



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Presidential Palace, Yangon
Urban Rent Control Act, 1960
[Act No. 8/1960]
1322, 10th Waxing Day of Kason
(4 May 1960)
[Amended: 05.10.1960, 02.10.1961]

This Act has been enacted as follows:

1. (1) This Act shall be known as the Urban Rent Control Act, 1960.
- (2) Subject to the provisions of section 3, this Act shall apply to all urban areas in the Union of Myanmar.
2. Unless contrary to the subject or context, in this Act:
 - (a) “**City of Yangon**” means the City of Yangon as described in schedule 6 of the City of Yangon Municipal Act as amended from time to time.
 - (b) “**Controller**” means the controller of rents appointed under this Act.
 - (c) “**Landlord**” means a person who, whether for himself, for another person, on behalf of another person, for the benefit of another person, or as a trustee, guardian or property manager of another person, is for the time being entitled to receive rent in respect of any premises, or will receive or be entitled to receive rent if the premises are let to a tenant. This expression includes a legal representative as defined in the Code of Civil Procedure, a tenant who sublets any premises, and any person who from time to time derives title under a landlord.
 - (d) “**Premises**” means:
 - (1) Any land on which a building has been erected, and any building or part of a building let or occupied, or intended to be let or occupied, separately for any purpose.
 - (2) Any land let or occupied, or intended to be let or occupied, separately for any purpose.
 - (e) “**Prescribed**” means prescribed by rules made under this Act.



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- (f) In relation to any premises, “**standard rent**” means the following types of rent:
- (1) The rent determined by the controller in cases specifically referred to in section 27 for the City of Yangon subject to an order of the chief judge of the Yangon City Civil Court, and for other urban areas subject to an order of the judge designated according to section 32;
 - (2) in all other cases:
 - (aa) the rent at which the premises were let on 1 September 1939;
 - (bb) if premises were not let on 1 September 1939, the rent at which the premises were let before that date;
 - (cc) if premises were first let after 1 September 1939 and before 1 January 1941, the rent at which they were first let;
 - (dd) if the premises were let on 1 September 1939 with a lease agreement that includes a term to increase the rent periodically,
 - (1) the rent as increased from time to time according to this term while the lease agreement is valid;
 - (2) the rent payable during the last period of the lease agreement after the expiry of the lease agreement;
 - (ee) in the case of premises let with a lease for a term of five years or more beginning on or before 1 September 1934 and expiring after 1 September 1939, the rent specified in that lease agreement for the period that includes 1 September 1939.

Provided that the President of the Union may prescribe generally or in the case of any urban area or of any class of premises that the standard rent as prescribed in sub-clauses (aa), (bb), (cc), (dd)(2) and (ee) shall be increased by an amount not exceeding 25% if he considers that such an increase is justified by prevailing economic conditions.

- (g) “**Tenant**” means a person liable to pay rent for the premises, whether by himself or through another person. Included in this expression are a legal representative as defined in the Code of Civil Procedure and any person from time to time deriving title under a tenant, as well as any person currently occupying, with or without the consent



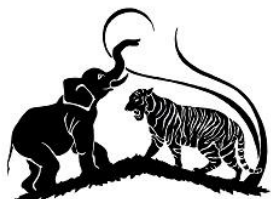
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of the landlord, the premises who rents them or to whom they are let after the lease agreement has expired.

- (h) “**Urban area**” includes the City of Yangon, any area declared to be a municipality according to chapter 2 Municipal Act, any area declared to be a notified area according to section 246 of said act, a cantonment as defined in the Cantonments Act, any area declared to be a town under the Towns Act, and any other area notified by the President of the Union to be an urban area for the purposes of this Act.
3. (1) The President of the Union may, by issuing a notification, exempt any area or class of premises specifically mentioned in that notification from the application of the whole or part of this Act, and may subsequently cancel or change such notification at any time.
- (2) If any question arises whether any premises are included in an urban area or in an area or class of premises exempted from the application of this Act by notification under subsection (1), the decision of the President of the Union on such question shall be final.
- (3) If any premises that provide accommodation and food for tenants are declared by the President of the Union to be premises mainly intended for the accommodation of travellers, such premises shall not be subject to any provisions of sections 9, 12 or 13 of this Act.
4. The President of the Union may by notification appoint a controller and one or more assistant controllers for any urban area where this Act is in force, and may by general or special order assign all or any of the powers of the controller to the assistant controller.
5. (1) Subject to the provisions of this Act, if in relation to any premises the rent has been increased beyond the standard rent, or if it is increased hereafter, such increased rent may not be claimed, irrespective of any agreement that may have been concluded to pay any amount in excess of the standard rent.

However, nothing in this section shall apply to any of the following types of rent:

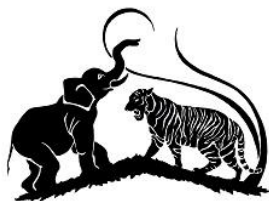
- (a) Rent payable before this Act came into force;
- (b) periodically increased rent payable under an agreement that was entered into before 1 September 1939;
- (c) rent payable under a lease agreement signed before 1 September 1939 which had not yet expired on that day.



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- (2) For the purposes of sub-section (1), the rent shall be deemed to be rent that has to be paid day after day.
6. If, since 1 September 1939, the landlord repaired the premises and incurred higher construction costs due to the high price of construction materials, or if, since 1 September 1939, he incurred expenses for improving or changing the structure of the building (excluding expenses for renovation and repair), he may apply to the controller for an adjustment of the standard rent.
7. (1) If, as a result of changes in the terms of the lease, the tenant's rights under the terms under which any premises are currently held are on the whole less than the rights granted under the previous terms, the rent shall be deemed to have been increased in the meaning of this Act, irrespective of whether the amount to be paid as rent has increased.
- (2) If, as a result of changes in the terms of the lease, the tenant's rights under the terms under which any premises are currently held are on the whole not less than the rights granted under the previous terms, the rent shall not be deemed to have been increased in the meaning of this Act, irrespective of whether the amount to be paid as rent has increased.
8. If the landlord pays any municipal taxes, cesses [= surcharge on a tax] or other taxes in respect of the premises, he may apply to the controller for an increase of the standard rent to the extent that the amount payable by him from time to time as municipal taxes, cesses or other taxes exceeds the amount paid for the assessment period up to and including 1 September 1939.
9. (1) In every case where an increase of the rent for any premises is allowed according to the provisions of this Act, the landlord shall not have the right to ask for the increased rent before the end of 1 month after he served a written notice of his intention to increase the rent on the tenant together with a certificate from the controller specifying the standard rent.
- (2) If such notice has been served on the tenant, the landlord may continue to ask for the increased rent without having to serve a new notice on the next tenant.
10. Noone shall demand the payment of any fine, premium [*sa bhaw ngwe*] or any other sum for the grant, renewal or continuance of a lease of any premises, or demand a deposit in excess of the rent for one month.

However, nothing in this section shall apply to the payment of money under an agreement concluded before 1 September 1939.



11. (1) Irrespective of what is provided in any other law, the controller shall, upon an application by the tenant, including a person with permission to occupy according to section 13(1) of this Act, in possession of a building to which this Act applies, serve notice on the owner of the building to carry out any or all repairs that he deems necessary to keep the building in a habitable condition, and to make the necessary arrangements if he is satisfied that from the water or electricity supply water or electricity can be obtained and the water and sewage pipes can be used if necessary arrangements are made for the water pipes and sewage pipes to be repaired. However, the supply of water or electricity, and the water pipes and sewage pipes, must have been in existence before 1 January 1941.

Explanation: For the purpose of this sub-section, “repairs” means repairs that are necessary to render the building habitable. Furthermore, if the tenant is responsible for any repairs under the signed contract, the landlord shall not be held responsible for such repairs.

- (2) This sub-section shall apply to leases made before or after 8 October 1946.
- (3) If the landlord fails to or is slack in making such repairs or arrangements within a reasonable time after having received the notice, the tenant may submit an estimate of the costs for such repairs or arrangements to the controller and apply for permission to make such repairs or arrangements himself. When such an application is made, the controller may, after having considered the estimated costs and having made the investigations that he deemed necessary, make an order allowing the tenant to make such repairs or arrangements at costs not exceeding the amount specified in the order. After such approval, the tenant may make such repairs or arrangements himself, and may deduct the costs thereof from the rent, not exceeding the amount specified in the order, or otherwise request them from the landlord.
12. (1) Irrespective of what is provided in the Transfer of Property Act, the Contract Act, or the Yangon City Civil Court Act, no order or decree shall be made for the repossession of premises to which this Act applies or for the eviction of a tenant from the said premises except in the following cases:
- (a) After the re-establishment of the municipal government after the war with Japan, a demand for the rent legally payable by the tenant was sent by registered post to the tenant, and within 3 weeks from such demand, the rent has not been paid to the landlord or submitted to the controller according to

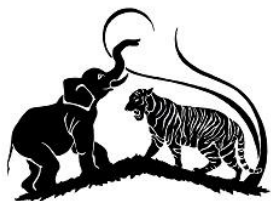


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section 16, or any other breach or failure to perform any other duty according to the lease or this Act if not contrary to the provisions of this Act; or

- (b) the tenant did not pay the amount imposed on the tenant in favour of the landlord by a court order or decree as rent payable for a period of time after the war with Japan, but before the re-establishment of the municipal government; or
- (c) the tenant or a person possessing or living with the tenant has been guilty of a conduct that annoys or disturbs adjoining or neighbouring occupants, or has been convicted of using or causing the premises to be used for immoral or illegal purposes, or the condition of the premises has in the opinion of the court deteriorated due to wasteful acts or negligence or default of the tenant or any such person; or
- (d) if the premises are land, the landlord wishes to obtain the premises in good faith for the construction or reconstruction of a building, and the landlord signs a bond, for an amount that the court deems appropriate, that the premises will be used for the construction or reconstruction of the building, to be completed within one year after the tenant vacated the premises; or
- (e) the landlord wishes to obtain a building or part of a building to which this Act applies in good faith for reconstructing the building or making essential or major or structure-altering repairs, and the landlord signs a bond, for an amount that the court deems appropriate, that the premises will be used for such repairs or reconstruction, to be completed within the period specified by the court, not exceeding 9 months from the date on which the tenant vacated the premises, and that the tenant who had to vacate the premises may return when the repair or reconstruction is completed if he wishes to do so;
- (f) the owner wishes to obtain a building or part of a building to which this Act applies reasonably and in good faith solely for the purpose of his own residence, and the owner signs a bond, for an amount that the court deems appropriate, that he will personally occupy said residence, starting at the latest 3 months from the date on which the tenant vacated the premises.

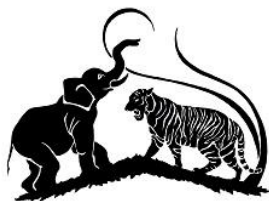
However, for the purposes of this clause, the expression “owner” shall not include anyone other than the owner of said premises on 1 May 1945, or a person who became the owner of said premises after that date by inheritance.



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Furthermore, this clause shall not apply to leases made for a specified period of time, either according to the lease agreement or according to the terms of a consent decree made by a court, before the end of the lease period or the end of the period allowed under the decree.

- (2) When making an order or decree under sub-section 1(d), (e) or (f) in order to repossess any premises or evict a tenant from said premises, the court shall send to the controller a copy of the order or decree specifically stating for what purpose the landlord or owner wishes to obtain the premises as well as a copy of the bond signed by the landlord or owner according to sub-section 1(d), (e) or (f), and if the landlord or the owner uses the premises for a matter other than those specified in the order or decree or in the bond, or fails to use the premises for that matter within the period specified in the order or decree or in the bond, or fails to comply with the conditions imposed on him in the bond, the court may, upon the application of the tenant against whom the order or decree was made, or upon the application of the controller, declare that the amount entered in the bond shall be forfeited to the government, and may additionally award such compensation as it deems appropriate, or order the owner to let the premises to the tenant. However, if the landlord or the owner proves that, for reasons deemed satisfactory to the court, the premises cannot be used for the said matter, or that the terms in the bond cannot be complied with, the court shall not declare or confiscate as pleaded.
 - (3) In addition to a decision to award compensation under sub-section (2), the court may, if the tenant against whom the order or decree was made agrees, give the premises to the tenant for the time being under the terms set before the date of the order or decree.
 - (4) An order for the forfeiture of a bond or for compensation under this section may be enforced in such manner as is provided in the Code of Civil Procedure for the enforcement of decrees.
13.
 - (1) In any area or for any class of premises to which the President of the Union by notification may declare this section to apply, any person who is not a tenant of any premises, but who occupies them for residential or business purposes may apply to the controller for the right to continue occupying said premises. If the applicant agrees to pay the standard rent for said premises, the controller shall issue an order allowing the applicant to continue occupying them, and also send a copy of this order to the landlord or to an agent authorised by the landlord if his location is known.



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- (2) Subject to any orders passed by a court under section 14, any order passed under sub-section 1 allowing a person to continue occupying any premises shall be valid for as long as the provisions of this section apply to the area where said premises are situated or the class of premises in which said premises are included, and shall continue to be valid for 3 months thereafter.

However, if the person in whose favour the order was passed leaves the premises within this period, the controller may cancel said order according to an application submitted by the landlord, and after such cancellation, the order shall not be made again.

14. (1) Notwithstanding anything contained in any other law, no order or decree shall be passed for the repossession of the premises permitted to be occupied by any person under the provisions of section 13, or for the eviction of such person from such premises, except in the following cases:
- (a) After having been allowed by the controller to occupy the premises, a demand is sent to this person by registered post requesting the rent from the person for a certain period of time in accordance with the law, and the person does not comply within 7 days from the date of the request by paying the rent to the landlord or submitting it to the controller according to section 16; or
 - (b) the person or a person living with him has been guilty of a conduct that annoys or disturbs adjoining or neighbouring occupants, or has been convicted of using or causing the premises to be used for immoral or illegal purposes, or the condition of the premises has in the opinion of the court deteriorated due to wasteful acts or negligence or default of any such person; or
 - (c) The landlord reasonably and in good faith wishes to obtain the premises for himself or any family member to occupy, for any beneficiary of the premises to occupy, or for any other purposes that the court deems satisfactory, and he signs a bond, for an amount that the court deems appropriate, that he himself, any family member or any beneficiary will occupy the premises at the latest after a period specified by the court; or
 - (d) the order allowing continued occupation is cancelled under the exception in section 13(2).
- (2) When making an order or decree under sub-section 1(c) for repossession of the premises, the court shall send to the controller a copy of the order or decree specifically stating for what purpose the landlord wishes to obtain the premises as well as a copy of



the bond signed by the according to sub-section 1(c). If the landlord uses the premises for a matter other than those specified in the order or decree or in the bond, or fails to use the premises for that matter within the period specified in the order or decree or in the bond, or fails to comply with the conditions imposed on him in the bond, the court may, upon the application of the person against whom the order or decree was made, or upon the application of the controller, declare that the amount entered in the bond shall be forfeited to the government, and may additionally award such compensation as it deems appropriate, or order the landlord to let the premises to the person. However, for reasons deemed satisfactory to the court, the court shall not declare or confiscate as pleaded.

- (3) Instead of or in addition to a decision to award compensation under sub-section (2), the court may, if the person against whom the order or decree was made agrees, in its discretion give the premises to the person for the time being under the terms set before the date of the order or decree.
 - (4) An order for the forfeiture of a bond or for compensation under this section may be enforced in such manner as is provided in the Code of Civil Procedure for the enforcement of decrees.
15. (1) When making an order or decree for the purpose of repossessing the premises to which this Act applies or of evicting from such premises the tenant or a person with the right to occupy under section 13(1), or when the landlord applies for enforcement, or the tenant applies for the rejection of the enforcement of such an order or decree, irrespective of whether it was passed before this Act came into force or thereafter, or when such order or decree is not yet enforced, the court may, except in cases to which sections 12(1)(c) or 14(1)(b) apply, stay or suspend the enforcement of such order or decree, or postpone the delivery of the premises for such period or periods and subject to such conditions as the court deems fit concerning the payment by the tenant or the person against whom the order or decree has been made of rent or of benefits from holding the premises after the expiry of the lease period. Furthermore, if said conditions are complied with, the court shall discharge or rescind the order or decree.

However, in case of suits to evict from the premises or to repossess premises for a specific reason referred to in section 12(1)(d), (e) or (f) or section 14(1)(c), an order or decree already made shall not be discharged or rescinded.

- (2) If an order or decree referred to in section 12(1) and section 14(1) has not been enforced yet after it was made, whether before or after this Act came into force, and if,



in addition, the court is of the opinion that the order or decree would not have been made if the provisions of section 12 or section 14 had been in force at the time the order or decree was made, or if they had applied to the order or decree, the court may, upon an application by the tenant or the person with a right to occupy under section 13(1), set aside such order or decree or vary it as it deems fit for giving effect to the Act. Furthermore, the provisions of section 12(1) or section 14(1) shall, for the purpose of the application by the tenant or the person with a right to occupy under section 13(1), apply to the civil or other case brought about by the order or decree.

16. (1) In relation to any premises, if the landlord does not demand payment of the rent referred to in section 12(1)(a) or section 14(1)(a), or refuses to accept the rent paid by the tenant, the tenant:
- (a) may submit the rent to the controller; and
 - (b) may submit subsequent rent to the controller if the tenant is not informed by the landlord by notice or in any other way that he wants to accept the subsequent rent.
- (2) When rent is paid according to sub-section (1), the controller shall notify the landlord upon receipt of the payment. The notice shall be served on the landlord or an agent authorised by the landlord. If the landlord or the agent authorised by the landlord cannot be found, the notice shall be sent by registered post to the last known address of the landlord or the agent authorised by the landlord. The money so deposited may be withdrawn by the landlord or the agent authorised by the landlord subject to the rules made under section 42(2)(f) for that matter.
17. (1) The landlord or the tenant or any person acting on the respective person's behalf shall properly write a receipt for the rent or money given to him by the tenant or sub-tenant in relation to any premises. He shall sign the receipt in a proper manner or acknowledge by his signature in a book arranged for this purpose to have received the rent or the money.
- (2) Any person violating the provisions of sub-section (1) shall be punishable with a fine up to 500 kyats.
18. Any order or decree made by a judge of the City Civil Court of Yangon or a judge of a district court outside of Yangon in any civil case or application for the repossession of premises under this Act or the eviction of a tenant from such premises, and in any criminal case brought about by such civil case or application, may be appealed to the High Court on law and on fact.



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19. In relation to any premises to which this Act applies, no court shall, after this Act has come into force, accept the plaint in any suit for the purpose of claiming payable rent, or an application for a distress warrant under section 22 Yangon City Civil Court Act in order to claim such rent. However, if a certificate from the controller certifying the standard rent is submitted together with the plaint or the application for a distress warrant, the plaint or application shall be accepted.
20. (1) If premises other than residential premises are vacant or are likely to become vacant, or if new premises other than residential premises are constructed, and the landlord intends to let the premises to a tenant, the landlord shall submit an application to the controller to obtain a certificate allowing him to let the premises to the tenant.
- In the same way, if a tenant intends to let premises other than residential premises or parts thereof to a sub-tenant, he shall submit an application to the controller for a certificate allowing the premises or parts thereof to be sublet to the sub-tenant.
- (2) The application submitted under subsection (1) must contain the following items:
- (a) Address of the premises, e.g., room number, floor number, house number street name; if the premises are land: lot number, block number;
 - (b) name and address of the owner;
 - (c) name, occupation, and address of the tenant or sub-tenant;
 - (d) monthly rent intended to be requested;
 - (e) if available, the monthly rent compilation for September 1939 or the values based on the tax assessments by the Yangon Municipal Corporation or Yangon Municipality for the full year 1939-40;
 - (f) current monthly rent;
 - (g) type of building (brick, wood, bamboo structure);
 - (h) type of accommodation (commercial or residential);
 - (i) date or estimated date on which the premises can be let or sublet;
 - (j) acknowledgment that no premium [*sa lar mi*] or promise of a premium or similar payments have been requested or received.



- (3) Upon receipt of an application under sub-section (1), the controller shall, if he is satisfied after a summary investigation that there are no valid grounds for objection, promptly issue a certificate of approval. In case of sub-letting, a copy of the certificate shall be sent by registered post to the owner at the same time that the controller issues the certificate of approval.

Provided that:

- (a) In case the premises are vacant or newly vacant, the tenant or sub-tenant when approved by the controller shall pay the rent from the day of occupancy.
- (b) In case the tenant sublets part of the premises that cannot be divided into separate rooms, the sub-tenant shall pay the rent for such part to the tenant. In addition, the tenant shall be responsible for paying the rent for the entire premises to the landlord.
- (c) In the case the tenant sublets the entire premises or a part of the premises that can be divided into separate rooms, the sub-tenant shall pay rent to the landlord (in other words, the original lessor), and the premises shall be deemed to be let to the sub-tenant.

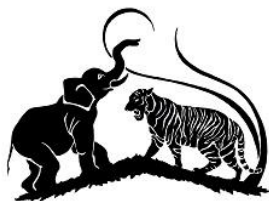
21. (1) If the landlord

- (a) gives or receives a notice of termination for residential premises; or
- (b) receives otherwise information that residential premises owned by him are likely to be vacated, or after they were vacated, they are unoccupied or occupied by a person after 21 October 1950 without the permission of the controller; or
- (c) constructs new residential premises, or alters or improves residential premises to accommodate more people,

the landlord shall give notice to the controller. Likewise, if a tenant occupying residential premises

- (d) gives notice of termination of the lease of the premises; or
- (e) vacates the premises,

the tenant shall give notice to the controller.

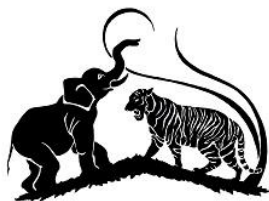


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- (2) In the absence of sufficient cause *[to do otherwise]*, the notice referred to in sub-section 1
 - (a) shall be sent within 3 days from the date on which the notice in sub-section 1(a) or (d) is given or received;
 - (b) shall be sent within 3 days from the date on which the landlord receives the information or the tenant vacates the premises in cases covered by sub-section 1(b) or (e);
 - (c) shall be sent within 3 days from the date of completion of the construction, repair, alteration or improvement in cases covered by sub-section 1(c).
- (3) When sending the notice, the landlord shall provide the information specified in section 20(2)(a), (b), (d), (e), (f), (g), (h) and (i).
- (4) If the controller receives notice according to sub-section (1) or receives otherwise information that a tenant vacated or is likely to vacate residential premises, or that after the premises have been vacated, a person occupies them after 21 October 1950 without the permission of the controller, he may instruct the landlord to let the premises to the person or persons specified in the instruction if or once the premises are vacant.
- (5) Concerning an instruction under sub-section 4, a notice shall be served on the tenant *[sic]*. When the notice is served, the landlord shall follow the instruction.
- (6) If the controller cannot find a suitable tenant to let the premises referred in sub-section 4 to, he shall inform the landlord accordingly. Then the landlord may let the premises to any tenant.

Provided that, if the instruction or information given to the landlord under sub-section 4 or 5 or this sub-section concerns premises that were vacated by the tenant, such instruction or notice shall be served on the landlord within 10 days from the date of receipt of the notice sent by the landlord under sub-section 1.
- (7) Any tenant or occupant who fails to hand over the residential premises to the landlord to be let to the person or persons specified in the instruction issued under sub-section 4 shall be promptly evicted.

Explanation: For the purposes of this section and section 20, “residential premises” means premises used solely for residential purposes and premises used primarily for residential purposes with minor use for commercial or professional activities.

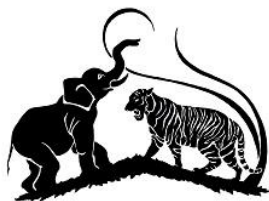


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22. Anyone who contravenes the provisions of section 20(1) or (2) or Section 21(1), (2), (3) or (5) shall be punishable with imprisonment for up to 3 months without labour or a fine of up to 2,000 kyats or both.

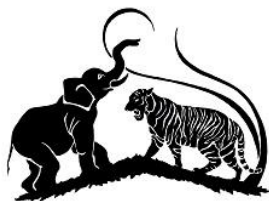
Provided that, upon receiving information that a person committed an offence under this section, the controller may conduct an investigation and cause the offender to be prosecuted in court.

23. (1) Whenever a person is convicted of an offence under section 22, or whenever a person is convicted of aiding and abetting such an offence, tenants or occupants who are not permitted by the controller to occupy the relevant premises shall be promptly evicted.
- (2) In the case of eviction of tenants or residents who are to be promptly evicted, either under subsection (1) or section 21(7), the controller shall serve a notice on the tenants or occupants and order them to vacate the premises with their belongings within 7 days from the date of receipt of the notice. If a tenant or resident fails to comply with the order within that time, the controller may request the district police chief to enforce such vacation. Upon receiving the request, the district police chief shall have these persons and their belongings removed from the premises and shall take action to prevent any of them from re-entering or staying in the premises without the permission of the controller.
24. The provisions in sections 20, 21 and 23 shall prevail over any conflicting provisions in any other law in force.
25. (1) If a sum of money was paid as rent after this Act came into force, but this money was not payable due to the provisions of this Act, the tenant who paid the money shall have the right to claim it at any time within 6 months from the date of payment from the landlord who accepted the money, and without prejudice to any other method of claim, he may deduct the money from the rent that he has to pay to the landlord within six months.
- (2) For the purpose of this section, the expression "landlord" in case of joint family property also includes, if the landlord has died, the joint family of which the landlord was a member.
26. (1) If, after this Act came into force, the tenant paid to the landlord more than 300 kyats in rent in excess of the standard rent for premises for which a standard rent is set, and the tenant applies at any time within 6 months from the date of payment of such money to the magistrate to have this money recovered from the landlord, such money shall,



without prejudice to any other mode of recovery, be recoverable from the landlord as if it were a fine according to the provisions of the Code of Criminal Procedure, and the balance of the rent thus recovered shall be paid to the tenant after deducting the costs of recovery.

- (2) If in criminal proceedings under sub-section 1 a certificate signed by the controller is presented stating the standard rent of the relevant premises, the magistrate shall presume that the standard rent for the premises is as certified unless it is proven that it is not as stated in the certificate.
- 27.
- (1) Upon the application of a landlord or tenant, the controller shall issue a certificate signed by himself stating the standard rent for any premises let by the landlord or rented by the tenant.
 - (2) In any of the following cases, the controller shall determine the standard rent upon the application of the landlord or the tenant or at his own discretion as he deems appropriate based on the provisions of this Act and the circumstances of the case:
 - (a) If any premises were let, at one time as a whole and at another time in parts, or a tenant sublet a part of the premises let to him, or there is some difficulty in giving effect to this Act.
 - (b) If premises are let with furniture or premises are let at an inclusive charge for food and accommodation, and it is necessary for the purposes of this Act to distinguish the money paid as rent from the money paid as rent for the furniture or for the food and hospitality.
 - (c) If any premises have been or are let rent free or for a nominal rent, or for a consideration in addition to the rent.
 - (d) If the rent paid on 1 September 1939, or if the premises were not let on that date, the last rent paid for the premises before that date, is excessively low in the opinion of the controller.
 - (e) If there is a change in the condition of any premises, or an increase in the costs of maintenance due to an increase in the costs of construction materials, or an increase in municipal taxes, cesses or other taxes in respect of any premises after 1 September 1939.
 - (f) If any premises are let for the first time after 1 January 1941.



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- (g) If, due to deterioration of the condition of the premises since 1 September 1939, or for other sufficient reasons, the rent at which the premises were let on 1 September 1939 or at such later date if the premises were let for the first time after 1 September 1939 is in the opinion of the controller excessive or unfair.

Provided that:

- (1) The rent according to clause (d) shall not be higher than either the highest rent at which the premises were let at any time between 1 September 1934 and 1 September 1939, or the lowest rent at which the premises were let during that period plus 25% of the lowest rent, whichever amount is greater.
 - (2) The controller shall not increase the rent according to clause (e) annually by more than 6% of the expenditure spent on improving or altering the structure or on repairing the premises as stipulated in section 6.
 - (3) The standard rent according to clause (g) for freehold land let separately for any purpose shall not be higher than the rent demanded by the government, the Yangon Development Trust or the Yangon Municipal Corporation or any other similar local body for a similar class of land let for a similar purpose in the vicinity of the land in question.
 - (4) The standard rent according to clause (f) or (g) shall be the rent at which the government, Yangon Development Trust or Yangon Municipal Corporation or another relevant local body let the land if the land is let separately for any purpose and the landlord is the government or Yangon Development Trust or Yangon Municipal Corporation or another similar local body.
28. (1) Apart from the powers conferred under section 21, the controller shall, before using any of the powers conferred under this Act, notify the landlord and the tenant or occupant, if any, of his intention to use such powers, and shall consider the application received from any interested party within the period specified in that notice.
- (2) All orders of the controller made under this Act shall be in writing.
- (3) Any person affected by an order of the controller shall have the right to receive a copy of the order duly signed by the controller to certify that the copy is true upon payment of such amount as the President of the Union of the State may prescribe. Such copy shall be admissible as evidence in any court to prove the order of the controller.



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29. For the purpose of inspection or investigation under this Act, the controller, or any person duly authorised in writing by the controller for this purpose, either generally or specifically, may enter any building or land, whether or not assisted, between the hours of 6:00 a.m. and 6:00 p.m.

However, no such entry shall be made into any building used for residential purposes without the consent of the resident unless 24 hours prior written notice is given.

30. (1) For the purposes of an investigation under this Act, the controller may by order direct any person as follows:
- (a) To furnish him with any particulars in the form, at the time and at the place specified in the order as to the rent at which and the manner in which premises were let in or after 1934 or any other matter related to the investigation;
 - (b) to present for inspection or to give to the person specified in the order at the time and place specified in the order accounts, rent receipts, books or other documents relevant to the investigation.
- (2) The controller shall, subject to the rules made under this Act and to the extent that this is necessary to carry out the provisions of this Act, have the power to summon witnesses and to compel the attendance of witnesses and to compel the production of documents, using the methods prescribed for a court by the Code of Civil Procedure.
- (3) A person ordered to furnish any particulars referred to in sub-section (1) shall be legally bound to furnish them as requested in the meaning of sections 176 and 177 Penal Code.
31. The controller may review any order made or deemed to be made by him under this Act. The provisions of Order 47 in the first schedule to the Code of Civil Procedure shall apply as far as appropriate to such review.
32. (1) If the decision of the controller to set the standard rent for any premises according to section 27 is questioned, the matter may be referred to the chief judge of the City Civil Court of Yangon if the premises are situated within the City of Yangon, and if the premises are situated in any urban area in which this Act is in force, to a judge designated by the President of the Union.

However, if the chief judge of the City Civil Court of Yangon or any designated judge to whom the matter is referred is of the opinion that he cannot take action on the matter referred to him, he may transfer the application to another judge exercising jurisdiction in the district where the premises are situated. The judge to whom the application is



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- transferred shall have the authority to take action on the application as if he had been able to accept the referral.
- (2) A copy of the controller's order shall be submitted together with the petition for referral.
 - (3) The petition for referral shall be stamped with a court fee stamp of 50 kyats.
 - (4) The petition for referral shall be submitted within 30 days from the date of the controller's order. However, the time elapsed for obtaining a copy of the controller's order shall not be included in the calculation of the time required to submit the [petition for] referral.
 - (5) The decision made by the chief judge of the Yangon City Civil Court, or any other judge as aforesaid, shall be final.
33. When examining and adjudicating decisions of the controller that were referred, the judge may in his discretion follow as nearly as possible either the procedure laid down for the trial of suits by the City Civil Court of Yangon, or the procedure laid down for the regular trial of suits.
34. (1) Any person who knowingly accepts, directly or indirectly, money as rent that exceeds the standard rent in respect of any premises for which a standard rent has been set, shall upon conviction by a magistrate be punished with a fine of up to 500 kyats in case of the first offence, and in case of the second or subsequent offence in relation to said or any other premises for which a standard rent has been set, to a fine of up to 2,000 kyats.
- (2) A person accepting an item with monetary value that is worth more than the standard rent shall be deemed to have accepted money in excess of the standard rent.
35. (1) Whoever molests or intentionally annoys a tenant or a person in whose favour an order was made by the controller according to section 13 with the intention of making him vacate the premises shall upon conviction by a magistrate be punished with a fine of up to 200 kyats in case of the first offence, and in case of the second or subsequent offence to a fine of up to 1,000 kyats.
- (2) Without prejudice to the generality of the above sub-section, a landlord who, without sufficient reason, fails to keep the premises as safe from the weather as they were when this Act came into force, or who fails to keep in repair as required any part of the building or installed equipment which the landlord is responsible for maintaining under a separate agreement or by custom, shall be considered to intentionally annoy the tenant.



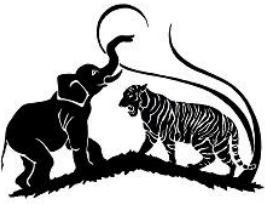
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36. Subject to the provisions of this Act, a tenant who has been legally ordered or decreed to vacate the premises and return the premises to the landlord shall not be allowed to occupy or keep possession of the premises. Furthermore, if the tenant continues to occupy or keep possession of the premises after the order or decree has been issued, he shall be deemed to have committed criminal trespass as defined in sections 441 and 442 Penal Code and punished with a fine not exceeding twice the amount of the rent payable by him to the landlord as well as the imprisonment prescribed for that offence.
37. (1) Anyone who contravenes the provisions of section 10 shall be punishable with imprisonment of up to 6 months or a fine of up to 2,000 kyats or both.
- (2) If a person is convicted of an offence punishable under this section and is sentenced to pay a fine, the court that convicted him may order that he pay all or part of the fine as compensation for any loss suffered by any person as a result of the offence as provided for in section 545 Code of Criminal Procedure.
38. Whoever, in any case in which an order or decree for the repossession of any premises is prohibited under section 12 or 14, without the permission of the controller, save for complying with a municipal requisition order to carry out urgent repairs or promptly demolish the premises, intentionally disturbs any easement attached to the premises, or removes, destroys or renders unserviceable anything provided for permanent use of the premises, or terminates water or electricity supply or any services included in the lease of the premises, shall be punishable with a fine of up to 500 kyats in case of the first offence, and in case of the second or subsequent offence with a fine of up to 2,000 kyats.
39. No court shall take any action in respect of any offence under this Act except in accordance with a complaint filed with prior approval of the controller within 9 months from the date of the alleged offence.
- However, if the controller receives reliable information that a person committed an offence under section 10 or section 34(1), he shall immediately conduct an investigation upon receiving such information, and if it appears that the person committed the offence, shall cause him to be prosecuted in court.
40. The President of the Union may prescribe the court fee payable for a suit or proceeding for the eviction from the premises of a tenant or a person permitted to occupy according to section 13(1) or for possession of the premises. Furthermore, where such court fee is prescribed, the court fee for such suit or proceeding shall be payable in accordance with the amount so prescribed, irrespective of what is contained in the Court Fees Act.



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41. (1) No suit, prosecution or other legal proceeding shall be brought against the controller or assistant controller for anything done in good faith in exercise of the powers under this Act, and against any person for anything done or intended to be done in good faith in accordance with an order made under this Act.
- (2) No suit or other legal proceeding shall be brought against the government for any damage caused or likely to occur as a result of anything done or intended to be done in good faith in accordance with an order made or deemed to be made under this Act.
42. (1) The President of the Union may by notification make rules to implement the provisions of this Act.
- (2) Without prejudice to the generality of the above provisions, the following matters may be specified in such rules:
- (a) Prescribing the amount by which the standard rent as defined in section 2(f)(2)(aa), (bb), (cc), (dd)(2) and (ee) may be increased;
 - (b) prescribing the procedures to be followed by the controller when conducting an investigation under this Act;
 - (c) in relation to any urban area, prescribing the date to be considered as the date for the purposes of this Act on which municipal administration was re-established after the war with Japan;
 - (d) prescribing which judge in any urban area may accept a referral of a decision of the controller under section 32;
 - (e) prescribing the scale of costs and fees, and additionally, matters pertaining to the charging and waiving of costs and fees;
 - (f) prescribing the procedure relating to the receipt and withdrawal of the deposit of rent under section 16;
 - (g) *deleted.*
43. Nothing in this Act shall apply to any premises for which the government or a department of the government or the Yangon Development Trust or the Yangon Corporation or any other local body constituted under the Municipal Act or the Rural Self-Government Act is the landlord, or to any premises which have or may come into the possession of the government or a department of the government or the Yangon Development Trust or the Yangon Corporation or any other



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local body constituted under the Municipal Act or the Rural Self-Government Act due to any action taken by the government, whether under the Land Acquisition Act or otherwise.

However, the exemption provided in this section shall not apply to land or any part of land that is sublet by a person holding it according to a lease agreement with or other ownership rights from the government or a local body specified in this section.

44. The Urban Rent Control Act 1948 has expired and ceased to be in force.
- (1) Any decision taken, order made, action taken or legal proceeding conducted under the provisions of said act before this Act came into force shall, as long as it does not conflict with the provisions of this Act, continue to be valid and deemed to have been taken, made or conducted according to like provisions under this Act.
 - (2) Any suit or other legal proceeding apart from criminal proceedings that is pending when this Act comes into force, whether in court or before the controller appointed under the old act, shall be examined and adjudicated according to the provisions of this Act. In addition, the notifications, orders, rules and appointments issued or made under the old act shall continue to be in force as if the old act had never expired.

I have signed in accordance with the constitution.

U Win Maung
President of the Union
Union of Myanmar

Yangon, 1322, 10th Waxing Day of Kason
(4 May 1960)

By order
Kyi Sein
Deputy Secretary to the President.
[No. 36]



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

About Lincoln Legal Services (Myanmar) Limited

Lincoln Legal Services (Myanmar) Limited provides the full range of legal and tax advisory and compliance work required by investors. We pride ourselves in offering result-oriented work, high dependability and a fast response time at very competitive prices. Please do not hesitate to contact us:

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