

**WRITTEN QUESTION TO THE MINISTER FOR HOUSING
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 18th JUNE 2013**

Question

Would the Minister advise whether, in the case of the owner of a self-catering property who has re-registered the premises as a lodging house yet retained one unit out of ten as a (third party) manager's flat, all of the tenants are still classed as private tenants in law?

Answer

Following the introduction of the new Control of Housing and Work (Jersey) Law, 2012, on the 1st July, 2013, the Residential Tenancy (Jersey) Law, 2011, which itself came into force on the 1st May, 2013, will apply equally to all new residential tenancy agreements entered into for residential units that meet the definitions under the Law, whether the unit is a manager's flat or any other unit, irrespective of the residential status of that unit, or any registration under the Lodging Houses (Registration) (Jersey) Law, 1962.

The relevant provisions of the Residential Tenancy (Jersey) Law, 2011, are included in Article 1 and 2 of the Law, as outlined below.

1 Interpretation

“residential tenancy” means the right to occupy a residential unit under a residential tenancy agreement;

“residential tenancy agreement” means an agreement –

- (a) for the exclusive occupation, by one or more natural persons who are party to the agreement, of a residential unit as a dwelling;
- (b) for value; and
- (c) for a specified term of 9 years or less, or without a specified term;

“residential unit” has the meaning set out in Article 2;

“tenant” means, in relation to a residential unit, residential tenancy or residential tenancy agreement, the person who has the right to occupy the residential unit that is the subject of the residential tenancy under the residential tenancy agreement

2 Premises to which this Law applies

- (1) In this Law, “residential unit” means a self-contained dwelling, that is, a dwelling that has, for the exclusive use of the inhabitants of the dwelling, a minimum of all of the following, whether or not in separate rooms –
 - (a) a shower or bath (or other facility, no less convenient than those, in which a person may wash);

- (b) a washbasin;
 - (c) a kitchen;
 - (d) a sleeping space; and
 - (e) a lavatory.
- (2) For the purposes of paragraph (1), the fact that a dwelling has (or is associated with the use of) a garden, a swimming pool, a parking space, a garage or other space or facility does not make the dwelling any less a residential unit.
- (3) For the purposes of paragraph (1), any of the following parts of premises is not a residential unit unless used solely as a place of residence by a person employed on the premises –
- (a) any part of a hotel;
 - (b) any part of premises ordinarily used for holiday purposes;
 - (c) any part of an educational institution, or of a hospital, hospice, nursing home, shelter, or residential home;
 - (d) any part of a club offering sleeping accommodation to its members.