

THE STATUTES OF THE REPUBLIC OF SINGAPORE

CONTROL OF RENT ACT

(CHAPTER 58)

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Control of Rent Act

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An Act to control the rents of certain premises and the right to recover possession of those premises and matters incidental thereto.

[20th July 1953]

Short title.

1. This Act may be cited as the Control of Rent Act.

Inter-pretation.

2. In this Act except where the context otherwise requires —

24/47.

“Board” means the Rent Conciliation Board constituted under the provisions of the Control of Rent Ordinance 1947 or this Act, as the case may be;

“domestic premises” means a building or part of a building used wholly or chiefly as a separate dwelling;

“landlord” means the landlord of premises in respect of which a tenancy exists and includes the landlord of a statutory tenant and in the case of a subtenancy a tenant who sublets the premises or any part thereof;

“member of his family” means —

(a) the husband or widower;

(b) the wife or widow;

(c) the father or mother; or

(d) a son or daughter either of whom is over 16 years of age; and

where the tenancy has not been determined according to law includes a legal personal representative;

“order of the Board” means the last order of the Board by which the rent of the premises is fixed;

“premises” means any dwelling-house, flat, factory, warehouse, office, counting house, shop, school and any other building whether of permanent or temporary construction in which persons are employed or work and any part of any such building let or sublet separately and includes any land whereon any such building is or has been erected with the consent of the landlord but does not include any new building built or completed after 7th September 1947;

“rent” includes any sum paid as rent or hire for the use of furniture where premises are let furnished or where premises are let and the furniture therein is hired by the landlord to the tenant;

“standard rent” means —

(a) if the rent has been fixed by the Board prior to the commencement of this Act, the rent so fixed;

(b) if the rent has not been fixed by the Board prior to the commencement of this Act, the rent of the premises as at 1st August 1939; or in the case of premises which were then unlet, unoccupied or unbuilt, the rent at which the premises were first let after 1st August 1939;

“tenancy” means any lease, demise, letting or holding of premises whether in writing or otherwise, by virtue whereof the relationship of landlord and tenant is created, but does not include the letting or hiring of furnished rooms with board;

“tenant” means the tenant of premises in respect of which a tenancy exists and includes a statutory tenant and in the case of a sub-tenancy a sub-tenant to whom the premises or part thereof is sublet.

PART I

RENT AND PREMISES

Restriction
on increasing
rent.

3.—(1) Subject to this Act it shall be unlawful for any landlord to increase or attempt to increase or to receive or recover a rent in respect of any tenancy of premises in excess of the rent fixed by an order of the Board, or, if no order has been made, in excess of the standard rent.

(2) Where any premises are let furnished and no order of the Board exists fixing the combined rent of the premises and furniture, the landlord shall not receive or recover from the tenant in respect of the combined rent of the premises and furniture a sum exceeding the standard rent of the premises unfurnished, with the addition of:

(a) 50% of the standard rent; or

(b) a monthly rental to be assessed at one-sixtieth of the true value of the furniture,

whichever is less.

(3) Where as a result of any transfer to a tenant of any burden or liability previously borne by the landlord, the terms on which premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased whether or not the sum periodically payable by way of rent is increased.

(4) A tenant who has paid his landlord a sum in excess of the rent which may lawfully be received under this section may recover that sum from the landlord.

Charging of
premium
prohibited.

4. No person shall as a condition of the grant, renewal, transfer or continuance of a tenancy require the payment of any fine, premium or other like sum or the giving of any other valuable consideration in addition to the rent and any sum or other valuable consideration paid or given in contravention of this section shall be recoverable by the person by whom it was made or given.

Penalty.

5.—(1) Any person who contravenes section 3 or 4 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and for a second or subsequent offence shall be liable to a fine not exceeding \$2,000 or to imprisonment which may extend to 6 months or to both.

(2) No proceedings shall be taken under this section without the previous sanction in writing of the President of the Board.

(3) In any prosecution for an offence under this section it shall be a good defence if it is proved to the satisfaction of the court that the accused had reasonable grounds for believing that he was not acting in contravention of section 3 or 4, as the case may be.

6. A landlord shall on being requested in writing by his tenant supply him with a statement in writing specifying the standard rent of the premises and if without reasonable excuse he fails within 14 days to do so, or supplies a statement which is false in any material particular, he shall be guilty of an offence and shall be liable on conviction before a Magistrate's Court to a fine not exceeding \$100.

Statement of standard rent to be supplied by landlord.

7.—(1) A landlord may increase the rent of the premises let by him only in the cases and to the extent following:

Permitted increase of rent.

- (a) where the current rent is below the standard rent, to the extent of the difference between those rents;
- (b) where the current rent is below the rent fixed by an order of the Board, to the extent of the difference between those rents;
- (c) where the premises were let on or before 1st January 1941, and there has been no increase of rent subsequent to that date, to the extent set out in the third column of the Schedule in respect of the types of premises and the standard rents thereof set out adjacent thereto in the first and second columns of that Schedule:

Provided that the Board may in any such case make an order fixing the rent, and in that event the landlord shall not increase the rent above the rent so fixed;

- (d) where the landlord has after the commencement of this Act incurred any costs, charges or expenses for any improvements to or for the benefit of the premises for the purpose of constructing roads, sewers or drains or the installation of modern sanitation or for any other purpose under and in accordance with the provisions of any written

law or by agreement with the tenant, then the landlord shall be entitled to increase and receive or recover a rent in excess of the standard rent the amount of such increase to be fixed by the Board on the application of either the landlord or the tenant. Any increase of rent fixed by the Board under this paragraph shall be in addition to any other increase of rent permitted under paragraphs (a), (b) and (c);

- (e) where since 7th September 1947, the rates or the property tax payable by the landlord under the provisions of the Municipal Ordinance or the Property Tax Act, in respect of the premises have been increased, to the extent of the increase:

1936 Ed.
Cap. 133.
Cap. 254.

Provided that in any case where an increase, other than an increase permitted under this subsection, has been made to the rent since 7th September 1947, a landlord shall not increase the rent of the premises under this paragraph without the approval of the Board.

- (2) Nothing in this section shall be deemed to relieve a landlord from the necessity of determining the tenancy according to law prior to increasing the rent.

PART II

RENT CONCILIATION BOARD

Establishment of Rent Conciliation Board.

8.—(1) A Rent Conciliation Board shall be established consisting of a president and such other persons as may be appointed by the Minister by notification in the *Gazette*.

(2) The appointment of a member of the Board may be revoked at any time by the Minister but unless his appointment is so revoked or he resigns in the meantime he shall hold office for a term of one year, and shall be eligible for reappointment.

Cap. 321.

(3) The President of the Board shall possess the qualifications required of a District Judge by section 9 (3) of the Subordinate Courts Act, and shall preside at all sessions of the Board.

(4) Three members of the Board of whom the President shall be one, shall form a quorum, and the opinion of the

majority of the Board present shall be decisive upon any matter, provided that in case of an equality of opinion the President of the Board shall give a casting opinion.

(5) The proceedings of the Board shall be open to the public and minutes of the Board including a note of any oral evidence given before the Board shall be kept by the President of the Board.

(6) All summonses and notices, issued under the hand of the President of the Board shall be deemed to be issued by the Board.

(7) Any interested party may be represented before the Board by an advocate and solicitor of the Supreme Court.

(8) The proceedings of the Board shall be deemed to be judicial proceedings and the members of the Board to be public servants within the meaning of the Penal Code.

Cap. 224.

9.—(1) The Board shall have and may exercise the following powers:

Powers of Board.

- (a) to hear and determine any application or proceeding for the purpose of fixing or apportioning the rent in respect of a tenancy of premises;
- (b) to make orders fixing such rent at a figure equal to, below, or above the current or standard rent as to the Board may appear just and proper; or to refuse to make any such order; and from time to time to review, vary or set aside any order made by it, as provided in section 11:

Provided that the Board shall not make any order under this paragraph fixing the rent in respect of the tenancy of any premises at a figure which exceeds the current or standard rent thereof plus twice the increase of rent permitted under section 7 (1) (c);

- (c) to approve to the extent appearing to the Board to be just and proper any application to increase rent made under the proviso to section 7 (1) (e);
- (d) to examine any witness on oath, to summon any person to appear before it, and to require any interested party or witness to produce any relevant document, as the Board may think fit;

(e) subject to the approval of the Minister, to make rules not inconsistent with the provisions of this Act regulating the practice and procedure of the Board.

(2) Notwithstanding section 7 (1) (d) or subsection (1) (b) where a landlord has since 1st January 1951 incurred or hereafter incurs expenditure in the improvement or structural alteration of premises (not including expenditure on decoration or ordinary repairs) the Board shall in fixing the rent of a tenancy of such premises take such expenditure into consideration so as to allow the landlord a reasonable return in respect thereof.

(3) Any landlord or tenant or other person interested may apply to the Board for an order fixing the rent in respect of the tenancy of premises of which he is landlord or tenant or in which he is interested. If the application is by the landlord, it shall be duly served on the tenant as respondent; if the application is by the tenant it shall be duly served on the landlord as respondent; if the application is by some other interested person it shall be served on both the landlord and the tenant as respondents.

(4) Where the premises concerned in any application or proceedings before the Board are sublet by the tenant either wholly or in part, the Board may in addition to fixing the rent in respect of the tenancy of the premises as a whole, and subject to section 22, fix the rent of any portion thereof which is separately sublet.

(5) Any person claiming to be interested in any proceedings before the Board may apply to be made a party to the proceedings and the Board shall give all interested parties an opportunity of being heard and of producing such evidence, oral or documentary, as may appear relevant to the Board.

Orders and
rules of
Board to
be published.

10.—(1) All orders of the Board shall be published as soon as practicable in the *Gazette* and may be proved by production of the *Gazette*.

(2) All rules made by the Board under section 9 (1) (e) shall be published in the *Gazette*.

11. An order of the Board may be reviewed, varied or set aside by the Board in the following cases: Review of orders of Board.

- (a) where the facts of the case affecting the question of rent have materially altered since the order was made;
- (b) where the order was made in consequence of any fraud, misrepresentation or mistake;
- (c) where fresh evidence of a material nature, which could not by the exercise of reasonable diligence have been produced when the order was made, is available;
- (d) where the order was made in the absence of any necessary or proper party whose absence was not due to any default or neglect on his part;
- (e) where in the opinion of the Board some substantial wrong or miscarriage of justice is occasioned by the order.

12.—(1) The Board may at any stage of an application or proceedings before it, reserve for the consideration of the High Court any questions of law arising in the application or proceedings, in the form of a special case which shall — Power of Board to state special case for decision of High Court.

- (a) be drawn up by the President of the Board and shall set out shortly the facts on which the law is to be applied and the question or questions of law to be determined;
- (b) be sent by the President of the Board to the Registrar of the Supreme Court; and
- (c) be set down for argument in such manner as the High Court directs.

(2) The High Court shall hear and determine the question or questions of law arising on the special case and shall thereupon remit the matter to the President of the Board with the opinion of the Court thereon and that opinion shall be binding on the Board.

(3) The costs of the proceedings in the High Court shall be in the discretion of the Court and may be dealt with by the order of the Court, provided that no member of the Board shall be personally liable to any costs in respect thereto.

High Court
may call for
proceedings
of Board.

13.—(1) The High Court either of its own motion or on the application within 14 days of any party aggrieved by a decision of the Board on the ground that it is wrong in law, may call for the proceedings and the grounds of the order and give such orders thereon, either by directing a fresh hearing or otherwise, as appears necessary to secure that substantial justice is done.

(2) This jurisdiction may be exercised by a single judge.

PART III

RECOVERY OF POSSESSION

Restriction
on right to
possession.

14. No order or judgment for the recovery of possession of any premises comprised in a tenancy shall be made or given except in the cases set out in this Part.

Cases where
order or
judgment
referred to
in section 14
may be
made.

15.—(1) In the case of all premises such an order or judgment as is referred to in section 14 may be made in any of the following cases:

- (a) where at the date of the notice determining the tenancy given by the landlord rent lawfully due was in arrear for 21 days or upwards after notice of demand in writing had been served on the tenant and there was no tender thereof at or before that date and the court considers it reasonable that such an order or judgment be made or given;
- (b) where any obligation of the tenancy other than the payment of rent (whether under the contract of tenancy or under the provisions of this Act) so far as the obligation is consistent with the provisions of this Act, has been broken or not performed by the tenant and the court considers it reasonable that such an order or judgment be made or given;
- (c) where the landlord as a step towards increasing the rent in pursuance of section 7, has given the tenant a notice to quit, and the tenant holds over possession at the expiration of the notice without paying or agreeing to pay the increased rent;

- (d) where the tenant or any other person occupying the premises under him, has been guilty of conduct constituting a nuisance or persistent annoyance to persons in the same building; or of using or permitting the use of the premises for illegal or immoral purposes;
- (e) where the condition of the premises has in the opinion of the court deteriorated owing to the wrongful neglect or default of the tenant; or where the tenant has wrongfully caused or suffered to be caused substantial damage to the premises;
- (f) where the tenancy has been determined by notice to quit given by the tenant;
- (g) where the tenant having sublet the premises or part thereof receives in respect of that subletting, rents (excluding any municipal services paid by the tenant) for any sublet part of the premises in excess of the recoverable rent for that part, or rents which exceed in the aggregate 110% of the recoverable rent paid by the tenant himself including the apportioned rental or value of any part of the premises retained by the tenant or not sublet by him;
- (h) where the tenant or any other person occupying the premises under him has knowingly committed a breach of any written law regulating any business carried on upon the premises or of any provision of the Environmental Public Health Act or the Building Control Act or of any regulations made thereunder affecting the premises which exposes the landlord to any penalty, fine or forfeiture; Cap. 95.
Cap. 29.
- (i) where the landlord of the premises reasonably requires them for occupation by himself or any member of his family or any person for whom he holds the premises in trust and the tenancy has been determined by not less than one year's notice to quit and there has been no change by purchase in the ownership of the premises within one year next preceding the date of the notice:

Provided that an order or judgment shall not be made or given on any ground specified in this paragraph if the court is satisfied that having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting an order or judgment than by refusing to grant it; and

(j) in any other case where the court considers it reasonable that such an order or judgment be made or given and is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order or judgment takes effect.

(2) For the purposes of subsection (1) (a) —

(a) a notice of demand shall give the name and address of the person, whether he is the landlord or not, to whom the rent lawfully due may be tendered by the tenant and shall be deemed to have been served on the tenant if it has been addressed to the tenant at the premises of which he is the tenant and sent by prepaid registered post; and

(b) rent shall be deemed to have been tendered if it has been sent by prepaid registered post to the person named in the notice of demand as the person to whom the rent lawfully due may be tendered at the address given in the notice.

(3) A landlord shall on the request, whether orally or in writing, of his tenant made to the landlord or his agent furnish in writing his business or residential address and any landlord who fails to comply with any such request shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

Cases where order or judgment referred to in section 14 may be made in respect of domestic premises.

16. In the case of any domestic premises such an order or judgment as is referred to in section 14 may without prejudice to section 15 be made in any of the following additional cases:

(a) where the premises were let to the tenant by reason of his employment in the service of the landlord, and that employment has ceased;

- (b) where the landlord was personally in occupation of the premises and let them furnished for a term during his absence from Singapore, and has returned to Singapore and requires the premises for reoccupation by himself or any member of his family; and
- (c) where neither the tenant nor any member of his family is residing in the premises or any part thereof.

17.—(1) Where a landlord has obtained an order or judgment for the recovery of possession of premises on any of the grounds specified in section 15 (1) (i) or 16 (b) and it is subsequently made to appear to the court that the order or judgment was obtained by misrepresentation or concealment of material facts the court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order or judgment.

Payment of compensation to tenant in certain specified cases.

(2) Nothing in section 15 or 16 shall be deemed to relieve a landlord from the necessity of determining the tenancy according to law.

18. In any application made under this Part the court may in its discretion order that in addition to or in substitution for any other order which the court may make either party shall comply with any conditions, including the execution of a money bond by either party in favour of any person which the court may think fit to impose for giving effect to the purposes of this Act.

Power of court to impose conditions.

19. In any application made under section 15 (1) (e) or (h) the court may either in addition to or in substitution for any other order make an order providing that the tenant do pay compensation for all or any loss or damage caused to the landlord and may impose such other conditions as the court may think fit to prevent a recurrence of the neglect, default or breach complained of.

Compensation.

20. Where a tenant has the exclusive occupation of any separate accommodation and the terms on which he holds the separate accommodation include the use of other accommodation which is shared in common with any other person including the landlord then that separate

Shared accommodation deemed to be premises comprised in a tenancy.

accommodation shall be deemed to be let or sublet separately, and the separate and shared accommodation shall both be deemed for the purposes of this Act to be premises comprised in the tenancy.

Statement of subletting to be supplied.

21. Where the tenant of any premises has sublet any part thereof the tenant shall within 14 days after the subletting supply the landlord with a statement in writing of the subletting giving particulars of occupancy, including the name of the sub-tenant and the rent charged, and if without reasonable excuse he fails to do so or supplies a statement which is false in any material particular, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both:

Provided that it shall not be necessary to supply a statement of the subletting of any such part as aforesaid where the particulars to be given therein as to the rent and other conditions of the sub-tenancy would be the same as in the last statement supplied in accordance with the requirements of this section with respect to a previous subletting of that part.

Apportionment of rent in case of subletting.

22.—(1) Where the tenant of any premises to which this Act applies has sublet any part of those premises then the tenant or any sub-tenant of that or of any other part of the premises may at any time apply to the Board to apportion the rent of the whole premises as between the tenant and all the sub-tenants of any part or parts of the whole premises and to determine the rent of all or any one or more part or parts of the whole premises sublet to any and every sub-tenant thereof and the Board shall thereupon make such an apportionment and determination:

Provided that the total of the rents payable to the tenant by all the sub-tenants shall not in the aggregate exceed 110% of the rent of the whole premises after making an apportioned reduction in respect of any part of the premises retained by the tenant or not sublet by him.

(2) When any application is made to the Board under this section all sub-tenants of the tenant shall be deemed to be interested parties in the proceedings and shall be given an opportunity of being heard and of producing such evidence, oral or documentary, as appears relevant to the Board, and

may, if the Board so directs, be joined as parties in the proceedings.

23. Where in any proceedings under this Part for the recovery of possession of any premises or any part thereof or for the ejectment of a tenant or sub-tenant therefrom it appears to the court that neither an apportionment of the rent as between the premises and any sublet part thereof nor a determination of the rent of the sublet part has previously been made by the Board or any court, the court may make such an apportionment or determination, whether or not an order or judgment is given in the proceedings for the recovery of possession or the ejectment of the tenant or sub-tenant.

Apportionment or determination.

24. Section 13 shall apply to any decision of the Board under section 22. Where any apportionment or determination has been made by any court under section 23, the Board shall be bound by that apportionment or determination.

Appeal from apportionment on subletting.

25. Where the Board or any court has made any order under the provisions of this Act fixing the rent of any sublet part of any premises then if after the order the rent charged by the landlord for that sublet part is in excess of the rent so fixed, the landlord shall, unless he proves that he did not know and could not by reasonable enquiry have ascertained that the rent charged by him was so in excess as aforesaid or that the excess was solely due to an unintentional miscalculation, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Penalty.

26.—(1) Where any order or judgment for the recovery of possession has been obtained against any tenant of premises, the order or judgment shall not be enforceable against any sub-tenant of the tenant unless the court is satisfied that the tenant was prohibited by the terms of his tenancy from subletting or that the sub-tenant has used the premises for illegal or immoral purposes. Every order or judgment for possession made against any tenant shall declare whether it shall be enforceable against any sub-tenant or not.

Effect of order of possession on sub-tenants.

(2) Any sub-tenant against whom the order or judgment is not enforceable shall, if he remains in possession after notice of the order or judgment has been served on him, cease to be a sub-tenant of the tenant and become a statutory tenant of the landlord in respect of the premises comprised in his sub-tenancy.

PART IV

STATUTORY TENANTS

Statutory tenants.

27. The following persons are statutory tenants under this Act:

- (a) any tenant of premises who remains in possession thereof after the determination by any means of his tenancy and who cannot by reason of the provisions of this Act be deprived of such possession by his landlord; and
- (b) any sub-tenant becoming a statutory tenant under and by virtue of any of the provisions of this Act.

Terms of statutory tenancy.

28. A statutory tenant shall hold the premises of the landlord upon the following terms and conditions:

- (a) he shall be deemed to hold as tenant from month to month, and subject thereto, shall observe and be entitled to the benefit of all the terms and conditions of his original tenancy or sub-tenancy, as the case may be, so far as they are consistent with the provisions of this Act and with a holding from month to month:

Provided that in the case of a sub-tenant becoming a statutory tenant such a statutory tenant shall in addition hold the premises subject to any subsisting restrictive covenants contained in the terms and conditions of the tenancy between the landlord and the tenant;

- (b) his tenancy shall be subject to be determined by such notice as would have been required by law to determine a monthly tenancy of the premises containing no express provision for determination; and

(c) he shall be subject to all the rights and powers conferred on a landlord under and by virtue of the Distress Act.

Cap. 84.

PART V

GENERAL

29. Section 16 (4) of the Civil Law Act shall not apply to a tenant of premises to which this Act applies.

Section 16 (4) of Civil Law Act not to apply. Cap. 43.

30. The President may by notification in the *Gazette* except or exempt any premises or class or group of premises from the provisions of this Act, either absolutely or conditionally.

Exemptions.

31. Notwithstanding any rule of law whereunder the provisions of this Act do not bind the Government they apply to any tenancy to which the Government is not a party.

Application to tenancies to which Government is not a party.

THE SCHEDULE

Section 7 (1) (c).

EXTENT OF INCREASE

<i>Type of premises</i>	<i>Standard rent</i>	<i>Per-centage</i>
Premises used for dwelling purposes	Up to and including \$35 per month ...	5
Premises used for dwelling purposes	Above \$35 and up to \$50 per month ...	10
Premises used for dwelling purposes	Above \$50 and up to \$75 per month ...	15
Premises used for dwelling purposes	Above \$75 ...	20
Premises used for purposes other than as dwelling ...	No limit as to rent ...	25