the landlord, make an ejectment order against the tenant.

(7) An ejection order under subsection (6) shall be executed by the Inspector General of Police or such other person as a tribunal may appoint for that purpose.

21. Where a tenant defaults in the payment of rent, a landlord may make an application to a tribunal which shall, after hearing all the parties, make such order or orders as it deems fit.

Prohibition of advance rent

**22.** (1) No landlord shall make it a requirement of a condition of granting, continuing or renewing a tenancy that rent shall be paid before the beginning of the rental period;

Provided that where tenancy is granted on the basis of a monthly payment of rent the landlord may require a tenant to pay a month's rent before the beginning of the rental period.

(2) A landlord who contravenes subsection (1) commits an offence.

Non payment in foreign currency

**23.** It shall be an offence for a landlord to compel the payment of rent in a currency other than the currency of the Republic of The Gambia.

Implied term in a tenancy

**24.** It shall be a condition of a tenancy of any property that the tenant shall afford the landlord access to the property and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute.

Settlement of disputes

**25.** A dispute between a landlord and a tenant shall, notwithstanding any other course of action available to them in law, be referred to a tribunal for adjudication and the decision of the tribunal shall be binding on both parties.

Contracting out prohibited

**26.** Any agreement entered into between a landlord and a tenant to exclude the application of the provisions of this Act or for the tenant not to exercise any right conferred on him by this Act or any Regulations made thereunder shall be void.

**27.** No member of a tribunal shall be sued in any court for any act done or ordered to be done in pursuance of this Act.

**28.** (1) Without prejudice to section 25, a person who is not satisfied with a decision of a tribunal fixing a standard rent or varying in respect of a property a standard rent, or is aggrieved by any decision or order of a tribunal, may-

(a) within thirty days of the decision or order, apply to the tribunal for a review of the decision or order; and

(b) if not satisfied with the decision or order after a review under paragraph (a), he or she may appeal to the Governor or mayor, as the case may be, within twenty-one days of the decision or order under paragraph (a).

(2) No application for the review of a decision or order of a tribunal, or appeal to the Governor or Mayor, under subsection (1) shall be entertained unless the application is accompanied by the fee prescribed in Schedule II.

(3) Notwithstanding anything to the contrary contained in this Act, where a person makes an application or lodges an appeal under subsection

(1), a tribunal may make an order staying execution of its decision or order which is the subject of the application or appeal, pending the outcome of such application or appeal.

(4) The decision of the Governor or Mayor, as the case may be, shall be final and conclusive.

Penalty

29. A person who commits an offence under this Act or any regulation made thereunder is liable on conviction to a fine not exceeding five thousand dalasis or to a term of imprisonment not exceeding two years, or both.

Amendment of Schedules

30. The Minister may, by order published in the Gazette, amend the Schedules.

Regulations and Orders

31. The Minister may make Regulations-

- (a) regulating further the relationship between landlord and a tenant;
- (b) prescribing forms to be used in respect of standard rents, summonses, and oaths to be taken;
- (c) enhancing the powers of tribunals for the efficient and effective implementation of the provisions of this Act; and
- (d) prescribing such matters as may be prescribed under this Act.

Repeal of No. 67 of 1996 and saving

32. (1) The Rent Decree No. 67 of 1996 is hereby repealed.

(2) Any subsidiary legislation made under the repealed Act shall, in so far as it is not inconsistent with this Act, remain in operation until revoked or replaced by subsidiary legislation made under this Act, and shall be deemed for all purposes to have been made under this Act.

(3) Any document referring to any act repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act.

**SCHEDULE I**

**APPLICATION FORM FOR THE REGISTRATION OF PROPERTIES**

..... Rent Tribunal

.....

.....

..... (Address)

1. Name and address of applicant (s) .....

.....

.....

.....

2. Name and address of owner (s) of property

.....

.....

.....

3. Number and address of property to be let (where applicable)

.....

.....

.....

- 4. Type of property to be let (state whether house, room, flat, compound, or other (please specify))  
.....
- 5. How many of the type of property to be let are available in the same place?  
.....
- 6. Age of property since built (support answer with documentary evidence, if any)  
.....
- 7. Type of facilities provided in the property (support answer with documentary evidence, if any)  
.....  
.....  
.....
- 8. Are the facilities in the property to be shared by tenants?  
Yes/No.....  
  
If yes, approximately by how many tenants?
- 9. Does the applicant or owner live in the same property to be let?  
Yes/No.....
- 10. Nature of property (state whether cement block house, mud block house, krinting or other type (please specify) and the type of roofing and ceiling, if any)  
.....  
.....

- 11. The ratable value of the property or the rent payable for the Property  
.....
- 12. Have all rates in respect of the property been fully paid?  
Yes/No ..... (support answer with documentary evidence  
If No, state year (s) and amount of arrears owing  
.....  
.....
- 13. Is any commercial activity carried upon the property or upon a property adjacent or close to your property?  
.....
- 14. What is the legal status of the property?  
Freehold .....  
Leasehold .....  
Customary Tenure .....  
Others (please specify) .....
- 15. Additional information about the property which you would like the Tribunal to know.  
.....  
.....  
.....  
.....

Signature of Applicant

.....  
Date

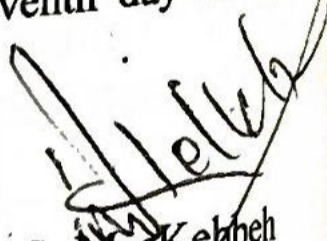
SCHEDULE II  
FEES  
FOR BANJUL, KANIFING AND BRIKAMA AREA COUNCILS

- 1. Application form ..... D50:00
- 2. Registration ..... D150:00
- 3. Application for review of decision or order ... D100:00
- 4. Appeal to Governor or Mayor..... D100:00

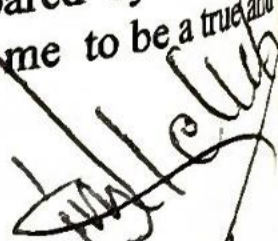
FOR FARAFENNI, BASSE MANSAKONKO, JANJABUR  
AND KUNTAUR AREA COUNCILS

- 1. Application form ..... D25:00
- 2. Registration ..... D75:00
- 3. Application for review of decision or order ... D100:00
- 4. Appeal to Governor ..... D100:00

PASSED in the National Assembly this Seventh day of April, in  
the year of Our Lord Two Thousand and Ten

  
D. C. M. Kebbeh  
Clerk of the National Assembly

THIS PRINTED IMPRESSION has been carefully compared by me with the  
which has passed in the National Assembly, and found by me to be a true and  
copy of the said Bill.

  
D. C. M. Kebbeh  
Clerk of the National Assembly