

HOW APPROACHING DUBAI RENT COMMITTEE CAN HELP RESOLVE TENANT DISPUTES

■ COMPLAINTS CAN BE FILED ON A STANDARD FORM ACCOMPANIED BY COPIES OF CONTRACT AND PASSPORT



THE HIGH demand for rental apartments and villas in Dubai has resulted in tensions between tenants and landlords over the reasonable level of rent for such units. In most cases tenants and landlords have amicably resolved their differences by reference to the Rent Cap Decree or otherwise. But in a minority of cases such disputes have not been resolved amicably.

Purpose

The resolution of disputes relating to the rights and obligations of tenancies, including the reasonable level of rent, has been delegated to the Dubai Rent Committee.

The Rent Committee is the official entity in Dubai empowered and authorised to adjudicate lease disputes upon application by a tenant or landlord.

If a tenant has a complaint with respect to the leased property or actions of the landlord related to such property, and the complaint is based on a provision of the UAE Civil Code, the Decree or the lease agreement, then the tenant can file a case with the Dubai Rent Committee.

Meetings and decision making process

The Dubai Rent Committee in its present form was created by Decree No. (2) of 1993. The Committee presently consists of seven members, which may be increased to twelve members, each appointed by His Highness Shaikh Mohammad Bin Rashid Al Maktoum, Vice-President and Prime Minister of the UAE and Ruler of Dubai.

At least one member is a lawyer who provides legal advice to the Committee. The minimum number of members required to convene a Committee meeting is three. Decisions of the Committee require at least the approval of a majority of the members present at the meeting. The Committee generally holds its sessions at the Dubai Municipality Council building, at least once every week. But it is likely it happens every day of the business week now given the present case load!

The Committee may request the assistance of any employee of the Dubai Municipality or any other person, such as an expert witness.

The Committee is responsible for



■ The residential property boom in Dubai has led to a rise in the number of disputes between tenants and landlords

drafting its regulations which shall be subject to approval by the Chairman of the Dubai Municipality. The decisions shall be final and may not be appealed to any court of law or otherwise. These are executed and enforced through the Execution Department of the Dubai Court of First Instance.

Complaint filing procedure

A tenant or a landlord may file a complaint with the Dubai Rent Committee by completing and filing a standard form with the Committee explaining the relevant facts and the complaint.

The letter should attach a copy of the relevant tenancy agreement and passport copy of the complainant or valid trade license if the complainant is a company.

The Committee shall then assign a case number for the complaint and grant a hearing date. It shall then send a letter to the defendant attaching the filed com-

plaint requiring the defendant to attend a hearing and respond to the complaints.

On the hearing date, both parties must attend, or appoint lawyers to attend, to discuss the case.

The Committee may require further hearings, information or evidence from either party.

Once the Committee receives all the information that it requires, it generally renders its decision in writing in about one to two weeks.

In arriving at its decision, the Committee reviews and applies applicable laws, as appropriate, such as the UAE Civil Code (Federal Law No. 5 of 1985, as amended); the new 7 per cent rent cap Decree; and the tenancy agreement.

Generally and depending on the facts of the complaint, a tenant will not be ejected from leased premises unless there has been a serious breach of the tenancy agreement; if the landlord

premises for personal use; or if the landlord intends to conduct important and necessary repairs to the premises to maintain it in an acceptable state of repair.

Fees

The fee payable by a complainant with respect to a rent claim is 3.5 per cent of the claimed amount. Such fee is payable by the complainant at the time of filing the application of complaint with the Committee.

If the complainant is successful in its complaint, the Committee shall generally order for reimbursement of such fee amount by the defendant to the complainant.

For further information with respect to the Dubai Rent Committee, its mandate, procedures and fees, call 04-2215555 or 04-2215556. Information is also available on

the law firm of Alridi & Angell.