
STATUTORY INSTRUMENTS

2006 No. 1459

The Private Tenancies (Northern Ireland) Order 2006

PART IV

CERTIFICATES OF FITNESS AND RENT CONTROL

CHAPTER III

TENANCIES SUBJECT TO RENT CONTROL

The rent limit

Recoupment where landlord in default

52.—(1) This Article applies where—

- (a) a rent is registered in the register of rents in respect of a controlled tenancy of a dwelling-house granted on or after the commencement of this Order, but
- (b) the landlord failed within the period mentioned in paragraph (4) of Article 33 to meet any requirement to apply to have the dwelling-house inspected in accordance with paragraph (3) of that Article.

(2) The tenant shall be entitled to recover from the landlord who received the rent, or his personal representatives, any sum by which the rent paid during the period of default exceeded the rent that would have been payable if the rent limit had applied in relation to the tenancy during that period.

(3) In paragraph (2) “the period of default” means the period—

- (a) beginning on the date by which the landlord was required to apply to have the dwelling-house inspected under Article 33(3), and
- (b) ending on the date on which a rent was registered in the register of rents in respect of the tenancy of the dwelling-house.

(4) Without prejudice to any other method of recovery, the tenant shall be entitled to recoup that sum by deducting it from any rent payable by him to the landlord.

(5) But no sum may be recouped by a tenant under paragraph (4) any time after the expiry of 2 years from the date on which a rent is registered in the register of rents in respect of the tenancy.