

S.I. 101 of 2022

CONTROL OF RENT AND TENANCY AGREEMENT ACT

(Cap. 47)

Control of Rent and Tenancy Agreement (Rent Board Rules and Procedures) Regulations, 2022

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CONTROL OF RENT AND TENANCY AGREEMENT ACT

(Cap. 47)

Control of Rent and Tenancy Agreement (Rent Board Rules and Procedures) Regulations, 2022

In exercise of the powers conferred by section 17(10) of the Control of Rent and Tenancy Agreement Act, the Board hereby makes the following Regulations —

Citation

1. These Regulations may be cited as the Control of Rent and Tenancy Agreement (Rent Board Rules and Procedures) Regulations, 2022.

Interpretation

2. In these Regulations —

“Act” means the Control of Rent and Tenancy Agreement Act;

“Attorney” means a person admitted to practice as such in Seychelles under any law relating to the admission of attorneys in the Supreme Court;

“Appeal” means an appeal from the Board to the Supreme Court;

“Board” means the Rent Board appointed under the provisions of the Act;

“Clerk” means the clerk of the Rent Board;

“party” includes every person served with a notice or summons to appear before the Board.

Application to the Board

3.(1) An application to the Board shall be made in the form specified in the Schedule.

(2) The application under subsection (1) shall be filed with the Clerk of the Board.

(3) The Clerk shall register the application and deliver the application to the Chairperson of the Board.

Appearance of parties

4.(1) The day for the appearance of the respondent shall be fixed by the Clerk, so as to allow the respondent sufficient time to enable him or her to appear and answer on such day.

(2) The time fixed for appearance shall not be earlier than 48 hours after the service of the summons, except by leave of the Board.

Points of law

5.(1) Any point of law raised by the pleadings shall be disposed of at the hearing, provided that by consent of the parties, or by order of the Board, on the application of either party, they may be set down for hearing and disposed of at any time before the hearing.

(2) If in the opinion of the Board the decision of such point of law substantially disposes of the whole cause of action, ground of defence or set-off, the court may dismiss the action, or make such other order, as may be just.

Joinder of parties

6. The Board may, of its own accord, or on application by a party, or on application of a person entitled to join the proceedings, make an order joining any person as a party in the proceedings, if the party is to be joined has a substantial interest in the subject matter of the proceedings.

Amendment of pleadings

7. The Board may, at any stage of the proceedings, allow either party to alter or amend his or her pleadings, in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

Amended pleading to be supplied to adverse party

8. Where a pleading is amended by order of the Board, the pleading shall be redrawn in its amended form and a copy supplied to the opposite party if the Board so order, subject to any order as to costs which the Board may think fit to make.

Consolidation of disputes

9. The Board, of its own accord or on application by a party, may consolidate more than one dispute, so that the disputes may be dealt with in the same proceedings.

Substitution of party

10. If in any proceedings it becomes necessary to substitute a person for an existing party, any party to the proceedings may apply to the Board for an order substituting that party for an existing party, and the Chairperson may make such order or give appropriate directions as to the further procedure in the proceedings.

Correcting citation of party

11. If a party to any proceedings has been incorrectly or erroneously cited, the Board may, on application and on notice to the parties concerned, correct the error or defect.

Personal answers

12.(1) Whenever a party is desirous of obtaining the personal answers not upon oath of the adverse party, he or she may apply to the Board on the day fixed for the respondent to file his or her statement of defence, or prior

to that day, or he or she may apply to the Board ex-parte at any time prior to the date fixed for hearing of the cause or matter, to obtain the attendance of such adverse party and the Board on sufficient ground being shown shall make an order granting the application.

(2) The party having obtained such order shall serve a summons, together with a copy of the order, on the adverse party to appear in court or before the board on the day stated in the order.

(3) If a party to the cause or matter is present in court at the hearing of the case, he or she may be examined on his personal answers with the permission of the Chairperson, without any previous application.

Amendments of errors in proceedings

13. The Board may at any time, and on such terms as to costs or otherwise, as the Board may think just, amend any defect or errors in any proceedings, and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on the proceedings.

Clerical errors in judgments

14. Clerical errors in judgments or orders, or errors arising from any accidental slip or omission, may at any time be corrected by the Board on motion.

Judgment by consent

15. The parties may at any stage of the suit before judgment, appear in before the board, and file a judgment by consent signed by both parties, stating the terms and conditions agreed upon between them in settlement of the suit and the amount, if any, to be paid by either party to the other, and the Board, unless it sees cause not to do so, shall give judgment in accordance with such settlement.

New Trial

16.(1) An application for a new trial shall be made —

- (a) if judgment was given against the respondent in default, within three months from the date when execution of the judgment was effected or from the earliest date on which anything was paid or done in satisfaction of the judgment; and
- (b) in all cases, within three months from the date of the judgment.

(2) Every application for a new trial shall be made in writing to the Board and such application shall set forth the reasons for which such new trial is applied for, and, if the Board requires, it shall be supported by affidavit.

(3) The Board may in its discretion refuse the application, but if it is of the opinion that the reasons alleged are prima facie sufficient to warrant a new trial, it shall issue a summons calling upon the other party to show cause why a new trial should not be granted.

SCHEDULE 1

Application Forms for Lessee and Lessor

(Regulations 3)



**REPUBLIC OF SEYCHELLES
THE JUDICIARY
RENT BOARD**

(A) LESSEE: APPLICATION FORM

1. Please give your details

(a) Mr. Mrs Ms Other (b) Age.....

First Names:

Surname:.....

Date of birth:

NIN:.....

Postal address: Phone No:

Telephone number: E-mail address:

Please give an address to which we should send documents if different from above:

.....
.....

2. If represented by legal counsel please give details (all correspondence will be sent to your representative)

Name:

Postal address:

Phone number: Fax number:

3. Please give details of the person(s) or legal entity against whom the application is brought:

Name:

(1)

(2).....

Address:.....

Telephone Number:.....

4. Type of premises which is being let out:

- Dwelling house
- Apartment
- Business premises

5. Parcel No. and address of premises.....

6. Please tick the appropriate complaint(s) and remedies that you would like the board to decide upon:

Rental fixing/reduction (further details below)

order the lessor to effect necessary repairs (further details below)

Other (further details below)

7. Please attach with this application form copies of all documents relevant to your application.

(For example, lease agreement, receipts, letters, photograph, etc...)

Name of Applicant (in block letters).....

.....
Signature of Applicant

.....
Date

SCHEDULE 1



**REPUBLIC OF SEYCHELLES
THE JUDICIARY
RENT BOARD**

(B) LESSOR: APPLICATION FORM

8. Please give your details

(a) Mr. Mrs. Ms Other (b) Age.....

First Names:

Surname:.....

Date of birth:

NIN:.....

Postal address: Phone No:

Telephone number: E-mail address://...

Please give an address to which we should send documents if different from above:.....
.....//...
.....

9. If represented by legal counsel please give details (all correspondence will be sent to your representative).

Name:

Postal address:

Phone number: Fax number:

10. Please give details of the person(s) or legal entity against whom the application is brought:

Name:

(1)

(2).....

10. Please give details of the person(s) or legal entity against whom the application is brought:

Name:

Address:

Telephone Number:

11. Type of premises which is being let out:

- Dwelling house
- Apartment
- Business premises

12. Parcel No. and address of premises.....

13. Please tick the appropriate complaint(s) and remedies that you would like the board to decide upon:

- Ejectment

Please indicate reason(s) for which you are applying for ejectment:

- Rent lawfully due remains unpaid or there occurs a breach of a condition of the lease;
- The Lessee is found guilty of nuisance or annoyance to adjoining neighbors or has been convicted of using the premises for illegal purposes;
- The lessee has been given notice to vacate and the lessor has contracted to sell or let the property or has taken steps which would prejudice him if he were not to regain possession;
- The lessee has without authorization sublet;
- The premises is overcrowded and dangerous to occupants;
- The premises is reasonably required by the lessor for occupation of an employee;
- The premises are reasonably required by the lessor for business trade or professional purposes or for the public service;
- The premises is required by the lessor for his own use or for that of his family members or co-owners;
- The lessor is a statutory authority and it requires the premises for their execution of its duties;
- The premises is to be demolished, reconstructed, moved or improved;
- The premises is so dilapidated that repairs are required to render the premises in a lessee-able condition and cannot be undertaken without the lessee vacating the house.

Rental increase/fixing (further details below)
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.....
.....

Arrears of rent to be paid (further details below)
.....
.....
.....

Payment of all utilities (further details below)
.....
.....
.....

14. Please attach with this application form copies of all documents relevant to your application.(For example, lease agreement, receipts, letters, photograph, etc..)

Name of Applicant (in block letters).....

.....
Signature of Applicant

.....
Date

MADE this 6th day of September, 2022.

**SENIOR MAGISTRATE
ANDY ASBA
CHAIRPERSON
RENT BOARD**
