

21.02.09

4 Deputy M. Tadier of the Minister for Children and Housing regarding the safeguards in place to protect tenants who found themselves homeless (OQ.37/2021)

Will the Minister advise what safeguards, if any, are in place for tenants who find themselves homeless due to a fire or other event not of their making; and is it in his assessment that there are sufficient protections in place for tenants?

The Bailiff:

Minister. Deputy Labey?

Deputy R. Labey:

I am so sorry, I was having issues.

The Bailiff:

I wondered if you had forgotten you had just been elected as Minister, Deputy.

Deputy R. Labey (The Minister for Children and Housing):

That too, sorry. Well obviously one sympathises with anyone who finds themselves in this type of difficult situation which we all hope is a rare occurrence on the Island. The Residential Tenancy (Jersey) Law 2011 regulates the relationship between private parties who enter into a contractual arrangement in the letting of residential property. The law sets out the basic terms that a tenancy must contain and regulates the termination of tenancies. The law provides that if a property becomes uninhabitable through no fault of the tenant, then the tenant is not required to pay any rent during the period when the property is uninhabitable and that both the tenant and the landlord have recourse to approach the court to either vary the length of the tenancy or end it. In line with the Common Strategic Policy and the Government Plan of 2020/2021, I am committed to improving the rights of tenants and this issue will be part of that project. I give that commitment to the Deputy. It may be that the circumstances here have uncovered a flaw in the Residential Tenancy Law, that it may be defective and may need updating, and I will make that one of my first priorities.

6.4.1 Deputy M. Tadier:

I thank the new Minister for answering that question. It is probably his first official duty of his new role and he seems to be already well briefed on that. He is quite right to say that Article 9 of the Residential Tenancy Law obviously provides, say, for example, if there has been a fire, and there certainly was a fire in the Parish that I represent where 6 households found themselves homeless, so of course they do not pay rent there because they have nowhere to inhabit. But there is nothing in the law which says that the landlord must provide them with suitable alternative accommodation for the rest of their tenancy. So while there is, as he says, a recourse to the court, not just to vary the length of the tenancy but to vary the tenancy if either party wants to do that, does he agree that it is quite an arduous process and not an automatic one and that there should be a presumption in the law that if what you are renting becomes unavailable that the person you are renting it off should provide something equivalent or better at no additional cost to the tenant?

Deputy R. Labey:

Well, yes, I have to agree. Having to go to court to resolve this in an emergency situation is certainly not ideal.

The Bailiff:

We now come on to question 5 that the Connétable of St. Martin will ask of the Minister for Economic Development, Tourism, Sport and Culture. I am sorry, excuse me, Deputy of St. Peter, did you have a question in connection with the Minister for Children and Housing?

Deputy R.E. Huelin of St. Peter:

No, sorry. I am a bit slow on the button, I apologise.

The Bailiff:

Or fast on the button, perhaps, I am not sure.