

Landlord responsible for maintenance



LEGAL VIEW
Ashish Mehta

I have serious issues with regards to the quality of water being supplied in my apartment. The rusted pipes are causing health issues and skin problems. The problem has been going on for the last three years, but we only found out recently after an analysis of the water quality.

I have contacted the maintenance department, and they visited the building in September, but received no responses after that. It's now been over a month. Is this a matter that can be filed legally? Can the owner and building management be legally compelled to fix the issue, or pay for damages?

We assume that the apartment you are residing in is Dubai. It is the responsibility of the landlord to provide basic amenities and maintenance to the rented premises in accordance with Article 16 of Law No. 26 of 2007 Regulating the Relationship between Landlords and Tenants in the Emirate of Dubai

(the Rental Law). Unless otherwise agreed by the parties, the landlord will, during the term of the lease contract, be responsible for the maintenance works and for repairing any defect or damage that may affect the tenant's intended use of the Real property." Further, Article 17 of the Rental Law states: "The landlord may not make to the Real Property or any of its amenities or annexes any changes that would preclude the tenant from full use of the Real Property as intended. The landlord will be responsible for such changes whether made by him or any other person authorised by the landlord. Further, the landlord will be responsible for any defect, damage, deficiency and wear and tear occurring to the Real Property for reasons not attributable to the fault of the tenant."

Pursuant to the provisions of the Rental Law, the owner of your building has certain obligations towards its tenants and it appears that the owner has not fulfilled his obligations. Therefore, you may lodge a



Know the law

The landlord will be responsible for any defect, damage, deficiency and wear and tear occurring to the Real Property for reasons not attributable to the fault of the tenant.

complaint with the Rental Dispute Centre of Dubai in accordance with Article 4 of Decree No. 26 of 2013 concerning Rent Disputes Settlement Centre in the Emirate of Dubai, which states: "A- The provisions of this decree shall apply to the special judicial committee for disputes settlement between landlords and tenants formed pursuant to Decree No. 2 of 1993."

B. The title "The Special Judicial Committee for Disputes Settle-

ment between Landlord and Tenants" shall be replaced by the title "Rental Disputes Settlement Centre in Dubai".

Court can issue temporary work permit

I am working with a hotel that comes under the Dubai Multi Commodities Centre (DMCC) free zone as finance director. The company is making me redundant, but they are not paying my notice period pay and related benefits, by making a false accusation against me. I have complained to the DMCC and the matter is yet to be solved.

In such incidents, how do I file a case against the employer, and what are the requirements to file such a case? Additionally, while the court proceedings are being carried out, would I be eligible to work for another employer?

Pursuant to your questions, we assume that you are terminated without notice which is termed as arbitrary termination and the employer has made false accusations against you. You have followed the right procedure by approaching the

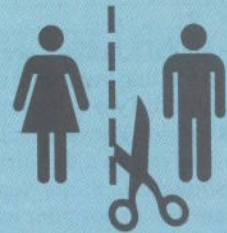
DMCC. The DMCC acts as a mediator to settle the dispute between you and your employer. In the event of disagreement between you and your employer and in the event no amicable settlement is reached between you and your employer, the DMCC should issue a letter to refer the dispute to Dubai Courts.

You may be provided with a temporary work permit by the court if the court is satisfied with your request for a temporary work permit.

Unpaid debts

I have a friend who left the UAE with unpaid debts many years back. He is now afraid to transit through the airport. Is there any way of checking whether a case against him is still open?

If your friend has not paid his debts, the creditors may have filed a criminal (assume your friend issued cheque to the creditors which are dishonoured upon presentation) complaint or civil case filed against him by the creditors (perhaps banks in this case). Your friend should consider to appoint a lawyer and provide this lawyer a power of attorney so the lawyer could represent your friend to determine if



Know the law

A person who has left the UAE with unpaid debts can appoint a lawyer and provide the lawyer with a power of attorney to find if there are any criminal complaints and/or civil case against him.

there are any criminal complaints or civil case against your friend.

Ashish Mehta is the founder and Managing Partner of Ashish Mehta & Associates. He is qualified to practise law in Dubai, the United Kingdom, Singapore and India. Full details of his firm on: www.amalawyers.com. Readers may e-mail their questions to: news@khaleejtimes.com or send them to Legal View, Khaleej Times, PO Box 11243, Dubai.