

MEMORANDUM FOR THE CABINET BY THE
HON. MINISTER OF JUSTICE AND PARLIAMENTARY AFFAIRS

Subject:- Tenants of premises subject to decontrol.

Four persons residing in flats at Marsa have submitted a claim to be considered for allocation of government tenements in view of the fact that their residences have been decontrolled and the owner is asking for a rent which they cannot afford as a condition for renewing the lease.

The position at present, according to two judgments of the Court of Appeal, (Mary widow Mallia vs Joseph Xuereb - 8.3.68 and Concetta Galea vs George Borg Myatt - 25.3.66), is that only registration with the Land Valuation Office will operate decontrol and that until such time as a dwelling house is not registered as a decontrolled dwelling house the provisions of the Rent Ordinances continue to apply in the relations between lessor and lessee; and that if a person has taken on lease premises which at the time of letting were not registered as decontrolled premises, then, in spite of the fact that at the time of the letting the premises may have qualified for decontrol, any subsequent registration to this effect by the lessor will not affect the rights of such person who has contracted the lease when the premises were not decontrolled premises, and, therefore, in the relations between the lessor and the lessee the Rent Ordinances continue to have full application and effect.

The regulations made under the Housing (Decontrol) Ordinance, 1959, provide that any person may, during office hours, examine the Register at the Land Valuation Office and take such notes as is necessary. This means that anyone could, before contracting a lease of the premises, check whether such premises were in fact registered as decontrolled, and failure on the part of a prospective lessee to consult or check with the Register at the Land Valuation Office can be considered a serious lapse on his part, as he would be incurring a serious risk in not doing so, and any resulting detriment to his position can only be laid at his door.

As, therefore, the relations between the lessor and lessee are regulated by the law it would not be proper for Government to intervene or to afford preferential assistance.

Hon. Ministers are therefore being asked to agree that persons occupying premises subject to decontrol who are asked to vacate such premises or are allowed to retain the lease only if they are prepared to pay a higher rent have no claim against the Housing Department either for direct allocation or for preferential treatment under the system of points.

H.D. 133/68.
mf 29th October, 1968.