
STATUTORY INSTRUMENTS

1983 No. 1118

The Housing (Northern Ireland) Order 1983

PART II

SECURE TENANTS

CHAPTER II

SECURITY OF TENURE AND RIGHTS OF SECURE TENANTS

Terms of a secure tenancy

Rent not to be increased on account of tenant's improvements

36.—(1) Where a person who is or was the secure tenant of a dwelling-house has lawfully made an improvement and has borne or would, but for a grant under Part III, have borne, the whole or part of its cost, then in determining—

- (a) at any time whilst he is a secure tenant of that dwelling-house; or
- (b) if he has died and on his death the tenancy vested in a person qualified to succeed him under Article 26, at any time whilst that person or his spouse is a secure tenant of the dwelling-house;^[F1] or
- ^[F1](c) if he has assigned the tenancy and the assignment was made as mentioned in sub# paragraph (a) or (b) of Article 32(1), at any time whilst the assignee is a secure tenant of that dwelling#house; or
- ^[F2](d) [if the tenancy has been transferred to a spouse, former spouse,^[F3] civil partner, former civil partner,] cohabitee or former cohabitee of his by an order made under Schedule 1 to the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 or Schedule 2 to the Family Homes and Domestic Violence (Northern Ireland) Order 1998, at any time whilst the transferee is a secure tenant of that dwelling#house;]

whether or to what extent to increase the rent, the landlord shall treat the improvement as justifying only such part of any increase which would otherwise be attributable to the improvement as corresponds to the part of the cost which neither has nor would have been so borne (and accordingly as not justifying an increase if the whole of the cost has or would have been so borne).

- (2) Paragraph (1) does not apply to any increase attributable to rates.

F1 1986 NI 13

F2 1998 NI 6

F3 2004 c.33

Changes to legislation:

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1983, Section 36.