



THE ISLAMABAD RENT RESTRICTION ORDINANCE, 2001



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THE ISLAMABAD RENT RESTRICTION

ORDINANCE, 2001

ORDINANCE NO. IV OF 2001

[23rd January, 2001]

An Ordinance to regulate the relations between the landlords and tenants of rented premises in the Islamabad Capital Territory;

WHEREAS it is expedient to regulate the relations between the landlords and tenants of rented premises in the Islamabad Capital Territory and to provide for matters ancillary thereto or connected therewith;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order, 1999 (Order No.9 of 1999), and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short title, extent, application and commencement.— (1) This Ordinance may be called the Islamabad Rent Restriction Ordinance, 2001.

(2) It shall extend to *such urban area of Islamabad Capital Territory and apply to such buildings and rented lands as the Federal Government may, by notification in the Official Gazette, specify.

(3) It shall come into force at once.

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “Authority” means the Capital Development Authority established under the Capital Development Authority Ordinance, 1960([XXIII of 1960](#));
- (b) “building” means any building or part thereof, together with all fittings and fixtures therein, if any, and includes any vacant land, garden, ground, godown and out-house attached or appurtenant thereto, but does not include any place of religious worship;
- (c) “commercial building” means a building constructed and used solely for the purpose of an office, business or trade;

*For such areas Pl. see SRO 83(KE)/02, dated 19-07-02.

- (d) “Controller” means a Controller of Rents appointed by the Federal Government from amongst persons holding a judicial office and includes an Additional Controller of Rent under this Ordinance;
- (e) “fair rent” means the rent of any building determined by the Controller under this Ordinance.
- (f) “family” means spouse, dependent children and dependent parents;
- (g) “landlord” means the owner of the premises and includes any person for the time being authorized or entitled to receive rent in respect of any building or rented land, whether on his own account or on behalf, or for the benefit, of any other person, or as a trustee, guardian or receiver, and or a tenant who, being authorized under the terms of his lease so to do, sublets the building and every other person for the time being deriving title from the landlord;
- (h) “rented land” means any land let separately for the purpose of being used principally for business or trade;
- (i) “residential building” means any building used for the purpose of residence, but does not include an office, a boarding house, hostel or motel; and
- (j) “tenant” means any person who undertakes or is bound to pay rent as consideration for the possession or occupation of a building or rented land by him or by any other person on his behalf, and includes,—
 - (i) any person who continues to be in possession or occupation after the termination of his tenancy; and
 - (ii) in the event of the death of the tenant, the members of his family who continue to be in possession or occupation of the building or rented land; and
- (k) “Urban area” means such area or areas of the Islamabad Capital Territory as the Federal Government may, by notification in the Official Gazette, specify.

3. Power to exempt. The Federal Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Ordinance shall not apply to such building or buildings as are, or may be, used as Government offices:

Provided that such exemption shall not extend beyond the period of five years from the date of completion of construction of such building as certified by the Authority.

4. Ordinance to override other Laws. The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force, or in any instrument or document.

5. Agreement between landlord and tenant.— (1) Every agreement for letting out a building or rented land shall be in writing and if such agreement is not compulsorily

*For declaration of Urban Areas please see S.R.O 83/(KE)/02, date 19-07-2002.

registerable under any law for the time being in force, it shall be attested by the Controller by signing and affixing his seal thereto or any Civil Judge or Magistrate of the 1st Class:

Provided that nothing in this section shall affect any agreement executed between the landlord and tenant and in force immediately before the commencement of this Ordinance.

(2) A certified copy of an agreement for letting out a building or rented land where such agreement is compulsorily registerable under any law or, where the agreement is not so registerable, the original deed duly attested under sub-section (1), shall be produced and accepted in evidence as a proof of the relationship of landlord and tenant.

6. Tenure of tenancy. Subject to the provisions of section 17, no tenancy shall be valid beyond such period as the landlord and tenant may, by mutual agreement, fix before or after the commencement of the tenancy:

Provided that a tenancy in force before the commencement of this Ordinance for which no period is fixed shall cease to be valid on the expiration of a period of two years from such commencement:

Provided further that a tenancy which comes into force after the commencement of this Ordinance and for which no period is fixed shall not be valid after expiration of period of six months from the date of the receipt by the tenant of a notice in writing given by the landlord terminating the tenancy.

7. Appointment of Rent Controller.— (1) The Federal Government shall appoint one or more Rent Controllers for an urban area of the Islamabad Capital Territory.

(2) Where more than one Controller is appointed for urban area the Federal Government shall declare one of them to be the Senior Rent Controller.

(3) An application under this Ordinance shall be filed before the Controller having jurisdiction over the area where the building or rented land, in respect of which the application is made, is situated:

Provided that where there are more than one Controllers for an area, the application shall be made before the Senior Rent Controller who may either deal with it himself or make it over for disposal to other Controller.

8. Landlord and tenant to get agreement registered. The landlord and tenant shall, through mutual agreement, fix initial rent of a building, residential or non-residential rented land and get it registered with Controller within a week of the signing of the agreement.

9. Increase of rent in certain cases.— (I) Where the rent of any building other than non-residential building or rented land has been determined by an agreement between the landlord and the tenant, no further increase in such rent shall, during the continuance of tenancy if it is less than three years, be permissible during the subsistence of the agreement except in cases where some addition, alteration or improvement has been carried out at the landlord's expense and on the request of the tenant in accordance with the by-laws of the Authority.