

**KNOW
YOUR RIGHTS
AS A
TENANT**

Barrister Manuel Akinshola

**The Complete “Know Your Rights” Titles Under Our
PUBLIC ENLIGHTENMENT CAMPAIGN SERIES (PECS):**

1. Know Your Rights As A Tenant *(2016 Edition)*
2. Know Your Rights As A Landlord *(2016 Edition)*
3. Know Your Rights Against The Police And In Court In Criminal Matters. *(2016 Edition)*
4. Know Your Fundamental Human Rights Under Nigerian Constitution *(2016 Edition)*
5. Know Your Civil Rights Against Other People *(2017 Edition)*
6. Know Your Rights As An Employee *(2017 Edition)*
7. Know How And Where To Safely Buy Landed Properties In Nigeria. *(Abridged Version, 2016).*

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Preface

I am revising this book for the third time. This is keeping with my promise to ensure that the Know Your Rights series are up-to-date, and that the information contained in them are current, useful and valid. I have revised the book twice since the first edition in 2006. Those revisions were equally necessary in order to keep the information contained therein up-to-date.

This third revision becomes important too because of the changes in the law regulating landlord and tenant matters. As you would remember (if you had read our previous editions), we decided to adopt Lagos State as our reference point as far as the law and practice in tenancy matters are concerned. Of course, you must also note that, though, there are some changes in the law as far as Lagos State is concerned, those changes have not in any way affected the fundamental principles as regards tenancies. What the new law in Lagos State only did was to put in place more mechanisms to protect the tenants as well as ensure the speedy disposal of court cases on tenancy matters. Whether the law has achieved its objective or not is a topic for another day.

In any case, the Lagos State Government under Mr. Raji Fashola promulgated another law called The Tenancy Law 2011, which came into force on 24th day of August 2011. This new law is the successor to The Rent Edict (a.k.a. Marwa Law). The Rent Edict 1997 was repealed in 2009, and in the two years in-between, tenants, landlords, lawyers and the courts waited for a new law that would regulate tenancy matters in Lagos. During this interval, the courts relied mainly on common law to adjudicate on tenancy matters. This will confirm to you that the various tenancy laws in various States are just legal embellishments of the provisions of common law. The Preface to the Revised Edition 2009 elaborated on this a little.

I had to revise the book the second time when The Rent Edict was repealed, so as to inform the readers that the law was no more in force. And when this new Tenancy Law came into operation, the pressure was overwhelming from readers who kept agitating for a revision so they could be updated in their knowledge. In all honesty, I never realized that the Know Your Right books had gained so much prominence that the populace regards it as a veritable source of education. And,

the pressure became so much that I could wait no more to revise the book the third time in spite of my own very tight schedule.

This new Tenancy Law 2011 was, therefore, promulgated to codify the common law as well as make specific provisions as regards landlord/tenant relationship. But, let me quickly repeat again that this law is applicable only to Lagos State, no doubt. However, the provisions of the law are very similar in nature to the rules of common law. Therefore, whether you are in Lagos State or Bauchi State, it is still a criminal offence for a landlord to break and enter the tenant's apartment unlawfully the same way it is a civil wrong. A landlord in Imo State who, in an attempt to force out his tenant, cuts his power or water supply or removes the roof, doors or windows, harasses the tenant or unlawfully throws out his properties will still be liable to pay him damages for trespass as well as face a criminal prosecution, just the same way a Lagos landlord will be liable. Anything that affects the tenant's right to peaceful enjoyment of his apartment is wrongful and may give rise to civil and/or criminal liability.

Again, let me repeat what I noted in the Preface to the very first edition. The desire to publish a book of this nature had always been there. I had always wanted a medium that will serve as a source of enlightenment to the public, where you are taught your basic rights as a citizen. The reason is that in our country, many citizens suffer and endure terrible infringements because of lack of knowledge of their basic rights.

These "Know Your Rights" series initially started in form of serialization in a defunct publication, *The Property Xchange* way back in 2001. The tremendous responses we got from readers showed to a large extent that people are anxious to know their rights. Many people visited our office from far distances for the past editions of this publication, mainly because they did not want to miss any part of the series. And, ever since then, there had been numerous calls for us to compile these series into a book form so everybody could readily purchase it for keeps.

Thus, the ideal behind the "Know Your Rights" series is essentially to enlighten the general populace on their rights. Because, it is only when you know your rights that you can enforce it. This book is, therefore, to serve as a guide to you so that you are not cheated. The series is a fountain of knowledge with tremendous benefits to the reader. Once you read this book, you are bound to be enlightened. And, you will be forced to read it over and over again so that you can apply the principles to your daily life. It is not just a "once-read" title. You are bound to keep

making references to it every day. It will serve as your daily guide, guiding you on your relationship with your landlord, co-tenants and neighbors. I advise you to keep your copy of this book jealously. Do not lend it out, or else it will be difficult to retrieve; because whoever reads would also want to keep it.

My hope is that this book will be useful for all, both the educated and the not-so-educated. I want everybody to enjoy its tremendous benefits, be you a professional, civil or public servant, employer or employee, trader, artisan, student, etc. So, in order to make it readable and understandable by all, I have simplified the language as much as I can. I have equally tried to state the laws and its principles in the easiest language possible. I want you to read and enjoy the book, while you will also be educated at the same time without bothering yourself about big legal terminologies. What you need to know may not necessarily be the sections of the law that tells you your rights. But, it is sufficient for you to know your rights under the law and what protection the law offers you on those rights. Hence, you do not need to memorize the sections or subsections of any law if you cannot. Just understand what the law says and how your rights can be protected.

To some timid individuals, most of the rights stated here look like a tall dream, which they claim cannot be realizable in our country. Some others believe that the landlord/lady is a demi-god, who can do no wrong. So, they are of the view that whatever the landlord/lady says is always right, since, according to them, these people own their properties. **THIS VIEW IS WRONG!** If you visit our Courts, you will find that tenants are daily in courts seeking to enforce their rights against their landlords and agents. And, judgments are being given in their favor once they can prove their cases. So, I encourage you not to be intimidated nor join the group of people who claim that it is not possible to enforce your rights as a tenant. **IT IS!**

Finally, I must end this preface by advising that you must apply wisdom in enforcing these rights. Remember that we live in a society which wrongly believes that going to court is equal to a declaration of war. And, once you try to enforce your rights, you are labeled an “extremist”, “too-know”, “over-sabi”, and all other names. However, know that these are your rights. And you are entitled to enforce them. No one has the right to deny you your rights. But, I advise you to enforce your rights with wisdom.

I welcome you to the world of knowledge.

INTRODUCTION

In this edition, we shall discuss the following issues:

- a. Searching for the right property and your right to inspect the property;
- b. Payment of rent, your right to rent receipts and tenancy agreement;
- c. Your rights to basic amenities like electricity supply, water, toilet/bathroom, good ventilation, etc.;
- d. Subsequent payment of rents, arrears of rent, renovations carried out by tenants, nature of tenancy, and rent increment;
- e. Quit notice and the legal ways to eject a tenant;
- f. Forceful or unlawful ejection, threat, harassment and intimidation of a tenant and your right to claim damages for trespass.
- g. How to defend yourself in court.

In discussing the above issues, we must note that the same principles apply to every category of tenants, whether you occupy a room, flat, duplex, or detached house, with little variations.

In the old editions of this book, the discussions related basically to residential apartments, although, the basic principles are the same in respect of commercial premises like shops, offices, warehouses. Under the old Rent Edict, different laws apply in respect of premises being used for commercial purposes, as the Edict dealt with residential premises only. Till date, in some States, residential tenancy matters are handled by Rent Tribunals created for each Local Government of the State. But, if it is a matter involving commercial premises, the magistrate courts or the high courts of the State may be the appropriate courts with jurisdiction. In some other States too, there is no difference whether it is residential or commercial; the same court and the same law apply. Even in some States like Ogun State, the Customary Courts are empowered to some extent to handle tenancy matters. Each State has its procedures.

As far as Lagos State is concerned, this difference between residential and commercial premises has been abolished under the Tenancy Law. Therefore, I have de-emphasized the focus on residential apartments in this edition. Whatever you read here relates to both residential and business premises. Now the same law applies to both residential and commercial premises, and it is only the magistrate courts that can handle tenancy matters in Lagos; no more rent tribunals. However, whether it is magistrate or high court that will handle a particular matter depends upon some factors. These include the amount paid as rent, the type of apartment, the location, etc. Your lawyer will guide you appropriately as to the right court to handle your matter, depending on your State of residence. But, permit me to inform you that the jurisdiction of the Magistrate Courts in Lagos State have been increased to Ten Million Naira. This is to say that if the rent you pay is Ten Million Naira per annum and below, the Magistrate Court is entitled to handle the case. If it's above Ten Million Naira, it goes to the high court. In addition to this, the Tenancy Law does not apply to Apapa, Ikeja G.R.A, Ikoyi, and Victoria Island.

The purpose of this book is to educate and enlighten you on your rights. Therefore, I intend to make the principles as simple as possible so that you as a reader can understand. But, some of the discussions here relate to the applications of the law. You are only being informed of the fundamentals, i.e., the basic things you need to know. And, where you seek clarifications on any of the issues raised in this book, you are advised to consult your lawyer who is in the best position to advise you better.

Again, please remember that the general principles of your rights discussed in this book are basically the same in most States of the Federation. The differences lie only in the law and the way it is applied. So, you will find that the same principles (e.g., tenancy agreements, rights to basic amenities, quit notice, court summons), apply in Abuja, Kano, Rivers, Imo, Ogun, Adamawa and all other States of the Federation, with slight variations. But, in order to maintain our focus, we shall continue to adopt Lagos as our reference point for the purpose of this discussion. More so, Lagos is equally the commercial capital of Nigeria, with probably the highest number of houses and highest population of landlords and tenants.