



Magistrate's Court Greffier | The Magistrate's Court | Union Street
St Helier | Jersey | JE1 1BH

Draft Residential Tenancy (Jersey) Amendment Law 202–

I refer to the letter dated 28 May 2025 addressed to the Magistrate by Deputy Jeune, Chair of the Environment, Housing, and Infrastructure Scrutiny Panel, seeking observations on the procedural implications of the proposed Draft Residential Tenancy (Jersey) Amendment Law.

The Magistrate and Assistant Magistrate have reviewed the draft law and were pleased to note the proposed creation of an independent Rent Tribunal (RT). This development removes the need for the Petty Debts Court (PDC) to adjudicate on matters relating to rent increases or to assess the capital value of landlord investments in rented properties.

As a result of this structural change, there is expected to be little practical or procedural impact on the PDC. The Court would, as now, continue to ensure compliance with statutory notice periods and retain discretion under Article 14 to stay eviction proceedings where appropriate in the circumstances of a case.

However, the review did raise two queries that we wish to bring to your attention:

1. Anticipated Timescales and the Use of Stays

We would be grateful for clarification on the anticipated timescale within which a validly filed claim is to be heard by the RT and a decision reached.

This has practical implications for the PDC. Under the proposed regime, a tenant has a period of two months and two weeks in which to bring a claim before the RT. A scenario may arise where:

- A landlord applies a rent increase.
- The tenant considers the increase unjustified or excessive but takes time to initiate RT proceedings.
- In the meantime, rent arrears accrue on the new rental amount.
- The landlord issues a claim in the PDC for the arrears before the tenant has applied to the RT or before the RT has determined the matter.

In such cases, the PDC must ask itself whether to stay the proceedings (i) until the expiry of the two-month and two-week application period, or (ii) if an RT claim has been filed, until the Tribunal has issued its decision?

It is noted that, where the RT finds in favour of the tenant, and the landlord does not promptly refund overpaid rent, the tenant may be expected to recover the overpayment through the PDC. Does this imply that the PDC should not stay arrears claims pending the RT's resolution? In our view, such an approach would be problematic, as it could result in default judgments against tenants—potentially damaging their credit—despite the rent increase ultimately being found invalid.

Conversely, if the PDC does stay proceedings and the RT takes several months to reach a decision, landlords may be left unable to enforce valid rent increases for an extended period. In some cases, this delay could result in significant arrears or even abandonment of leases by tenants who are unable or unwilling to meet the increased payments.

In short, to maintain confidence in the system, timely determination of applications by the RT will be essential.

2. Legal Status and Enforceability of RT Decisions

It may be helpful for the legislation—or associated procedural rules governing the RT—to clearly set out the legal status of RT decisions. When a successful party seeks to enforce a RT decision through the PDC, the Court must be certain of the nature of the decision and what precisely is being enforced. By way of comparison, Article 93 of the Employment (Jersey) Law 2003 defines the nature and enforceability of Employment Tribunal awards as civil debts. A similar provision in the Residential Tenancy legislation would provide clarity and facilitate consistent enforcement.

We hope these observations are of assistance and would be happy to engage further if clarification or discussion is needed.

Yours sincerely

Advocate Kate Ferbrache

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