

A Guide to

The Rent Control Law

The Rent Control Law exists to ensure rents are fair for both tenants and landlords in the event of a disagreement. The Rent Officer's role is to give an independent and impartial judgement and set a fair rent on private properties. Housing can then act as an Independent Rent Tribunal when necessary. The Rent Control Law does not apply to property owned by the States of Guernsey or the Guernsey Housing Association.

Applications to the Rent Officer

In general, the following premises can be subject to rent control:

1. A dwelling house occupied by one household, if its Rateable Value is £50 or less
2. premises used or intended to be used as a dwelling by more than one household, regardless of the Rateable Value
3. any part of a premises which is used or intended to be used for some other purpose (e.g. a shop), regardless of Rateable Value.

A tenant who has been in lawful occupation for at least three months, or a landlord, may apply to the Rent Officer for assessment of the fair and reasonable rent, whether the premises are furnished or unfurnished. Please contact the Rent Officer on 732514 for an application form.

Matters on which the Rent Officer may be asked to decide

If the landlord and the tenant are unable to agree on the amount which should be paid for other items connected with the tenancy – such as services provided by the landlord, or the hire of furniture – the Rent Officer may also be asked to decide on these matters.

What the Rent Officer will do

When an application has been received, the Rent Officer will visit and inspect the property. Before a decision is made, both parties will have the opportunity to give their views in person or in writing. Rent Control applies for 5 years after the decision has been made.

If you are not satisfied with the Rent Officer's decision

If you are not satisfied with the Rent Officer's decision, you can apply to Housing for that decision to be reviewed. You should bear in mind that Housing could confirm the Rent Officer's decision, or fix an amount higher or lower. An application must be made within 1 month on a special form which will be provided on request. The landlord and tenant will be

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given the opportunity to speak or write to Housing. In some circumstances, a further appeal can be made to the Royal Court within the next 3 months.

When circumstances change

If circumstances relating to a controlled dwelling change after a rent has been fixed, an application can be made to the Rent Officer for re-assessment of the rent payable in the new circumstances.

Notice and registration of decisions

Any decision made by the Rent Officer or Housing will be notified in writing to both the landlord and the tenant, and details will also be kept by the Rent Officer in a Register of Rents which may be inspected at any time during office hours.

A notice indicating that a dwelling is rent controlled should be displayed in a conspicuous place in the dwelling.

Annual review

Housing reviews all controlled rents annually. If Housing decides to alter the rents, it will make a Variation Order setting out what alteration may be made to controlled rents. This Order will be published in La Gazette Officielle and a copy will be sent to the landlord and tenant of every controlled dwelling to which it applies.

Rent Book

If the rent is paid in cash, or if either the landlord or the tenant wishes, a rent book must be provided free of charge by the landlord in a form approved by Housing.

Eviction

A landlord may not begin Court proceedings for the eviction of a tenant of a controlled dwelling within twelve months of the date of the Rent Officer's decision, or of a subsequent decision by Housing or the Royal Court in the event of an appeal. In order to take such proceedings within that period, they will have to satisfy the Court that the proceedings are wholly unrelated to the operation of this Law.

Deposits

At the start of a tenancy, the landlord may require the tenant to pay a deposit of up to one calendar month's rent in addition to the rent payable in advance.

Other payments

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It is an offence to offer, solicit, demand, make or accept any premium, deposit or other payment (by whatever name called) in respect of the occupation of a controlled dwelling in excess of the amount specified in the Register of Rents.