

ROYAL COURT

15th March, 1993

40.

Before: The Bailiff, and
Jurats Bonn and Gruchy

The Attorney General

- v -

Coombe-Dingle Limited

One infraction of Article 14(1)(a) of the Housing (Jersey) Law, 1949.

PLEA: Facts admitted.

DETAILS OF OFFENCE:

Lodgers stayed in sole occupation of a flat after tenant moved out. Stayed there alone for a 5 week period.

DETAILS OF MITIGATION:

Landlord thought that the Law allowed a period of grace of 3 months; he said that he "must have got confused with holiday flats".

PREVIOUS CONVICTIONS:

Nil.

CONCLUSIONS:

£500 plus £200 costs.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. Warning given that fines may be increased in the future. Property owners must have the consent explained to them by legal advisers at the time of acquiring the property and if in any doubt should consult the Housing Department at any material point thereafter.

C.E. Whelan, Esq., Crown Advocate.
Advocate R.G.S. Fielding for the Defendant Company.

JUDGMENT

THE BAILIFF: There have been a number of cases like this in the last six months and we are constantly being told that there is a common erroneous belief that lodgers may stay for a while after tenants have left and that that is alright. It is not alright.

The Court wants to make it clear to landlords that they must make sure of the position in two ways: first, when they acquire the property, they must ensure that their lawyer reads the restrictions and conditions to them and explains them. If they are still not sure after that, they should go to the Housing Department and have it explained again to them in simple language.

If they are in any doubt during their ownership of the property as to the position of people who occupy it, they should consult the Housing Department who will give them every assistance.

Therefore, we think it right for the Court to issue a formal warning that the time may come when the conclusions in respect of these mistakes - which are very moderate having regard to the fine that can be inflicted - may well have to be increased.

Having said that, under these circumstances, we are satisfied that the appropriate fine is as asked for by the Crown; £500 plus £200 costs.

Authorities

A.G. -v- Boustouler (5th March, 1993) Jersey Unreported.