

## **The decree no (26) year 2013-11-27**

### **About the center of settlement rental dispute**

#### **In emirate of Dubai**

**1- Article** - this law named the decree about settle the rental dispute in emirate of Dubai

**2- Article** - this word and sentence where is mention in the decree and where the context need is meaning :

Emirates : emirates of Dubai

Ruler : ruler of Dubai

The executive chamber: The executive chamber for the emirate

The counsel : the judicial counsel

Department : the department of land and possession

Center : the center of the settle disputes in the emirate

The commission : the commission that is establish by first court of instance and the appeal court .

rental dispute: it is the dispute that take place between the tenant and landowner and related to rent the immovable fund

#### **The decree object**

**3- Article** - This decree is aim to found judicial organization which is especially in resolve the rental dispute , and develop a procedure to deal with that kind of disputes in speed and

easy way, that throw achieve the social and economic stability for all the people who work in the real estate section and the another section related with . and that for support the development process in the emirate

### **The application scope**

**4- Article** --This decree rules are applying over the judicial commission that is competet in settle the rental dispute between the tenant and landlord , which exist by the decree no (2) to 1993 that hereto .

He name of the judicial commission to solve the dispute replaced with ( the center to settle the rental dispute in emirate of Dubai,

### **The center headquarter**

**5- Article** - The center headquarter is located in the department , and it is possible to open another office in the emirate .

### **The center jurisdiction**

**6- Article** -The center is distinguished and alone in the following  
:

1- Settle all kind of the rental dispute which is appear between the tenant and the landlord that's located in emirate of Dubai and in the free zone city and that include the counterclaim related on it , and the demand to make time procedure and urgent which is submitted by anyone of the parties .

- 2- Settle the appeals decisions and the provisions which it challengeable in accordance to this decree provisions and the other regulatory and resolutions which are issued whereby .
- 3- Executive the resolution and provisions which issued by the center in the rental dispute that is consideration on it.
  - The center is not competent in this kind of rental dispute:
    - 1- the rental disputes which are take place inside the free zone and there are a competent committee entitle to settle the rental dispute which arise there.
    - The rental disputes which are arise out of the rent financial contract .
    - The dispute arise out of the length rent contract which covered by the provisions of the law no( 6 ) to 2006 that refer to .
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### **The Organizational Structure**

- 7- Article** ---The organization structure is consist of tow sector , judicial sector . and administrative sector:
- The judicial sector is consist of the following departments and organization unite :
    - 1- the administer for conciliation and reconciliation.
    - 2- the instance circuit .
    - 3- the appeal circuit
    - 4- the execution the provisions.

- --- the center s administrative sector is consist he of many organization unit which are entitle to support the judicial sector with technical and administrative.

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#### - **The head of the center**

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- 8 -( **article** ) --- chairs of the center is a judge his degree is not least than a judge in the appeal court , he is appointed by a decree issued by the govern of Dubai.

And he authorized for overseeing the judicial works in the center and he is alone entitle to do the following works:

- 1- Overseeing distribute the cases between the instance circuit and the appeal circuit .
- 2- Propose the regulatory and resolutions which could help to organize the work in the judicial sector in the center, and the fees and the service charges which the center afford .
- 3- The head of the center seek to coordinate b etween the judicial authority and the government authority about the center work in the judicial side .

#### **Secretary general of the center**

**9 - (article )-** the center have a secretary general which appointed by the head of the center , and his rule is to overseeing on all the administrative sector , and any tasks delegated by the head of the center .

#### **The conciliation and reconciliation mangement**

**10 - (Article)** -the management conciliation and reconciliation must to establish in the center and its specializing in settle the rental dispute amicably , and that according to the standard which the head of the center put it , except the following :

- **1** – order demand and urgent and time cases.
- **2**- the cases which had been filed before this decree being effective .
- The conciliation and reconciliation management is consist of a number of legal and experts and the would appointed by the center .
- - the rental disputes which consideration from the conciliation and reconciliation management will be seeing and resolved under the supervision of the judge who is appointed for this thing.
- The conciliation and reconciliation management overseeing the rental dispute which is looking before it , by summon the parties or their representative ,and know will about the documents and certificates and evidences related in , and displaying reconciliation and make the point of views close , for reach to amicably solve for the dispute .
- All the legal terms which had decided to no-hearing the case will be stop, and the lapse terms which is enacted in the legislations in force will be stop , from the date of file the settle dispute in front of the conciliation and reconciliation management .

- -- the conciliation and reconciliation management aim to solve the rental dispute with a amicable way , and that within 15 days at the most from the date of the parties attendance in front of it, and this period of time maybe to extand for the same period or maybe more than by the decision from the controller judge .
- If the conciliation have done between the parties of the rental dispute , that must be proven by a written agreement a signed by the parties and certified from the competent judge who overseeing the conciliation and reconciliation management, and this agreement will have the same force like the executive deed.
- -- the conciliation and reconciliation management may ask who find them fit from the experts and the specialists, to support it by the technical experience , and it s decision have to contain the mission and the date to finish it and his wage and who will pay from the party.
- The fee must be pay to file the rental dispute which is display in front the conciliation and reconciliation management , according to the prescribing fees by the center , and half of this fees must bring back in case ff the parties success to get an amicable agreement .

- **Appointed the chairman and the member of the committees**

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- **11- Article--** the chairman and the member of the committees which consist of the instance and appeal

circuits will be Appointed by a decision from the head of the chamber .

- **The oath**

- **12- Article** -- the member of the committees before the start their tasks the do an oath in front of the head of the chamber with this formulation : ( by the name of the god I will rule injustice and respect the laws and serve with integrity and honor ).

- **Instance circuit**

- **13- Article** -\_this circuit consist of a sufficient number of the committees and each one of them is consist of a chairman and two member who are experiences and qualified in many scope of law and real estate , and each one of that committees is special to settle the rental dispute which refer to it in article (6) from this decree , and every committees chairman is must to be judge ,and the head of the chamber can appointed a one of the legal men who have the wide experience and good qualified as a chairman for those committees .
- The head of the center have authority to designate a committee or more within the instance circuit to solve a special kind of rental dispute , and that depending on the nature of the case or to location of the rental real estate unite , and the nature of there use .

- **The appeal circuit**

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**14- Article** - the appeal circuit is consist of a sufficient number of the committees and each of one have two judge and one of

people who know about him his wide experience in the real estate scope, and head of the committee must to be a judge , and every one of the committee is special in settle the challenge related in the decisions and provisions which issued by the instance circuit , the appeal circuit provisions is finally and unchallengeable by any way of the challenge ways , and this provisions executive by the rules and the procedures which dependable from the center.

### **The committees meeting**

**15- Article-** - the meeting of the committees is right by attendant all of their member, and its decisions and provisions issued by unanimity or majority , the decisions and provisions on the ruler name .

### **Consideration of cases**

**16- Article-** The committees which is found by the rule of this decree, must consideration in these rental disputes within 30 days from the date of the case referred to it , and this period maybe extanted to another period accordance to the standards and procedures which determined by the head of the chamber.

### **Appeal the provisions of the instance circuit**

**17- Article:** - the provisions of the instance circuit appeal in front of the appeal circuit except the provisions who issued in the rental reclaim which is their value least than( 100.000) AED one hundred



derham and which it finally and unchallengeable in any way of the challenge ways.

The appeal is allow for the provisions that issued by the instance circuit and which is least than the sum who mentioned in the latest paragraph from this article in some case like the follow:

- 1- if the provision issued and contain empty the unite .
- 2- if the provision issued contrast for the competent rules .
- 3- if the provision contain more than what the parties demand, or the didn't demand or the provision ignore some demands.
- 4- If the provision issued in faced of a person who is not represent in a good way in the case or there was invalid in the advertisement .
- 5- If the provision had relied on a documents or papers and after a time became clear that this documents and paper is forge , or the provision rely on a testimony and after that clear that is a false testimony .
- 6- If the one of the parties concealed from the instance circuit any document or evidence maybe it is useful in the case and maybe can change the provision .

#### **Appointment of appeal the provision**

**18-Article**—the time limit to appeal the provision which is issued from the instance circuit is 15 days start from the next day to the day of the verdict , if the convict failure to attend in front of the circuit all the case hearings and he hadn't present any memorandum , the appeal appointment commence from the date of verdict day.

- Its stipulate to approve appeal the provision which it issued by the instance circuit in the financial demand

cases , the convict must to deposit with the center half of the funds which he awarded, even the provision issued from the appeal circuit , and the head of the center maybe accept the appeal without of the prior deposit , or to pay a percentage from all the sum .

- **Applicable sources**

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- **19- Article** : the committees settle the rental disputes and their challenge on the basis of:
  - Legislation which is valid in the emirates.
  - **alsareaa** provisions .
  - \_the justice principle and the rules of the right and faire .
  - Customs except if it contrast with the polite and the general system in the society .

- **The center procedures for work**

**20- Article** – the head of the center issued the private system for the procedures and the principles which will be followed in all the matter which related on register the case and the demands and to settle it and executive it at the instance circuit or appeal and management of the reconciliation and reconciliation or at the executive the provision department , and until this system issued the center maybe follow the provisions which are provided for in the procedures rules which are follow by the private judicial committee to settle the disputes between the tenants and the land lords.

**Execution the judicial provision**

**21- Article** --- all the final and the unchallengeable provisions

Which issued by the instance and appeal circuit is execution by the management of the executive which it follow to the center. And the head of the center can seek help from Dubai executive department to execution the provision which issued by the center .

**Appeal the provisions and the resolutions which is issued before the decree be inact**

**22- Article:** with respect the provisions of the article no 17 from this decree , its possible to appeal the provisions and resolutions which had not been execution before issued this degree , and its possible to appeal it after 30 days from its issued and be inact.

**Fees**

**23- Article** – the center entitle to receive the fees in exchange for the register the case and demand and for all the service submitted by the center , this fees will be determinate bu the head of the executive chamber .

- The fees which is stipulated in the local order no 1 year 2004 is still working to in which refer to , until the chamber of the executive issued its resolution that refer paragraph(a) from this article.

- **The member of the committee reward**

- **24-Article** : the head of the center issued a system related on the financial reward which it donate to the chairman and the member of the committees

- **It and technical uses**

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**25- Article** – all the center work must to be automated in the judicial and administrative sector in method that guarantee facilitate the procedure and make the process quick to settle the rental disputes .

**Present the support to the center**

**26- Article** – the management is work to supply all the center needs to help it to achieve all the tasks and jurisdictions , that's contain to supply with headquarter administrative financial and technical support .

**Financial sources**

**27- Article** : the financial sources for the center consist of :

- 1- The support for the center from the department .
- 2- Fees and the service charges which the center take it from the cases and demands and transactions and the other service .

**Transitional provision**

**28- Article :** the center is entitle to settle all kind of the cases and demand looking by the private judicial committees which is competent to settle the dispute between the tenants and the landlords in the time of this decree be in act , except if it is reserved for verdict.

- All the employees who work with the private judicial committee to settle the rental disputes between the tenants and the landlords shall be transfer to this department , from the date which this decree be in act and that without prejudice in their acquire rights .