

Landlords can evict tenants who sublet without consent



LEGAL VIEW Ashish Mehta

I had subleased a room of my apartment in Jumeirah to an expatriate without the consent of the owner. After living for two months in the apartment and only paying two weeks' rent, the man has vanished. He has taken his valuable belongings but there are still some clothes in the wardrobe. He is not even answering my calls. I spoke to his sister, who confirmed that he was safe but facing some personal difficulties. He owes me Dh9,000 in rent, but do I have any grounds to file a complaint? I submitted his cheque at the bank, but it bounced. I do have a copy of his Emirates ID. Where do I stand on this legally? If I file a police complaint against him, will I get into trouble?

Pursuant to your queries, we assume that you had subleased a room in your apartment to a third party in Dubai without the consent of the owner of the apartment. Article 24 of law no. 26 of 2007 regulating the relationship between landlords and tenants in the emirate of Dubai states: "Unless otherwise agreed by the parties to the lease contract, the tenant may not assign the use of or sublease the real property to third parties unless written consent of the landlord is obtained."

The owner of the apartment has right to evict the tenant for subleasing the rented premises without his consent in accordance

with Article 25 (1) (a) of law no.33 of 2008 amending law no. 26 of 2007 regulating the relationship between landlords and tenants in the emirate of Dubai, which states: "The landlord may seek eviction of the tenant from the real property before the expiry of the lease contract where the tenant sublets the real property or any part thereof without obtaining the landlord's written approval. In this case, the eviction will apply to the sub-tenant, who will have the right to claim compensation from the tenant."

However, if you have the written consent from the owner of the apartment to sublease the rented premises, then you can initiate legal action against the sub-tenant for non-payment of rent.

Further it should be noted that whenever a cheque is dishonoured upon its presentation by the bank of the beneficiary, a criminal case may be initiated by

Know the law

If you have the written consent from the owner of the apartment to sublease the rented premises, then you can initiate legal action against the sub-tenant for non-payment of rent. Dishonour of a cheque and subletting without the consent of landlord are governed by two different laws.



the beneficiary of the cheque in accordance with Article 401 of federal law no. 3 of 1987 on issuance of Penal Code (the 'Criminal Law') of the UAE, which states: "Detention or a fine shall be imposed on anyone who, in bad faith, gives a draft (cheque) without a sufficient and drawable balance or who, after giving a cheque, withdraws all or part of the balance, making the balance insufficient for settlement of the cheque, or if he orders a drawee not to cash a cheque or makes or signs the cheque in a manner that prevents it from being cashed.

"The same penalty shall apply to anyone who endorses a cheque in favour of another or gives him a bearer draft, knowing that there is not sufficient balance to honour the cheque or that it is not drawable."

In any case, you may consider filing a criminal complaint against the sub-tenant against a dishonoured cheque and let the matter be determined by the Public Prosecution. Dishonour of a cheque and subletting without the consent of the owner of the apartment are governed by two different laws and the Public Prosecution may consider the dishonour of a cheque on a standalone basis.

Employer can cancel visa in six months

I worked in the UAE on a two-year contract. However, after one year, I took a medical leave for a week and went to my homeland to consult a doctor. I could not return because of my bad health and I resigned. Now, my company is asking me to

Know the law

Residence visa of an employee, who is back in his/her country, can be cancelled by submitting a report obtained from the General Directorate of Residency and Foreigners Affairs which will confirm that the person has been out of the country for a continuous period of more than six months.



return so that they can cancel my visa. But I cannot return now due to certain reasons. Will I face any legal consequences? Pursuant to your query, your employer can cancel your residence visa by submitting a report obtained from the General Directorate of Residency and Foreigners Affairs which will confirm that you have been out of the country for a continuous period of more than six months. In the event you have not yet been out of the UAE for a continuous period of six months, your employer may either wait for completion of six months or obtain your original passport to cancel your visa.

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