

P.N.D.C.L. 138

RENT CONTROL ACT, 1986

ARRANGEMENT OF SECTIONS

Rent in Respect of Residential Premises

SECTION

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SCHEDULES

FIRST SCHEDULE

Recoverable Rent in Respect of Accommodation in Residential Premises

SECOND SCHEDULE

P.N.D.C.L. 138

RENT CONTROL ACT, 1986¹

AN ACT to regulate rent and to provide for related matters.

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1. The Act was issued as the Rent Control Law, 1986 (P.N.D.C.L. 138) made on the 21st day of January, 1986 and notified in the *Gazette* on 31st January, 1986.

*Rent in Respect of Residential Premises***1. Rent in respect of residential premises**

(1) The rent payable by a tenant in respect of single or two-roomed accommodation in any residential premises shall be as specified in the First Schedule.

(2) Where the residential accommodation in respect of which the rent is payable is smaller or larger in dimensions than those specified in the First Schedule, the recoverable rent shall be proportionate to the dimensions of the accommodation.

(3) The Minister may, by legislative instrument, amend the First Schedule.

(4) Despite a provision in any other enactment to the contrary and until the 6th day of March, 1987, a landlord shall not raise the rent prescribed by this Act in respect of a residential accommodation referred to in subsection (1).²

2. Exemptions

Section 1 does not apply to a lease or tenancy

- (a) held from the Government or any other State agency;
- (b) of premises let for industrial, commercial or any other business purposes;
- (c) of premises rented by diplomatic or consular missions, international organisations, foreign companies and firms which under section 1 of the Rent (Amendment) (No. 3) Decree, 1979 (A.F.R.C.D. 51) are required to pay the foreign exchange equivalent of their rents to the Bank of Ghana in the first instance;
- (d) taken by an incorporated body other than a body the whole proprietary interest in which is held by the Government or any other State agency; and
- (e) where the rent payable exceeds one hundred thousand cedis per month, or an amount determined by the Minister by an executive instrument.

3. Houses built by Tema Development Corporation or the State Housing Corporation

(1) With effect from the commencement of this Act and subject to subsection (2), a person who derives title to any premises from the Tema Development Corporation, the State Housing Corporation or any other similar housing organisation or agency sponsored by the Government, under a subsisting hire-purchase agreement howsoever called, and who in turn sublets or has sublet the premises shall not, despite an agreement to the contrary, charge the tenant or demand or receive from the tenant a monthly rent in respect of the premises which exceeds the aggregate of

- (a) the instalment which that person pays per month to the State Housing Corporation, the Tema Development Corporation or any other similar housing organisation or agency sponsored by the Government,
- (b) the amount which is the equivalent of the property rate or any other imposts payable by that a person in respect of the premises, and

2. Substituted by the Rent Control (Amendment) Law, 1986 (P.N.D.C.L. 163).

- (c) twenty-five percent of the total of the amounts referred to in paragraphs (a) and (b).

(2) Where the instalment which is paid by the person referred to in subsection (1) to any of the bodies referred to in the agreement, is different from the instalment which that person would have paid if a deposit had not been paid and that person had agreed to pay the purchase price of the premises over a period of twenty years from the date of commencement of the hire-purchase agreement, then the reference in subsection (1) (a) to the monthly instalment paid by that person shall nevertheless be deemed to be a reference to the instalment which that person would have paid if a deposit had not been paid and that person had agreed to pay the purchase price over a period of twenty years.

(3) A certificate issued by any of the bodies certifying the instalment payable under subsection (1) (a) or subsection (2) by a person referred to in subsection (1) is prima facie evidence of the instalment.

4. Landlords to register leases and tenancies

(1) The landlord of a residential accommodation referred to in section 1 shall register with the Rent and Housing Committee each lease or tenancy agreement in respect of the accommodation within fourteen days of entering into the lease or tenancy agreement.

(2) A landlord shall not demand or receive from the tenant of a residential accommodation the rent in respect of the accommodation without complying with subsection (1).

5. Rent cards

The landlord of a residential accommodation referred to in section 1 shall

- (a) issue to each tenant of the accommodation a rent card specifying the following particulars:
- (i) the name and address of the landlord,
 - (ii) the name and address of the tenant,
 - (iii) the amount of rent payable by the tenant,
 - (iv) any other particulars prescribed by the Minister, and
- (b) furnish to the nearest Rent and Housing Committee a list of the names of the tenants and the actual rents paid by each of the tenants.

6. Recovery of possession and ejectment

(1) Despite any other enactment to the contrary and until the 6th day of March, 1987, an application shall not be entertained for the ejectment of a tenant or the recovery of possession from a tenant in respect of a residential accommodation referred to in section 1.

(2) Subsection (1) shall not prevent the making of an application to a Rent and Housing Committee established under this Act for the ejectment of a tenant or the recovery of possession of the residential accommodation where the landlord establishes

- (a) a genuine intention to recover possession of the accommodation for the personal occupation as a dwelling room or rooms for the landlord, a member of the landlord's family or any person in the landlord's full time employment; or

- (b) that the accommodation is reasonably required by the landlord to be used by the landlord for business purposes.

(3) Where a landlord makes an application for the ejectment of a tenant or the recovery of possession on any of the grounds specified in subsection (2), the Rent and Housing Committee may call for documentary evidence or verification from the landlord and may, if satisfied, make an appropriate order.

7. Complaints by landlords

A complaint or an action by a landlord against a tenant in respect of a residential accommodation referred to in section 1 shall not be heard by the Rent and Housing Committee unless it is satisfied that the landlord has fulfilled the obligations imposed on the landlord by section 5.

Rent and Housing Committees

8. Establishment of Rent and Housing Committees

(1) There shall be established by a District Assembly within its area of authority a Rent and Housing Committee to perform in relation to that district the functions conferred upon it by this Act.³

(2) A Rent and Housing Committee shall comprise of

- (a) *omitted*,⁴
- (b) one representative of the local government authority,
- (c) one Rent Officer,
- (d) one representative of landlords in the city or town,
- (e) one representative of tenants in the city or town, and
- (f) two other persons of integrity and good social standing appointed by the District Assembly in the particular city or town.

(3) A Rent and Housing Committee shall have a chairman who shall be elected by the Committee from among its members.

(4) A member of a Rent and Housing Committee other than the Rent Officer shall hold office for a period of two years but is eligible for re-election.

(5) A Rent and Housing Committee shall be registered with the relevant department of the District Assembly, and where there is a change in the membership, notice of the change shall be furnished to that department.

(6) *Omitted*.⁵

3. Substituted by P.N.D.C.L. 163 of 1986.

4. As the Committee for the Defence of the Revolution has ceased to exist.

5. The subsection referred to the Committee for the Defence of the Revolution. The Committees have ceased to exist. The subsection provides that,

"A member of a Rent and Housing Committee elected under subsection (2) (a) may be removed by a duly constituted meeting of the Committee for the Defence of the Revolution called for the purpose of investigating allegations against such member if the Committee is satisfied after investigation that the member is

- (a) guilty of misconduct in connection with the work of the Committee,
- (b) unable to perform properly the functions as a member of the Committee, or
- (c) by reason of ill-health or otherwise unable to perform the functions as a member of the Committee."

9. Functions of Rent and Housing Committees

The functions of a Rent and Housing Committee in relation to the area of authority of a particular District Assembly are

- (a) to compile a register of the leases and tenancies of residential accommodation referred to in section 1 specifying the particulars as may from time to time be prescribed by the Minister;
- (b) to compile a register of unoccupied rooms in residential premises in which some rooms are let or are normally let and a register of the residential premises which are unoccupied, specifying the particulars as may from time to time be prescribed by the Minister;
- (c) to hear and determine, in respect of a residential accommodation referred to in section 1,;
 - (i) an allegation that a party to a lease or any other tenancy agreement in respect of the residential accommodation is in breach of the agreement or has acted in contravention of a law regulating the relationship between landlord and tenant with regard to a residential accommodation;
 - (ii) an application for the assessment of rent of the accommodation;
 - (iii) an application for the ejection of a tenant or the recovery of possession of the residential accommodation;
 - (iv) any application for the review of an assessment of rent in respect of the residential accommodation;
- (d) make appropriate the recommendations to the Minister on any issue relating to rent and housing; and
- (e) perform any other functions relating to rent and housing as may be referred to it by the Minister.

10. Matters to be taken into account in assessing recoverable rent

For the purposes of assessing the amount of recoverable rent for a residential accommodation in a residential premise to which this Act applies, a Rent and Housing Committee shall take into account,

- (a) the rateable value of the premises for the assessment of rates on the premises,
- (b) the value of the land on which the premises are situated,
- (c) the amount of the annual rates payable in respect of the premises, and where the premises have been let in part, an apportionment of the rates attributable to that part,
- (d) the recoverable rent assessed for similar premises by the Rent and Housing Committee,
- (e) the estimated cost of repairs or maintenance of the premises,
- (f) the amount of the recoverable rent for like premises,
- (g) the current rate of interest charged by the Ghana Commercial Bank on overdrafts,

- (h) the obligations of the landlord, tenant and any other person interested in the premises under a lease or any other tenancy,
- (i) the justice and merits of each particular case.⁶

11. Powers of Rent and Housing Committees

For the purposes of performing its functions under this Act a Rent and Housing Committee may

- (a) at reasonable times enter and inspect or cause to be entered and inspected a residential accommodation or residential premises to which this Act applies concerning any matter before it;
- (b) seek expert advice in respect of a matter relating to that residential premises from valuation officers and any other technical experts;
- (c) in a matter before it make interim orders that are appropriate pending the final determination of the case or matter.⁷

12. Enforcement of decision or order of Rent and Housing Committee

On an application made by a party to a proceeding before a Rent and Housing Committee in whose favour the decision or order was made by the Committee, the Committee shall forward a copy of the decision or order to the Magistrate or the District Court with a request for execution, and the Court shall take the steps and issue a process that are necessary for purpose of the execution of the decision or order as it could take or issue as if it were a decision or order of that Court.

13. Proceedings of Committees

(1) A Rent and Housing Committee shall meet at the time and place determined by the chairman of the Committee.

(2) The chairman of a Rent and Housing Committee shall preside at a proceeding of the Committee but in the absence of the chairman, a member of the Committee elected from among the members present, shall preside.

(3) A Rent and Housing Committee shall be duly constituted for the transaction of business at any proceedings of the Committee by not less than five members.

(4) In every matter relating to a landlord and tenant before a Rent and Housing Committee, the Committee shall be guided by the rules of natural justice.

(5) The proceedings or a decision of a Rent and Housing Committee shall be held or made in public, but a Committee may exclude from any of its proceedings a person who disrupts or otherwise interferes with its proceedings.

(6) A Rent and Housing Committee shall keep accurate records of its proceedings and of investigations conducted by it.

(7) A Rent and Housing Committee shall at the end of each month, submit to the District Assembly and the Minister, a report on its work for the month.

(8) Subject to the provisions of this section, a Rent and Housing Committee shall regulate its own procedure.

6. Section 10 is substituted by P.N.D.C.L. 163 of 1986.

7. Section 11 is substituted by P.N.D.C.L. 163 of 1986.

14. Appeals

(1) A person who is aggrieved by a decision or order of a Rent and Housing Committee may within thirty days from the date of the decision or order, appeal against the decision or order to a District Court.

(2) The District Court may for good cause extend the periods specified in subsection (1).

(3) For the purposes of hearing and determining an appeal a District Court shall be guided by the provisions of the Courts Act, 1993 (Act 459) relating to the exercise of the appellate jurisdiction of the Court.

(4) A person who is aggrieved by the decision or order of a District Court under this section, may appeal to a Regional Public Tribunal and then to the Court of Appeal.

15. Court not to have supervisory or other jurisdiction over Committees

(1) *Omitted.*⁸

(2) A decision, an order, a finding, ruling or proceeding of a Rent and Housing Committee shall not be regarded as invalid because of a defect in the election of a member of the Committee.

*Miscellaneous Provisions***16. Offences**

(1) A person who

- (a) infringes a provision of sections 1, 3 or 4,
- (b) fails to issue a rent card to a tenant in accordance with section 5 or furnishes false particulars under that section,
- (c) wilfully obstructs, hinders or assaults a member of a Rent and Housing Committee or any other person in the performance of functions, under this Act, or
- (d) does an act or refrains from doing anything which the conditions of tenancy require that person to do with intent to compel the tenant of a residential accommodation referred to in section 1 to give up possession of that accommodation,

commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) A person who is charged with an offence under this Act shall be tried by a District Court in accordance with the Courts Act, 1993 (Act 459).

8. The provision conflicts with article 125 of the Constitution. The subsection provided that,

"(1) No court shall have jurisdiction to entertain any action or proceedings whatsoever for the purpose of questioning any decision, finding, ruling, order or proceeding of a Rent and Housing Committee; and for the removal of doubt, it shall not be lawful for any court to entertain any application for an order or writ in the nature of habeas corpus, *certiorari*, *mandamus*, prohibition, *quo warranto*, injunction or declaration in respect of the decision, order, finding, ruling or proceeding of any such Rent and Housing Committee."

17. Legal proceedings against members of Committee not to be entertained*Omitted.*⁹**18. Members of Committee to be public officers**

A member of a Rent and Housing Committee is a public officer or holding a public office for the purposes of

- (a) the Criminal Offences Act, 1960 (Act 29);
- (b) the Criminal and Other Offences (Procedure) Act;
- (c) the Corrupt Practices (Prevention) Act, 1964 (Act 230);
- (d) the Public Officers Act, 1962 (Act 114); and
- (e) the Courts Act, 1993 (Act 459).

19. Modification of existing enactments

(1) An enactment relating to rent or the lease or tenancy of a residential accommodation to which section 1 applies, and which is for the time being in force shall have effect with the necessary modifications to give full effect to this Act.

(2) Section 25 (5) of the Rent Act, 1963 (Act 220) is hereby amended as follows:

- (a) by the deletion of the words "by the appropriate Rent Magistrate";
- (b) by the substitution for the words "one hundred pounds", of the words "five hundred penalty units or a term of imprisonment not exceeding two years".

20. Interpretation

In this Act, unless the context otherwise requires,

"**functions**" includes powers and duties;

"**Minister**" means the Minister responsible for Works and Housing;

"**residential accommodation**" means residential accommodation in residential premises referred to in section 1;

"**residential premises**" means residential premises in which rooms are normally let for residential purposes.¹⁰

21. Repeals*Spent.*¹¹

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9. The provision conflicts with article 125 of the Constitution. The subsection provided that, "No legal proceedings shall be brought or entertained against a member of a Rent and Housing Committee in respect of any act or omission done by him in good faith in the discharge or exercise of his functions, duties or powers under this Act."
10. Section 20 is substituted by P.N.D.C.L. 163 of 1986.
11. The section provided that, "The Rent (Amendment) Decree, 1979 (A.F.R.C.D. 5) and the Rent Control Law, 1982 (P.N.D.C.L. 5) are hereby repealed."

SCHEDULES

FIRST SCHEDULE

[Section 1]

Recoverable Rent in Respect of Accommodation in Residential Premises

<i>Type of accommodation and size of room</i>	<i>Recoverable rent per month</i>
1. Single-roomed accommodation with shared amenities (i.e. under multiple occupation) of a size of approximately 12 feet x 10 feet:	—
	¢
(a) Sandcrete	180.00
(b) Landcrete	140.00
(c) Swish	120.00
2. Two-roomed accommodation with shared amenities of the type generally referred to as "chamber and hall" or a size of approximately 12 feet x 10 feet per room:	—
	¢
(a) Sandcrete	250.00
(b) Landcrete	200.00
(c) Swish	180.00

SECOND SCHEDULE

Second Schedule repealed by P.N.D.C.L. 163 of 1986.

