

CHAPTER 69

RELETTING OF URBAN PROPERTY (REGULATION) ORDINANCE

To repeal and to re-enact with amendments the Urban Rent Regulation Law.

19th June, 1931

ORDINANCE XXI of 1931, as amended by Act III of 1932; Ordinances: V and XX of 1935, XXIV of 1937, VIII and XXI of 1942, XIV of 1943, XXVIII of 1947; Acts: IX of 1954, V of 1955; Ordinances: VI of 1959, XXV of 1962; Act XI of 1962; Legal Notices: 4 of 1963, 46 of 1965; Acts: XXXII of 1965, XXXI of 1966, I of 1968, I of 1972, LVIII of 1974; Legal Notice 148 of 1975; Acts: XVI and XXV of 1979, [XIII of 1983](#), [XIX of 1993](#), [XXIV of 1995](#), [VI of 2001](#) and [XXXI of 2002](#); Legal Notice 408 of 2007; and Acts [X of 2009](#) [V of 2010](#), [XXVIII of 2019](#), [XXIV of 2021](#) and [IV of 2022](#).

1. The short title of this Ordinance is Reletting of Urban Property (Regulation) Ordinance.

Short title.

2. In this Ordinance, unless the context otherwise requires -
the expression "the Board" and "the Rent Board" mean the Rent Regulation Board constituted under article 16;

Interpretation.
Amended by:
XXIV. 1937.2;
V. 1955.2;
XVI. 1979.2;
V. 2010.21;
XXIV.2021.10.

the expression "club" means any club registered as such at the Office of the Commissioner of Police under the appropriate provisions of law;

the expression "let" includes sub-let;

the expression "premises" means any urban immovable property;

the expression "shop" means any premises principally leased for the sale of any wares or merchandise, whether by wholesale or retail, any market stall, warehouse and any premises licensed for the sale of wine and spirits or refreshments, any cinema hall or any other premises principally leased for the exercise therein of any art or trade or for use as a club;

the expression "tenancy" includes sub-tenancy;

the expression "tenant" means also:

(a) in the case of a dwelling-house:

(i) that person who has been recognised as a tenant in accordance with any law validly applicable before the 1st June 2021;

(ii) the widow or widower of a tenant:

Provided that the widow or the widower shall not have the right to be considered a tenant if he did not inhabit the dwelling-house for four (4) out of the last

five (5) years prior to the 1st June, 2008 and, in the case of this sub-paragraph did not continue living with the tenant until the date of his death;

(iii) the siblings of the tenant who have continued the lease *in solidum* together with him:

Provided that the siblings shall not have the right to be considered as tenants if they did not inhabit the dwelling-house for four (4) out of the last five (5) years prior to the 1st June, 2008, and, in the case of this sub-paragraph did not continue living with the tenant until the date of his death:

Provided further that following the coming into force of the [Controlled Residential Leases Reform Act, 2021](#), no person who has not yet been recognised as the tenant of a dwelling-house up to that date shall qualify as a tenant of a dwelling-house in terms of this definition, except for those who qualify in accordance with sub-paragraphs (ii) and (iii):

Act No. XXIV of
2021

Provided further that persons who do not qualify under sub-paragraphs (i), (ii) and (iii) and have lived in the dwelling-house for four (4) out of the last five (5) years before the 1st June, 2008 and have continued to live with the tenant until the date of the demise of the tenant shall continue occupying the dwelling-house for a period of five (5) years from the date of death of the tenant, at the end of which period they shall vacate said dwelling-house. The compensation for the occupation of the dwelling-house that shall be payable to the lessor during the aforementioned period shall be equal to the highest rent amount that may have been payable by the tenant:

Provided further that following the death of the tenant the lessor may file an application in accordance with the provisions of article 4A and if these persons who do not qualify under sub-paragraphs (i), (ii), and (iii) do not satisfy the income and capital assets criteria of the means-test, the Board shall make a decision in terms of sub-article (4) of article 4A;

(b) in the case of a shop, where the tenant leaves no widow or widower, such persons as are related to the tenant by consanguinity or affinity up to the degree of cousin inclusively, provided, in the latter case, such persons are the heirs of the tenant;

(c) in the case of a club, the person or persons from time to time succeeding in the management or direction thereof,

that it includes any sub-tenant in relation to the tenant.

3. It shall not be lawful for the lessor of any premises, at the expiration of the period of tenancy (whether such period be conventional, legal, customary or consequential on the provisions of this Ordinance), to refuse the renewal of the lease or to raise the rent or impose new conditions for the renewal of the lease without the permission of the Board.

Lessor not to refuse renewal of lease or raise the rent without permission of Board.
Amended by:
XXVIII. 1947.1A;
XVI. 1979.3.

4. The Board shall grant the said permission:

- (a) if the lessor is bound to carry out or has reasonable cause for making any alterations or works other than ordinary repairs;
- (b) if the new lease established in accordance with the provisions of this Ordinance is not more than two per cent (2%) per annum of the freehold value of the tenement on the open market.

Power of Board to permit increase of rent, etc.
Amended by:
XIV. 1943.2;
XIX. 1993.2;
XXIV.2021.11.

4A. (1) When a person is in occupation of a dwelling-house on the basis of a lease which commenced before 1st June 1995 through the application of the provisions of this Ordinance, the following conditions shall, provided they are inconsistent with the provisions of the said articles of this Ordinance, apply in respect of such lease from 1st June 2021 notwithstanding the provisions of the said articles of this Ordinance or of any other law.

Continuation of a lease of a dwelling-house.
Added by:
XXIV.2021.12.

(2) The lessor shall be entitled to file an application before the Board requesting that the rent be reviewed to an amount not exceeding two percent (2%) per annum of the free and open market value of the dwelling-house on 1st January of the year in which the application is filed and in order to establish new conditions regarding the lease.

(3) (a) When the request is made by the lessor in accordance with sub-article (2) and the leased tenement is a dwelling-house, the Housing Authority shall be notified with the application and shall have the right to participate fully as intervenor in the proceedings;

(b) the tenant shall in any case be entitled to the benefit of legal aid provided by the Housing Authority in proceedings filed in terms of this article:

Provided that this shall not prejudice the rights of the lessor who shall be entitled to the benefit of legal aid provided by the Legal Aid Agency in proceedings filed in terms of this article if he is not in full-time gainful employment;

(c) at the initial stages of the proceedings, the Board shall conduct a means test of the tenant, which shall be based on the means test provided for in the [Continuation of Tenancies \(Means Testing Criteria\)](#) Regulations issued under article 1622A of the [Civil Code](#) and any regulations that may from time to time replace them. The means test shall be based on the income of the tenant between the 1st January and the 31st

S.L. 16.11.
Cap. 16.

December of the year preceding the year in which the proceedings are commenced and the capital of the tenant on the 31st December of the said year. The means test shall be conducted with particular reference, *inter alia*, to regulations 4 to 8 of the [Continuation of Tenancies \(Means Testing Criteria\) Regulations](#) which shall apply *mutatis mutandis*:

S.L. 16.11.

Provided that when the lessor has the suspicion that the tenant may have transferred his property, both movable or immovable, with the intention of hiding these assets, he shall have the right to request that the means test on the capital assets shall go back to the 1st January 2021 or according to sub-regulation (5) of regulation 4 of the [Continuation of Tenancies \(Means Testing Criteria\) Regulations](#), whichever date comes earlier, and when it is established that the tenant has disposed of these assets for malicious purposes, the Board shall nonetheless take them into consideration in its means test.

(4) Where the tenant does not meet the income and capital criteria of the means test the Board shall, after hearing any evidence and submissions produced by the parties, give judgement allowing the tenant a period of two (2) years to vacate the dwelling-house. The compensation for occupation of the dwelling-house payable to the lessor during the said period shall be determined by the Board as the case may be.

(5) Where the tenant meets the income and capital criteria of the means test the Board shall proceed according to the following sub-articles.

(6) The Board, in any case, after summarily hearing the parties and examining any evidence which it considers relevant, may also order that an increased amount of rent be paid during the hearing of a pending application filed in terms of sub-article (1).

(7) When the rent amount is established in accordance with sub-article (2), that rent may increase according to the regulations published by the Minister responsible for housing from time to time:

Provided that the demand for this increase shall be without prejudice to the lessor's right to request the revision of the rent in accordance with sub-article (2), after a period of six (6) years from when the new rent would have been fixed in accordance with the same sub-article (2), unless an agreement is reached between the parties.

(8) The lessor may, whenever it transpires that the economic circumstances of the tenant have changed, file a new application before the Board wherein he requests that a new means test of the tenant is conducted according to paragraph (c) of sub-article (3) and if the tenant does not satisfy the income and capital assets criteria of the means test, the Board shall decide the case in terms of sub-article (4).

(9) The provisions of this article shall also apply to cases wherein a community of property on the dwelling-house exists and the tenant is a co-owner of the same dwelling-house. When this is the case the Board shall consider the tenant's share in the leased dwelling-house and subtract any part of the new rental amount payable by him to the other co-owners proportionally.

5. (1) In the case referred to sub-article (1)(a) of the last preceding article, the Board shall allow such increase as it may deem justified, having regard to the benefit resulting from the alterations or works. Increase of rent.

(2) Any such increase shall take effect from the date of the completion of the alterations or works.

6. (1) Where permission is granted to the lessor to increase the rent or to impose new conditions, the tenant shall, within fifteen days of the decision of the Board, accept the terms laid down by the Board or refuse the same; in the latter case, the tenant must vacate the premises within a time to be fixed by the Board and continue to pay rent for the occupation thereof after the termination of the lease at the increased rate allowed by the Board. Where permission is granted to lessor to increase rent.

(2) The tenant shall be deemed to have accepted such terms if within the said time of fifteen days he fails to signify his intention to the contrary, by means of a judicial letter.

7. (1) Where the lessor desires to increase the value of the premises by works or alterations to be carried out at the termination of the lease, he must apply to the Board for permission to do so. Increase of rent in view of improvements on the premises.

(2) If the application is granted, the Board shall allow an increase of rent having regard to the cost and importance of such improvements.

(3) The increase of rent shall commence as from the day of the completion of the works.

8. (1) Where the lessor desires to resume possession of the premises at the termination of the lease he shall apply to the Board for permission to do so. Application by lessor for resuming possession of premises.

(2) The provisions of this article shall not apply to premises belonging to or administered by the Government.

9. The Board shall grant the permission referred to in the last preceding article in the following cases: Cases in which application for resuming possession of premises may be granted.

- (a) if the tenant has in the course of the previous lease failed to pay punctually the rent due by him, or has caused considerable damage to the premises, or otherwise failed to comply with the conditions of the lease, or has used the premises for any purpose other than that for which the premises were leased, or has sublet the premises or made over the lease without the express consent of the lessor.

Amended by:
XXI. 1942.2;
XXVIII. 1947.2;
XXIV.2021.13.

For the purposes of this paragraph:

- (i) the tenant shall be deemed to have failed to pay punctually the rent due by him if in respect of each of two or more terms he has not paid the rent within fifteen days from the day on which the lessor has called upon him for payment;
 - (ii) any subtenancy of a portion only of the premises, made on or after the 13th day of July, 1945, for the use of the portion sublet otherwise than as a shop and the residue of the premises continuing to be occupied by the tenant or by any member of his family, shall not be deemed to be a subtenancy referred to in this paragraph;
 - (iii) any subtenancy or assignment of lease of any premises, including a shop, made at any time between the 10th day of June, 1940, and the 13th day of July, 1945, both days inclusive, shall not constitute a good reason for the grant of the permission referred to in article 8;
- (b) if the lessor requires the dwelling-house for his own residence or for that of any of his ascendants or descendants, whether by consanguinity or affinity, and the Board is satisfied that the tenant has alternative accommodation, holding it in title of ownership, which is reasonably suitable to the means of the tenant and his family as regards size and state of repair and proximity to his place of work (if he is employed):

Provided that the Board shall also consider properties of the tenant which despite being in the possession or detention of third parties, may be recovered by the tenant within a short period of time:

Provided further that the Board shall also consider properties, the use of which would have been granted to third parties under any other title including lease for the malicious purpose of evading the effects of this article:

Provided further that this article shall not be applicable where the tenant is sixty-five (65) years of age or older:

Provided further that this article shall be without prejudice to the lessor's right to obtain the termination of the lease in the case that the tenant does not meet the income and capital criteria of the means test mentioned under article 4A..

Right of preference granted by Civil Code held in abeyance.

Amended by:
XXVIII. 1947.2A.
Cap. 16.

10. Saving the provisions of the last preceding article, any right of preference granted by the [Civil Code](#) in the case of renewal of a lease of any premises shall, so far as the tenant is concerned, remain in abeyance during the time in which this Ordinance shall be in force.

- 11.** Where the lessor has resumed possession of the premises, under the provisions of article 9(b) and it is proved that there has been simulation or fraud, the lessor shall be bound to pay, in lieu of damages, to the tenant who has quitted the premises a penalty not exceeding ten thousand euro (€10,000) to be fixed by the Board.
- Penalty in case of simulation or fraud.
Amended by:
XIII. 1983.5;
L.N. 408 of 2007;
XXIV.2021.14.
- 12.** Where the premises consist in a shop, the lessor shall not be entitled to resume possession thereof during the time in which this Ordinance shall be in force, except in the case mentioned in article 9(a) or where the premises belong to or are administered by the Government or are otherwise required by the Government for any public purpose.
- Resuming possession of shops.
- 13.** (1) When the lessor requires the premises for his own occupation or for that of any of his ascendants or descendants, whether by consanguinity or affinity, or of a brother or sister or of an adoptive child, and the Board has granted the requisite permission, the Board shall allow the tenant a reasonable period within which to vacate the premises, having regard to the circumstances of each case.
- Tenant to be allowed time for quitting premises where lessor requires premises for his own occupation, etc.
Amended by:
XXI. 1942.3.
- (2) The said period is allowed in favour of the tenant who may at any time within such period quit the premises and claim the refund of any part of the rent corresponding to the unexpired portion of the renewed tenancy.
- 14.** *Repealed by Act [XXIV.2021.15](#).*
- Lessor desiring to increase the rent or impose new conditions to apply to Board.
Amended by:
XXVIII. 1947.2B;
XIII. 1983.5;
L.N. 408 of 2007.
- 15.** Clauses that bind the tenant to conditions which are significantly less advantageous than those provided in this Ordinance, whether such clauses have been stipulated prior to the 1st June 2021 or afterwards, shall be considered null and void.
- Clauses which are significantly less advantageous to the tenant.
Amended by:
XXVIII. 1947.3;
Substituted by:
XXIV.2021.16.
- 16.** (1) There shall be a Board to be known as the Rent Regulation Board.
- Constitution of the Board.
Amended by:
III. 1932.1;
V. 1935.2;
XIV. 1943.3;
I. 1968.2;
L.N. 148 of 1975.
Substituted by:
XVI. 1979.4.
Amended by:
XXV. 1979.2.
Substituted by:
XIX. 1993.2.
Amended by:
X. 2009.38;
XXVIII.2019.45.
- (2) The Board shall consist of a Chairman who shall be appointed by the President of Malta from among the judges and magistrates.
- (3) The President of Malta may appoint several judges or magistrates to sit on the Board, but only one judge or magistrate shall sit in any one case.
- (4) Without prejudice to any other law the Board shall also decide all matters affecting the leases of urban property including residential as well as commercial property in terms of Title IX of Part II of Book Second of the [Civil Code](#), Of Contracts of Letting and Hiring, including causes relating to the occupation of urban property where such leases have expired after the termination of the
- Cap. 16.

rent, and any damages resulting during such period of occupation:

Provided that matters relating to the validity of a contract of lease, shall be examined by the courts of civil jurisdiction, so however, that any other matter following the determination of such matters relating to validity shall fall under the competence of the Rent Board.

The Rent Board shall also have the competence to decide demands related to maintenance, repairs, defects and faults of the tenement including latent ones, damages or improvements, amounts due for water and electricity and any amount left by way of security deposit by the tenant, where such demands are included in other demands or pleas made before the Board, over which the Adjudicating Panel has no jurisdiction.

Powers of the
Board.
Added by:
X. 2009.38.
Amended by:
XXVIII.2019.45.

16A.(1)(a)In actions before the Rent Board, where the demand is solely for the eviction of any person from the lease or sub-lease of any urban, residential or commercial tenement, with or without a claim for rent or any other consideration due or by way of damages for any compensation, up to the date of the surrender of the tenement, it shall be lawful for the applicant to demand in the sworn application that the Board gives judgment allowing his demand, without proceeding to trial:

Provided that when the demand for eviction is made with a claim for rent or any other consideration due or damages for any compensation, the Rent Board shall decide the demand for eviction at the first hearing before deciding any other demands made by the applicant:

Provided that the applicant shall, in his sworn application state that the respondent has no defence to the action:

Provided further that the applicant shall also file together with the application a sworn affidavit containing facts relative to the claim, and confirming that such facts are within his knowledge. The applicant may also file together with his application an affidavit of any other third party confirming facts relative to the claim.

- (b) In the cases provided for in this article, the sworn application shall be in writing according to the prescribed form and shall contain an order to the respondent to appear before the Board, on an appointed day and at a stated time.
- (c) In the cases provided for in this article, the sworn application shall also indicate clearly that the procedures conducted are special summary procedures where judgement shall be given at the first hearing of the case should the respondent fail to appear at that

sitting or should he fail at that sitting to show that he has a valid defence to put forth to rebut the applicant's claims.

(2) A copy of the sworn application shall be served upon the respondent.

Service on respondent.

(3) In the cases referred to in sub-article (1), the sworn application shall be served on the respondent without delay; and he shall be ordered to appear not earlier than fifteen days and not later than thirty days from the date of service:

Time for service of sworn application.

Provided that in the case of non-observance of the provisions of this article the Board shall not stop proceedings by special summary proceedings but shall give such orders as it may consider appropriate so that the rights of the parties be not prejudiced.

(4) The sworn application, and the affidavit produced therewith, and any order referred to in sub-articles (2) and (3) shall be served by means of any executive officer of the courts after judicial hours.

Mode of service.

(5) (a) If the respondent fails to appear to the sworn application, or if he appears and does not contest the proceedings taken by the applicant, on the ground of irregularity or inapplicability, or, having unsuccessfully raised such plea, does not by his own sworn evidence, or otherwise, satisfy the Board that he has a *prima facie* defence, in law or in fact, to the action on the merits, or otherwise discloses such facts or issues of law as may be deemed sufficient to entitle him to defend the action, the Board shall forthwith give judgement, allowing the applicant's claim. The respondent may make his submissions to contest the proceedings taken by applicant on the ground of irregularity or inapplicability by means of a note to be filed in the registry of the Board or during the hearing.

Trial in special summary proceedings.

(b) If the respondent successfully contests the proceedings on the ground of irregularity, or inapplicability, or if he satisfies the Board that he has a *prima facie* defence to the action, or discloses such facts or issues of law as may be deemed sufficient to entitle him to defend the action or to set up a counter-claim, he shall be given leave to defend the action and file a reply within twenty days from the date of the order referred to in paragraph (d).

(c) Where leave to defend is given, the action shall be tried and determined, on the same acts, in the ordinary course as provided in this Ordinance.

(d) The order giving leave to defend shall be made orally, a record thereof being kept in the proceedings.

Board shall not determine causes relative to leases that are not registered.
Cap. 604.
Cap. 604.

Cap. 604.

Cap. 604.

Appointment of Panel of Architects and Civil Engineers.
Substituted by:
XIV. 1943.4.
Amended by:
L.N. 46 of 1965;
LVIII. 1974. 68;
XVI. 1979.5.
Substituted by:
XIX. 1993.2.
Cap. 44.

Oath to be taken by members of the Panel.
Substituted by:
XVI. 1979.6;
XIX. 1993.2.

Members of Board may abstain or be challenged as provided in Code of Organization and Civil Procedure.
Amended by:
XIX. 1993.2.
Cap. 12.

Powers of Board.
Amended by:
L.N. 148 of 1975.
Cap. 12.

Orders to be signed by Chairman.

Registry of Board.

16B. The Board shall not deal with any demand made by either party to the lease, if the agreement, contracted after the entry into force of the [Private Residential Leases Act](#), is not registered in accordance with article 4 of the [Private Residential Leases Act](#):

Provided that the Board shall not have jurisdiction to determine any demand made by either party to a lease entered into after the 1st June, 1995, but before the coming into force of the [Private Residential Leases Act](#), which is renewed or extended beyond the 1st January, 2021, and which is not registered in accordance with article 5 of the [Private Residential Leases Act](#).

17. The President of Malta shall also appoint a Panel of Architects and Civil Engineers from among persons who hold the warrant to practice as Architect and Civil Engineer according to the provisions of the Architects Ordinance and who have practised that profession in Malta for not less than seven years.

18. (1) The members of the Panel shall not enter upon the duties of their office unless they have taken and subscribed an oath before the Chairman to exercise their functions under this Ordinance with impartiality and in accordance with the law.

(2) The members of the Panel shall be appointed for a period of two years and may be reappointed.

19. (1) The Chairman or any other member of the Panel may abstain or may be challenged by any of the contending parties for any of the causes mentioned in article 734 of the [Code of Organization and Civil Procedure](#).

(2) Any question regarding any cause of abstention or challenge shall be decided by the Chairman of the Board.

20. (1) The Board shall have all such powers as are, by the [Code of Organization and Civil Procedure](#), vested in the Civil Court, First Hall.

(2) The enforcement of the decisions of the Board in the manner prescribed in the [Code of Organization and Civil Procedure](#), shall vest in the Board itself.

21. Any warrant or order issued by the Board shall be signed by the Chairman and certified by the Registrar or Clerk of the Board.

22. The Registry of the Superior Courts in Malta, or the Registry of the Courts of Magistrates in Gozo, as the case may be, shall be the Registry of the Board and therein shall be deposited the records of the Board.

23. (1) Whenever a question arises before the Board requiring the valuation of any premises or any other technical opinion in connection with any case before the Board, the Chairman shall assign two of the members of the Panel to examine the premises in question, or to take cognizance of the record of the case relative to the matter in which the technical opinion is requested; and such two members shall present their report to the Chairman during the sitting or file the said report in the registry of the Board as the Chairman may direct:

Reports by members of the Panel to the Board.
Substituted by:
XIX. 1993.2.
Amended by:
IV.2022.3.

Provided that where the valuation of any premises or any other technical opinion in respect of premises is required before the board and where:

- (i) it results that the valuation or other technical opinion in respect of the same premises was given before a court by an Architect or Civil Engineer appointed by such court with the agreement of the lessor and the tenant who were parties to the said case before the court and who are also parties to the case before the board; and
- (ii) the said valuation or other technical opinion was confirmed in a final judgment of a court,

the chairman may, after hearing the parties, decide to rely on the said valuation or technical opinion to such an extent as he deems fit instead of assigning two (2) members of the Panel to examine the premises in accordance with this article:

Provided further that the chairman may also decide to rely on any valuation or other technical opinion instead of assigning two (2) members of the Panel as aforesaid where all the parties to the case agree.

(2) The Chairman may also require the members of the Panel assigned to a case to attend the sitting of the Board when that case is being considered by the Board if the said members require additional information from the parties or need to hear any particular witnesses.

(3) The Chairman shall only be bound by the reports of the Panel whenever the reports of the two members of the Panel assigned to a particular case are unanimous; where unanimity is not reached by the said two members, the Chairman shall on the basis of the reports submitted by the two members, decide the matter himself.

24. (1) The decisions of the Board shall be delivered by the Chairman in open court, and no appeal shall lie therefrom except -

- (a) in the case of applications under the provisions of article 8 hereof; and
- (b) in other cases, on a point of law determined by the Board.

Decision of Board to be delivered in open court.
Amended by:
XXIV.1937.3;
VIII. 1942.2;
IX. 1954.2;
XI. 1962.2;
L.N. 148 of 1975;
XVI. 1979.7;
XIX. 1993.2;
XXXI. 2002.258.

Appeal therefrom. Cap. 12.	(2) The appeal shall be brought before the Court of Appeal as constituted in terms of article 41(9) of the Code of Organization and Civil Procedure by means of an application, within twenty days from the day on which the decision of the Board is delivered.
Contents of application.	25. (1) Any application made by the lessor for permission to increase the rent or impose new conditions shall be drawn up according to Form A in the Schedule hereto and shall contain a demand for permission to increase the rent or impose new conditions, stating the grounds therefor and specifying the rent and conditions of the current lease. (2) Any application for resuming possession of the premises at the termination of the lease shall be drawn up according to Form B in the Schedule hereto and shall state the grounds on which the demand is founded.
Applications to be drawn up according to Forms annexed to Ordinance.	26. Any applications made by the tenant under the provisions of article 14(2) shall be drawn up according to Form C in the Schedule hereto.
No nullity shall arise from use of other forms.	27. (1) No nullity shall arise if any other form is used provided the application contains the information required under article 25. (2) The Board may, at any time, allow any amendment to be made in the application for the purpose of making it clearer.
Application to be filed in duplicate. <i>Substituted by:</i> <i>XIV. 1943.5.</i>	28. (1) The application shall be filed in duplicate, and a copy thereof, bearing the date on which the Board will first take cognizance of the application, shall be served on the other party, at applicant's expense. (2) The date of hearing shall be so fixed by the Board that not less than fifteen days shall intervene between the filing of the application and the first hearing of the matter, provided that not less than twelve days shall elapse between the date of serving of the application and the date fixed for the hearing of the application; and the date of hearing shall be endorsed on the duplicate application by the Registrar or Clerk of the Board under instructions from the Chairman.
Application to be accompanied by registry fee. <i>Substituted by:</i> <i>XXVIII. 1947.4.</i> <i>Amended by:</i> <i>I. 1972.2;</i> <i>XIII. 1983.5.</i> <i>Substituted by:</i> <i>VI. 2001.8.</i>	29. On the filing of each application there shall be paid a registry fee as established in accordance with article 39.
Making of submissions. <i>Substituted by:</i> <i>XIV. 1943.6.</i>	30. The lessor or the tenant on whom the application has been served shall make his submissions, orally or in writing, if any, at the hearing of the matter. He may, however, accede to the requests contained in the application, by means of a written reply filed in the Registry of the Board at any time previous to the date fixed for the hearing.

In default of any submissions on the date fixed for hearing, in contestation of the request contained in the application, the Board shall allow the application.

31. If the party on whom the application has been served files a reply whereby he accedes to the request contained in the application, the Chairman shall allow the application *in camera*.

Where application is acceded to.
Amended by:
V. 1935.3.
Substituted by:
XIV. 1943.7.

32. The parties may appear before the Board in person or may appear or be assisted by an advocate or a legal procurator.

Appearance before Board.
Amended by:
XIX. 1993.2.

33. If the applicant fails to appear at the hearing of the application, the Board shall dismiss the application and order the costs to be borne by the applicant:

Judgment in default of appearance of the applicant.

Provided that the applicant may, within six days of such decision, apply to the Board for a re-trial of his application if he explains his default to the satisfaction of the Board.

34. (1) The application shall be drawn up in the Maltese language. Where, however, the party on whom the application is to be served is reasonably believed to be an English-speaking person within the meaning of the [Judicial Proceedings \(Use of English Language\) Act](#), the provisions of article 5 of the said Act shall apply.

Language in which application is to be drawn up.
Amended by:
V. 1935.4;
XXXII. 1965.8;
XIX. 1993.2.
Cap. 189.

(2) The application shall be signed by the party himself or by an advocate or a legal procurator.

35. The proceedings shall be conducted in accordance with the provisions as to language contained in the Constitution of Malta and in the [Judicial Proceedings \(Use of English Language\) Act](#).

Language of proceedings.
Amended by:
V. 1935.5;
XXXII. 1965.8.
Cap. 189.

36. The provisions of Title X of Book Third of the [Code of Organization and Civil Procedure](#) and any other provisions of the said Code relating to the benefit of legal aid shall apply to parties to proceedings before the Board.

Legal aid.
Substituted by:
XXIV. 1995.360.
Cap. 12.

37. The registrar shall not levy fees in connection with proceedings under this Ordinance other than those provided in article 29.

Registry fees.
Amended by:
XIV. 1943.8.
Substituted by:
XXVIII. 1947.5.

38. The expenses in connection with the administration of the Board shall be paid out of the Consolidated Fund without the necessity of any further appropriation.

Expenditure of administration of Board.
See sec. 3 of Ord. XXVI of 1939.
Amended by:
XXXI. 1966.2;
XVI. 1979.8.

Fees due to members of the Panel, etc.

Amended by:
XX. 1935.2;
I. 1968.3;
I. 1972.3;
XVI. 1979.9;
XIII. 1983.4,5.
Substituted by:
XIX. 1993.2.
Amended by:
VI. 2001.8.

39. The Minister responsible for justice may by notice prescribe -

- (a) the fees payable to the members of the Panel;
- (b) the fees payable to advocates and legal procurators for any proceedings before the Board; and
- (c) the registry fees payable on the filing of any judicial act:

Cap. 12.

Provided that until such fees are so prescribed by the Minister, the fees contained in Schedule A to the [Code of Organization and Civil Procedure](#) shall apply.

Costs.

40. The costs of the proceedings shall be borne by the parties or by any of the parties as the Board may direct.

Vexatious applications.

Amended by:
XXVIII. 1947.6;
VI. 1959.3;
XIII. 1983.5;
L.N. 408 of 2007.

41. (1) If during the hearing of any application the Board finds that the application is vexatious, the Board may order the offending party to pay to the other party a penalty not exceeding eleven euro sixty-five cents (11.65).

(2) The Board may, moreover, inflict on the applicant a fine recoverable by the Accountant General as a civil debt, of an amount not exceeding three euro and forty-nine cents (3.49) or one half of one month's rent of the premises, whichever is the less.

New trial in case of misrepresentations.

Amended by:
XIII. 1983.5;
L.N. 408 of 2007.

42. Where it appears that any of the parties has obtained a favourable decision from the Board in consequence of any false statement made by him, it shall be lawful for the opposite party to apply to the Board for a new trial and also to maintain an action before the competent court for damages and for the payment of a penalty not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87) to be fixed by such court.

Contents of application for a new trial.

Amended by:
XXVIII. 1947.7.

43. The application for a new trial must contain the facts on which the application is based and must be accompanied by the fees referred to in article 29.

Certain contractual stipulations deemed to be lettings.

Added by:
XXIV. 1937.5.
Substituted by:
XXVIII. 1947.9.

44. (1) For the purposes of this Ordinance the term "letting" shall be deemed to include -

- (a) any emphyteutical grant for a period not exceeding sixteen years; and
- (b) notwithstanding any stipulation to the contrary, any agreement in pursuance of which any person has been accommodated in consideration of payment periodically recurrent in any premises other than a hotel or lodging-house licensed as such by the Police; and
- (c) any other agreement whereby any real or personal right on any premises, which right includes that of occupation of those premises, is granted under an onerous or commutative title for a period of time, whether such time is established by fixing a certain

specified day or whether it can be established by reference to a certain or to an uncertain future event.

(2) The provisions of this article shall not apply to accommodation provided by the Government in requisitioned premises.

45. (1) It shall be lawful for the Minister responsible for justice to make regulations relating to the sittings of the Board and any other matter that may be necessary for the better carrying into effect of this Ordinance.

Power of Minister to make regulations.
Amended by:
XXV. 1962.3,4;
L.N. 4 of 1963;
L.N. 46 of 1965;
XXXI. 1966.2.

(2) Such regulations shall be published in the Government Gazette and a copy thereof shall as soon as possible be laid on the Table of the House of Representatives and they shall remain in force until repealed, or amended, by the Minister responsible for justice or by a resolution of the House of Representatives.

46.* (1) The foregoing provisions of this Ordinance shall not apply to the lease of any premises entered into on or after the 1st June, 1995:

Operativeness of this Ordinance.
Added by:
XXXI. 1995.2.
Amended by:
X. 2009.38.

Provided that articles 16 to 45 shall also apply to all leases made after the 1st June, 1995.

(2) For the purposes of this article -

- (a) the term "lease" includes any letting as defined in article 44(a), (b) or (c) and includes a sub-lease;
- (b) the renewal of a lease on or after the 1st June, 1995 (whether such renewal be conventional, legal, customary or otherwise) shall not be deemed to be a lease entered into on or after the 1st June, 1995.

47. For the purposes of the provision of the benefit applicable to tenants who satisfy the means test criteria contemplated in article 4A, the Board shall send a copy of all the documentation gathered by it for the purposes of said means test and the Housing Authority shall have the right to retain this information for the purpose of research:

Transfer of documents from the Board to the Housing Authority.
Added by:
XXIV.2021.17.

Provided that the Board and the Housing Authority shall in any case effect such transfers of information in full conformity with the provisions of the [Data Protection Act](#) and any regulations issued under the auspices of that Act from time to time.

Cap. 586.

*Article 5 of Act XXXI of 1995 *inter alia* provides:

5. Nothing in article 46 of the Reletting of Urban Property (Regulation) Ordinance shall be deemed to restrict any of the powers of the Director of Social Housing under the [Housing Act](#), (Cap.125) and the provisions of the Ordinance as in force immediately before the coming into force of this Act (1st June 1995) shall, in as far as applicable, continue to apply with regard to the relationship between the said Director and any owner of premises in possession of the said Director on that date, or between the said Director and any person legally in occupation of such premises. The provisions of the said Ordinance as aforesaid shall also continue to regulate the relationship between any person in occupation of such premises and the owner thereof.

Registration of
agreements
between the party
and decisions of
the Board before
the 1st June 2021.
Added by:
XXIV.2021.18.

48. (1) All parties to a lease agreement, which was entered into after the 1st June 1995, although originating from a controlled private residential lease relationship, may register an agreement by providing evidence of a contract:

Provided that the registration of a lease agreement according to this sub-article shall not prejudice the right of the lessor to file an application in terms of article 4A whenever the rights emanating from this Ordinance exceed those stipulated by the agreement.

(2) Any party to a decision of the Board, even if such decision is appealed, wherein the lessor was given the permission to increase the rent amount of the controlled residential lease by virtue of the law as applicable between April of 2018 and May of 2021, may register the agreement in terms of the provisions of sub-article (1).

SCHEDULE

[ARTICLES 25 AND 26]

FORM A

Amended by:
XXVIII. 1947.10.

To the Registrar,

Rent Regulation Board.

I submit this application for the increase of rent or the imposition of new conditions with regard to the renewal of the lease of the premises (1) now held by (2)

The present lease expires on the (3)

The present lease is at the rent of (4) and under the following conditions: (5)

I desire to raise the rent to (6) and to impose the following conditions: (7)

The grounds on which this application is based are: (8)

(Signature of applicant)

(1) Insert description of the premises viz: locality.

(2) Insert name of tenant.

(3) Insert the date of the expiration of the present lease.

(4) Insert rate of rent.

(5) Insert conditions of lease.

(6) Insert the proposed rate of rent.

(7) Insert the new conditions.

(8) Insert the grounds on which the application is based.

FORM B

*Amended by:
XXVIII. 1947.10.*

To the Registrar,

Rent Regulation Board.

I submit this application to resume possession of the premises at:
(1) now held by (2)

The present lease expires on the (3)

My application is based on the following grounds: (4)

(Signature of applicant)

- (1) Insert description of the premises.
- (2) Insert name of tenant.
- (3) Insert date of expiration of lease.
- (4) Insert the grounds on which the application is based.

FORM C

*Amended by:
XVIII. 1947.10.*

To the Registrar,

Rent Regulation Board.

Pursuant to the provisions of the Reletting of Urban Property (Regulation) Ordinance, (Chapter 69), I hereby pray that the Board may disallow the increase of rent and the imposition of new conditions mentioned in the judicial letter served upon me by

- (1) with regard to the premises at
- (2) of which I am the tenant.

The present rent is (3) and the said
(4) has, by means of the said judicial letter dated
(5) copy whereof is hereto attached,
signified his intention to increase the said rent. (6)

(Signature of applicant)

- (1) Insert name of lessor.
 - (2) Insert description of the premises.
 - (3) Insert the yearly rent.
 - (4) Insert the name of the lessor.
 - (5) Insert the date of the judicial letter.
 - (6) Insert the grounds on which the application is based.
-