

"RIGHTS OF LANDLORDS AND TENANTS IN NIGERIA"

By Onyekachi Umah,
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“Rights Of Landlords And Tenants In Nigeria.”

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PROFILE OF ONYEKACHI UMAH

- Onyekachi Umah is a husband and private legal practitioner with amazing experience in intellectual property, transaction and regulation advisory, corporate, commercial and investment law and energy law as well as litigation and arbitration arising from them.
- He is a certified arbitrator both in Nigeria and the United Kingdom.
- Among other, he has a certificate in Law of Contract from a program of Harvard University, a certificate in International Environmental Negotiation from United Nations Institute for Training and Research, Geneva and recently, a certificate in Conflict Management from United States Institute of Peace, Washington, D.C.
- He also holds a master of laws degree from University of Jos.
- He is the managing partner of a leading law firm; Bezaleel Chambers International.
- He is the founder and President of a free law awareness platform known as LearnNigerianLaws.com that delivers lectures, essays and free daily law tips across Nigeria.
- He is the convener of the Sabi Law Lecture Series, travelling around Nigeria delivering free law awareness lectures.
- He has written over fifty articles on law with a desire to enlighten the public. He is the Assistant Secretary of Nigerian Bar Association, Capital Bar, Abuja.

1. Who is a Landlord?

1. Contextual Synonyms; Landlady, Lessor, Owner
2. Landlord is an owner (including his authorized agents) of premises (including empty land, building, shop, warehouse and canopy etc) that willfully lets out exclusive possession of such to another person (Tenant) on agreed terms.
3. Principle of “Nemo Dat Quod Non Habet” (You cant give what you don’t have).
4. Tenancy Crime: Renting what you don’t have and multiple renting of same property.

2. Who Cannot Be A Landlord In Nigeria

Not all persons can effectively act and carry out the duties of a landlord, even when they own properties. Their state of mind has made it impossible for them to effectively contract with others.

1. Minors
2. Lunatics
3. mere Tenants with tenancy agreements prohibiting sub-let.

3. Who is a Tenant?

1. Tenant is a person, who upon an agreement with a landlord has exclusive possession of a landed property.
2. He is not an Owner, Trespasser, Licensee and Occupant.
3. A sub-Tenant and all other persons relying on a Tenant's possession are Tenants.
4. Rent is not a compulsory feature of tenancy
5. Rent may be anything aside money.

4. Rights of a Landlord.

1. Right to Own property in any part of Nigeria
2. Right to possession of property upon expiration of tenancy
3. Right to let and refuse to let his property
4. Right to request for execution of tenancy agreement
5. Right to charge rent and receive rent
6. Right to issue receipt of rent
7. Right to engage a lawyer or any agent to act for him/her
8. Right to demand compliance with tenancy agreement
9. Right to enter and inspect property after notice to tenant

Rights of a Landlord, CONT'D. 1

10. Right to Right to accept or reject modification and alteration of property
11. Right to accept or reject change of use/purpose of tenancy
12. Right to demand for restoration of property to tenantable condition after tenancy
13. Right to accept or reject renewal of rent
14. Right to review and increase rent
15. Right to terminate tenancy agreement
16. Right to refund unexpired rent to tenant
17. Right to consent in writing the repayment of tenant for repairs
18. Right to refuse payment of tenement rate to government

Rights of a Landlord, CONT'D. 2

19. Right to sell rented property
20. Right to issue valid "Notice to Quit"
21. Right to issue "Seven (7) days Notice of Owners Intention to Recover Possession".
22. Right to sue for recovery of rented property from tenant.
23. Right to sue for recovery of rent.
24. Right to sue for mesne profit (rent for period stayed after service of Notice to Quit).
25. Right to sue for restoration of property to tenantable condition.
26. Right to sue for breach of tenancy agreement.
27. Right to be served notice, invited to court and defend any case against him/her

5. SabiLaw Master's Interlude

Upcoming Events:

17th Sabi Law Lecture Series on "Guide on Professional and Profiting Billing System For Lawyers in Nigeria" Rights of Landlords and Tenants In Nigeria", on 24 September 2018 at the Cyprian Ekwensi Center for Arts and Culture by 10:00 am.

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6. Rights of a Tenant.

1. Right to rent property in any part of Nigeria
2. Right to demand to meet and know landlord
3. Right to demand for proof of ownership of property
4. Right to enjoy peaceful possession of rented property
5. Right to inspect and conduct due diligence on property before renting it
6. Right to demand for settlement of all utility bills owed by former tenants
7. Right to demand for tenancy agreement
8. Right to demand for receipt of rent
9. Right to pay rent to court where Landlord is unknown or in dispute

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Right of a Tenant, CONT'D. 1

- 10. Right to notice for inspection of property by landlord
- 11. Right to notice for review of rent
- 12. Right to notice of appointment and change of solicitor and agent of landlord
- 13. Right to Right to sue for disturbance of peaceful enjoyment of property
- 14. Right to privacy, association and all other fundamental human rights
- 15. Right to refuse to renew rent
- 16. Right to sub-let property if permitted by tenancy agreement
- 17. Right to recover and move out with all improvements on the property

Right of a Tenant, CONT'D. 2

- 18. Right to terminate tenancy agreement
- 19. Right to demand for refund of unexpired rent
- 20. Right to demand for external and fundamental repairs
- 21. Right to demand for written consent to repair and deducted cost from rent
- 22. Right to refuse payment of ground rent to government.
- 23. Right not to be thrown out/ evicted without order of court
- 24. Right to be issued a valid "Notice to Quit"
- 25. Right to be issued a "Seven (7) days Notice of Owners Intention to Recover Possession".

Right of a Tenant, CONT'D. 3

- 26. Right to sue for recovery of rented property from tenant.
- 27. Right to sue for breach of tenancy agreement
- 28. Right to sue for recovery of unexpired rent
- 29. Right to sue landlord for trespass and disturbance of possession
- 30. Right to be served notice, invited to court and defend any case against him/her

7. Contents of a Valid Tenancy Agreements

1. Names, addresses and contacts of Parties (Landlord and Tenant)
2. Ownership of landlord
3. Property to be rented
4. Type of tenancy
5. Duration of rent
6. Rent price, if any
7. Rent payment plan
8. Repairs clause

Contents of a Valid Tenancy Agreements, CONT'D.

9. Rent use/purpose Clause
10. Rent review clause
11. Rent renewal Clause
12. Duration of Notice to quit to be served
13. Specific issues parties want to observe
14. Tenancy termination clause
15. Signature of parties
16. Witnesses to the agreement

8. Courts and Trial of Tenancy Cases in Nigeria

1. District Courts in North, Magistrate Court in South and Arbitration panels are the first centers of resolving dispute arising from tenancy agreement.
2. Party dissatisfied with an judgment of a District Court or Magistrate Court can appeal to a High Court in the state or the FCT.
3. Party dissatisfied with an award of an Arbitration panel cannot appeal.
4. Party dissatisfied with the conduct of an Arbitration panel can appeal to the Court of Appeal.

Courts and Trial Tenancy Cases in Nigeria, CONT'D.

5. Tenancy disputes from a tenancy agreements over a single rent that is above 5 Million Naira or a huge sum will be resolved by the High Court of state or FCT.
6. A party dissatisfied with the judgment of a High Court can appeal to the Court of Appeal.
7. A party dissatisfied with judgment of a Court of Appeal can appeal to Supreme Court.

9. Conclusion:

In life you are a tenant or landlord or even both at different locations and time.
Understanding your rights and duties as a tenant or landlord will change your experience.

Sunday 2nd September, 2018.

Abuja.

Thank you!

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