

Understanding the Rights of Landlords and Tenants in Nigeria.

A presentation at the Staff Meeting of the Evidence Action.
Held at the Work and Connect, Jabi, Abuja.
On 13 August 2021 by 3:00pm.
Organized by the Management of Evidence Action.

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The **34th**
SabiLaw
Lecture
Series

Understanding the Rights of Landlords and Tenants in Nigeria.

By **ONYEKACHI UMAH, ESQ. LL.M. ACI Arb (UK)**

Lawyer | Arbitrator | Notary Public | Legal Awareness Expert
#SabiLaw #DailyLawTips #SabiLawLectureSeries
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13 August 2021
3pm

Work and
Connect, Jabi,
Abuja.

Materials will be made
available on our website
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(Closed door event: Strictly by invitation)

Organized by **E.A.**

Reach us via www.LearnNigerianLaws.com to speak
on rights and laws to your group/organization.

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Profile of Onyekachi Umah

- Onyekachi Umah is a Legal Practitioner, Arbitrator, Notary Public and Legal Awareness Expert, with over a decade experience in human rights, criminal law and civil law in Africa. He has published over 820 legal articles in diverse areas of law, delivered over 32 public lectures, anchored over 57 law radio/tv shows and supports several organizations across Africa.
- He holds a Master of Laws; a Master of Business Administration and he is a doctoral degree candidate. He also hold a certificate in Law of Contract from Harvard University. He is an alumnus of the United Nations Institute for Training and Research, Geneva, Switzerland; the United States Institute of Peace, Washington, D.C., USA and the Tekedia Institute, Boston, USA.
- Mr. Umah is the managing partner of a leading law firm; Bezaleel Chambers International and the Executive Director of Sabi Law Foundation (a not-for-profit and non-governmental legal awareness organisation) with the project website; www.LearnNigerianLaws.com.

1. Presentation Plan & Outcome

1. Justification of presentation
2. Establishment of baselines
3. Highlights on tenancy in Nigeria
4. Insights on the rights of landlords and tenants and the contents of a hybrid tenancy agreement.
5. Measurable Expected Outcomes: Participants will understand and explain the nature of tenancy in Nigeria, rights of landlords and tenants, contents of a hybrid tenancy agreement. Participants will give examples of informed decisions in tenancy relationships.



2. Justification



1. In a stable life you are either a tenant or landlord or both.
2. Tenancy agreements are made out of the experiences of landlords and tenants (and skill of lawyers). So, your home and business/workplace will be affected greatly by your knowledge of tenancy laws.
3. Nigerian courts are too slow, boring, expensive and allegedly corrupt. Statistics shows that there are 25 Million legal disputes in Nigeria. No doubt, knowledge of rights and laws will assist in dispute avoidance.
4. This presentation is designed to enable you avoid legal disputes in tenancy relationships, so that your homes, businesses and workplaces will be inspiring and fruitful.

3. Assumptions



It is assumed that participants understand the following terms/concepts;

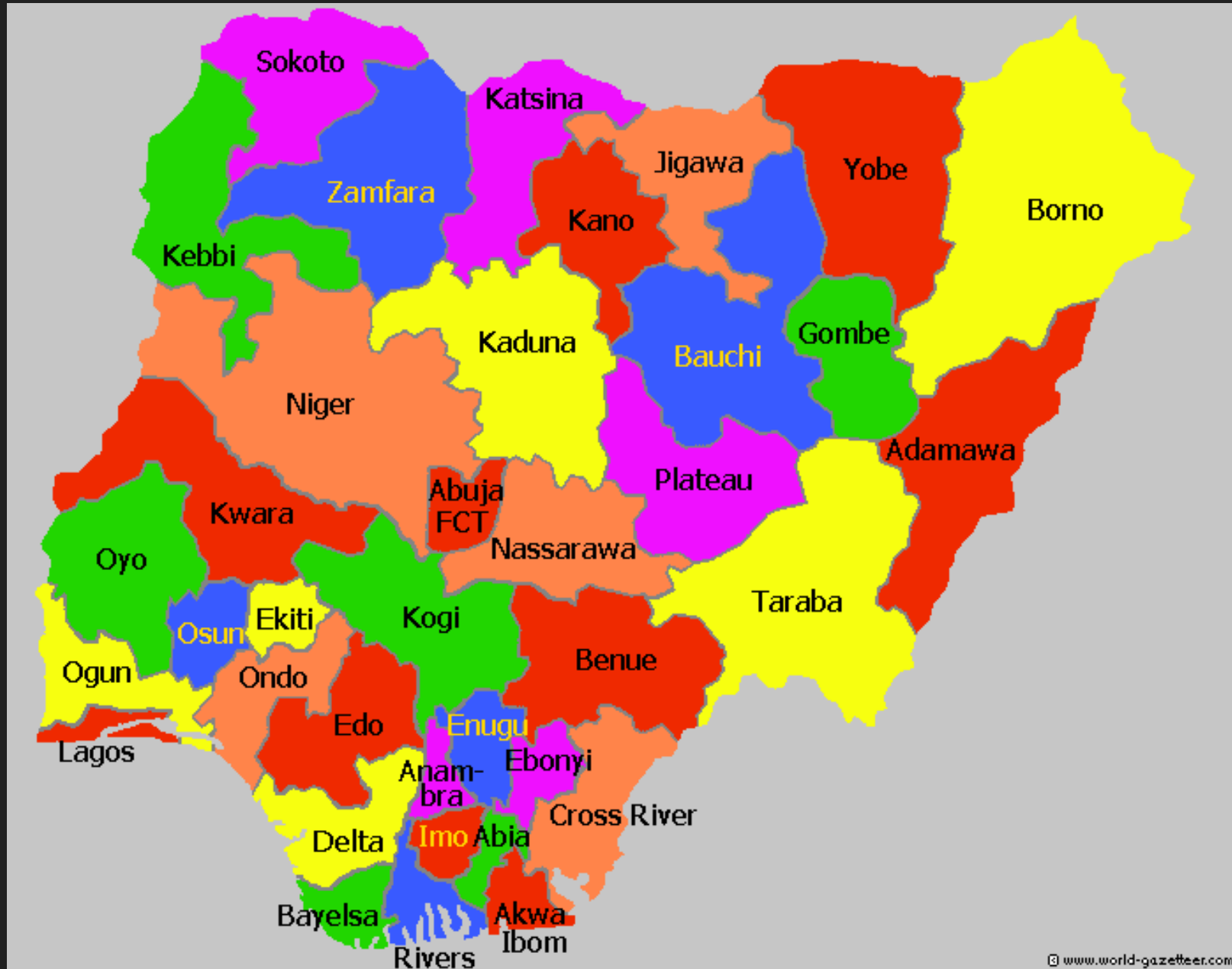
1. Landlord
2. Tenant
3. Oral agreement
4. Written agreement
5. Magistrate Court
6. High Court

4. Facts & Statistics



1. Shelter is a basic need of man
2. Everyone cannot be a landlord in every part of the world.
3. Nigeria has a housing deficit of 17 Million (or over 22 Million)
4. Nigerian Government said there is no housing deficit
5. There are more tenants than landlord in Nigeria.
6. Your pocket is your reality!

Map of Nigeria. So what part of it do you own or live in?



5. Overview of the Pre-Tenancy Stage



Foundation is ultimate even in tenancy, so do not be carried away!

1. Search & Agency
2. Property & Inspection
3. Inventory & Contract to Rent (Deposit & Part Payment)
4. Tenancy Agreement (Parties, Rent, Agency/Legal Fees, Statutory fees
5. & Utilities, Renewal & Notices, Communication path)
6. Payment & Receipt
7. Possession & Occupation

6. Overview of the Tenancy Stage



As you have made your bed (tenancy) so you shall live in it!

1. Safekeeping
2. Renewal Reminders
3. Repairs
4. Neighbors & Residency Associations
5. Peaceful enjoyment
6. Recovery of Rent

7. Overview of the Post-Tenancy Stage

The end of a Tenancy could be joyful or sorrowful or a blend!

1. Valid Notices & Computation
2. Termination & Post-Tenancy fee (Mesne Profit)
3. Mediation/Arbitration
4. Courts (Magistrates/High Courts)
5. Common Prosecution Tactics
6. Common Defence Tactics
7. Judgment, Eviction & Recovery



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8. Making a Hybrid Tenancy Agreement (1/3)

Courts are more concerned with written agreements!

1. Arbitration Clause
2. Know Your Tenant & Guarantor form
3. Tripartite agreement & Indemnity Clause
4. Bank account details of Guarantor and Tenant
5. Fixed Term/Term Certain
6. Notice to Quit



8. Making a Hybrid Tenancy Agreement (2/3)



7. Business/office address of Tenant & Guarantor
8. Renewal rent clause
9. Government rates (tenement rate, estate fees and utilities)
10. Punitive daily mesne profit
11. Cost of litigation & recovery
12. Government issued means of identification
13. Coloured recent passport photographs
14. Terms Transcending (Continuity) Clause

8. Making a Hybrid Tenancy Agreement (3/3)



15. Electronic & Social Media Services
16. Pre-Judgment and Post Judgment Interest Rate
17. Physical Delivery of Keys/Access Code
18. Post-occupation Property Assessment
19. Caution Fee and Repair fee
20. Rent Increment Consent
21. Tenant's Insurance
22. Devices and Property Performance Clause

9. Recommendations



1. Get to know your Landlord, Tenant and Guarantors
2. Ensure all tenancy agreements are written
3. Ensure prospective tenants and guarantors sign agreements before moving in.
4. Parties should sign/initialize all pages
5. Email signed copies of agreements to all parties
6. Set electronic reminders for all timelines in agreements
7. Do not engage or use Police officers and louts. Speak with your lawyer.

10. Conclusion

“Understanding tenancy rights is a great tool for avoiding tenancy disputes and losses. It is a good path towards having a fruitful property investment for landlords and a peaceful rented space and stay for tenants.”

Friday, 13 August 2021.

Chez Moi, Abuja.

Thanks to all participants and the organizers of this event for this great opportunity.

Feel free to connect with me and continue this discussion!

Thanks to my awesome team for their support in this work:



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