

Landlords cannot charge for normal wear and tear



LEGAL VIEW Ashish Mehta

I had rented a two-bedroom flat in Sharjah for an annual rent of Dh49,000. After two years, I submitted the keys to the landlord on June 8, 2017, before my contract got over on June 9. After five days, the landlord's representatives checked the flat and charged me Dh1,800 for broken locks, a poster on the wall and a dirty kitchen. When I went to their office, they asked me for the amount. I asked them if they could reduce the fine, for which they gave me the option to clean and fix it by myself. I accepted, made the necessary arrangements and went to their office again. They told me their manager would check the flat again and call me. After not receiving calls from them, I went to their office again, after which I was told that I would be charged Dh900 for the poster on the wall. I had the poster removed, yet they insisted that I had to pay Dh300 as a maintenance charge. I agreed to pay this amount, but now they are asking for 20 days' rent.

I kept negotiating with them, but the 'rent amount' is increasing as the days go by. They are insisting that I pay the rent in full. They say they will issue the clearance letter only after I pay the rent. Now, the municipality will also fine me and my electricity bill is also increasing. Please advise.

Pursuant to your queries, it should be noted the tenant should hand over the rented premises in the same condition the landlord handed it to the tenant. However, if the flat is damaged due to reasonable wear and tear, then the tenant is not held responsible. With reference to the contents of your query, we understand the damages caused are not due to reasonable wear and tear. The landlord is asking you to pay for the charges to

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If you have fulfilled all your obligations as a tenant to the landlord and the same are mentioned in writing, then you may approach the 'Rent Committee' at the Sharjah Municipality and file a complaint against the landlord for settlement of this matter.



rectify the damages. You have rectified damages in the premises as well as paid Dh300. We assume that there is documentary evidence related to payments made to the landlord and further, we assume that you served reasonable notice to the landlord regarding vacating the premises as per the tenancy contract. Therefore, if you have fulfilled all your obligations as a tenant to the landlord and the same are mentioned in writing, then you may approach the 'Rent Committee' at the Sharjah Municipality and file a complaint against the landlord for settlement of this matter.

File complaint if husband does not support you financially
I am a 33-year-old Pakistani woman working as an office manager in a private company in Dubai. I got married in 2013 with an Indian colleague of mine. He had convinced me to have this wedding and said he had serious feelings for me and would always support me. However, things did not work out as planned. Eventually, we ended up fighting every day. We left our home six months ago and is not willing to support me financially. This was my second marriage and I have a son from my previous marriage. My son has been staying with me from the beginning and my second

husband was aware of this.

We got married in Abu Dhabi. I filed a complaint at the family court (counselling), after which it was decided that we would stay together and he would support me financially. He was directed to inform his family about our wedding and he agreed. However, he didn't do anything as directed by the counselor. After a while, I informed his parents about our marriage and they got really angry. He left our house again after this. Right now, he is working as a marketing/sales coordinator in Dubai and drawing a monthly salary of Dh10,000.

In this situation, what is the best possible way to retain this marriage and also bind him to fulfil his responsibilities towards me?

As per our marriage certificate, my 'Mehr' is Dh5,000 only. If I ask for a divorce, will I get alimony or any compensation?
Pursuant to your queries, it is the responsibility of the husband to maintain his wife and children. This is in accordance with Article 63 (1) of the Federal Law No. 28 of 2005 concerning personal status in the UAE (the 'Personal Law'). This states: "Maintenance shall cover food, clothing, the house, treatment, a servant for the wife if she is served in her family's house and what is kindly required by conjugal relationship."

Further, Article 67 of the Personal Law states: "The wife's alimony shall start from the date the husband abstains from supporting her. It shall be considered a debt due from him without dependence on the judiciary or mutual consent, but it shall be extinguished by payment or absolution."

"Actions for claiming alimony for a previous period exceeding three years from the date of filing the action shall not be heard unless it is imposed by mutual consent."

Since your priority is to save this marriage and to make your husband to support you financially without applying for divorce, you

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may apply for alimony/maintenance from your husband by filing a case against your husband in the Personal Status Court. This is in accordance with Article 68 of Personal Law, which states: "The judge may at the wife's request decide her a provisional alimony and his decision shall be self-executing by the force of law."

'Mehr' (dowry) is the right of a Muslim married woman during her marriage which has to be provided by the husband. This is in accordance with Article 50 of the Personal Law, which states: "The dowry is the woman's right that she can dispose of the way she likes. No contrary condition shall be valid."

Further, Article 51(1) of Personal Law states: "1. If a dowry is properly specified in the marriage contract, it shall be due to the woman."

Further, you may consider to file a divorce in the Personal Status Court if your husband does not support you financially. This is in accordance with Article 124 of the Personal Law, which states: "1. If the present husband abstains from maintaining his wife without having an apparent financial resource from which obligatory maintenance can be executed within a close period, his wife may ask for separation."

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