

Bachelors living in family areas can be reported to authorities



LEGAL VIEW
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Q: I am living with my family in an apartment at Al Qusais in Dubai. The management had told me it was a family building but after shifting, I realised many bachelors were living in the nearby apartment on sharing basis. I have daughters and these bachelors stand outside the apartment and keep looking at our flat and on us, whenever our flat door is open. I have complained several times to the real estate company but they say they can't do anything. Is it legal to rent out flats for sharing — eight to 10 boys in a single flat?

A: Pursuant to your queries, it should be understood that the Dubai Municipality on several occasions has released notifications requesting the bachelors in Dubai not to reside in the residential areas. Bachelors are only allowed to reside in the areas as specified by the Dubai Municipality. Even though bachelors living together in a sharing accommodation is allowed by the Dubai Municipality in specific areas, there is a restriction on the number of bachelors living in each room depending on the area of the room.

Since you have already made a complaint to the real estate agent of the building and as there is no positive response from them you may now approach the Dubai Municipality for resolution of your grievance. Further, you may also approach the Dubai Rental Dispute Centre and file a complaint against the landlord for not allowing you to have peaceful possession of the rented premises as well as against the said bachelors. This is in accordance with the Article 770(1) of Federal Law No. 5 of 1985 on the issuance of The Civil Transactions Law for the UAE. It states: "A Lessor may not cause any nuisance to a lessee in enjoying the benefit during the lease period and shall not make any change in the leased entity that prevents its benefit from being received or prejudices the benefit contracted upon; otherwise, he shall be liable, therefore."

Based on your complaint the Dubai Municipality and the Dubai Rental Dispute Centre may call upon your landlord to evict the said bachelors from their apartment. This is in accordance with the

Article 25 (1)(c) of Law No. 33 of 2008 Amending some provisions of Law No. 26 of 2007 Regulating Relationship Between Landlords and Tenants in the Emirate of Dubai, which states: "Landlord may demand eviction of tenant prior to expiry of tenancy period if tenant uses or allows others to use, the property for illegal or immoral activities."

It is also a criminal offence if an individual or group of individuals behave immorally with women in public or other places. This is in accordance with the Article 359 of the Federal Law No. 3 of 1987 on the issuance of Penal Code. It states: "Whosoever attempts to disgrace a female by words or by deeds in a public street or frequented place, shall be punished by detention for a period not exceeding one year and by a fine not exceeding Dh10,000, or by either of these two penalties."

Know the law

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No need to surrender passport

Q: I would like to raise a concern regarding the retention of a passport. My wife is working for a private travel agency and on my sponsorship. She has been working in that firm since 2011 and all of a sudden the company manager is forcing her to surrender the passport. He is threatening to take strict action against her for not surrendering the passport. Please advise if it is legal to force an employee, who is not directly under their sponsorship, to submit their passport? Can the manager terminate her due to the same reason? What step should be taken to avoid such harassment? If we complain and the management starts harassing her for this, is there any legal way to protect ourselves?

Know the law

An employer cannot ask its employee to hand over the passport to keep in their custody without the employee's written consent. Detention of passport against the will of the passport holder is unlawful in the UAE. An employer cannot ask its employee to hand over the passport without the employee's written consent.

A: It is understood that your wife is employed by a private travel agency and her visa is sponsored by you. Your wife has been working with her employer since 2011 and all of a sudden her employer is forcing her to surrender her passport, even though she has informed her employer that your consent is not there to surrender the passport. The employer is threatening to take strict action against your wife. Further, your wife has a clean record of her employment with her employer without any due or loans or without any misconduct.

Pursuant to your queries, detention of passport against the will of the passport holder is unlawful in the UAE. An employer cannot ask its employee to hand over the passport to keep in their custody without the employee's written consent. Should she face any continued harassment at her workplace she may report the same to the Ministry of Human Resources and Emiratization (MoHRE) where she may lodge a complaint against her employer and may consider reporting this matter to the police.

Further, an employer cannot terminate an employee for not surrendering its passport to its employer. In the event the employer terminates your wife on grounds of not surrendering her passport to them it will be termed as arbitrary termination of employment.

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