



LANDLORD AND TENANT ACT 2025





Consultation Paper: Landlord Tenant Consultation Bill

Advancing Fairness, Equity, and Affordability in Bermuda's Rental Sector

Executive Summary

The Ministry of Home Affairs has launched a public consultation on the 2025 Landlord and Tenant draft Bill. The bill seeks to advance the 2025 Throne Speech commitment to ‘complete the amendments to the Landlord and Tenant Act to support mutually positive rental relationships’ by repealing and replacing the two Acts that currently govern rental relationships: the Landlord Tenant Act 1974 and the Rent Increases (Domestic Premises) Control Act 1978.

The consolidation of the Landlord Tenant Act 1974 and the Rent Increases (Domestic Premises) Control Act 1978 is a critical step towards modernizing Bermuda’s residential and commercial rental legislation. The rationale for this consolidation includes:

- **Eliminating Redundancy:** Combining overlapping provisions into a single Act streamlines processes for both landlords and tenants, reducing confusion, administrative burden, and regulatory duplication.
- **Ensuring Consistency:** A unified legal framework establishes clear, consistent rights and responsibilities for both landlords and tenants, promoting predictability in dispute resolution and fairness across the rental sector.
- **Promoting Equity:** Consolidation creates the opportunity to introduce standardized protections including rent review procedures, security of tenure, landlord obligations, and safeguards for vulnerable tenants, ensuring equitable treatment regardless of the type of rental property.
- **Strengthening Enforcement:** A comprehensive Act allows for more effective enforcement mechanisms and remedies, including the establishment of tenant tribunals to resolve disputes, address rent arrears, damage claims, or breaches. Streamlined tribunal proceedings in advance of court proceedings will help protect vulnerable parties and foster trust in the system.

- **Enhancing Transparency:** The new framework will provide a more transparent and accessible set of rules governing residential leases, covering deposits at the start of a tenancy, framework for returns at its conclusion, and the legally permissible actions associated with terminations.
- **Reducing Ambiguity and Disputes:** Structured obligations and clear rules will reduce uncertainty, provide guidance to all parties, and lessen the incidence of conflicts.

Together, these measures seek to establish a modern, comprehensive, and enforceable legal framework that strengthens Bermuda's rental market, balances the interests of landlords and tenants, and promotes trust, fairness, and accountability. The intended outcome of the legislative consolidation is to facilitate a more transparent, accessible, and equitable rental system for all Bermudians.

History

Bermuda's rental market is governed by the Landlord and Tenant Act 1974 (LTA) and the Rent Increases (Domestic Premises) Control Act 1978 (RCA). At the time of their enactment, these laws were intended to provide fairness, affordability, and stability in the housing sector. The LTA established a basic framework for tenancies, while the RCA introduced rent controls to protect lower-income households.

Over the past five decades, however, the rental market has changed significantly, while the legislation has not. The LTA omits provisions standard in modern rental systems, such as clear rules for deposits, caps on late fees, repair obligations, and prohibitions on harassment. The RCA, amended only three times since 1978, has left loopholes in rent-control procedures, particularly around RC/2 and RC/8 applications.

Fragmentation between the two Acts has produced overlapping or inconsistent provisions. Both landlords and tenants have expressed frustration, with landlords citing delays in addressing arrears and tenants facing insecurity and unfair terms. Complaints have risen steadily: between 2016 and 2023 Consumer Affairs recorded an average of 2,230 complaints annually, peaking at more than 4,300 in 2020.

Dispute resolution has also proven inadequate. The sole avenue for recourse is the Magistrates' Court, which is costly and adversarial. This has left many Bermudians unable to pursue their rights and has discouraged landlords from remaining in the rental market.

In 2024, Consumer Affairs and the Attorney-General's Chambers advised that piecemeal reform would not be enough. Instead, Bermuda requires a single, modern statute to consolidate landlord and tenant law, eliminate redundancy, strengthen enforcement, and provide fair, accessible dispute resolution. This reform will align Bermuda with

international best practice, ensure equity, and modernize protections for both landlords and tenants.

Policy Impact

The proposed reform will consolidate the two Acts into one modern law, creating a framework that is clear, fair, and enforceable.

Intended key impacts will include:

- Fairer Housing Protections
 - Capped security deposits and late fees.
 - Clear rules on repairs, terminations, and return of deposits.
 - Protections against harassment, lockouts, and unlawful evictions.
- Streamlined Dispute Resolution
 - Introduction of a tribunal or alternate dispute resolution process.
 - Faster, less costly, and less adversarial outcomes compared to court.
 - Estimated reduction in resolution time from 6 months to as little as 44 days in rent arrears cases
- Market Confidence
 - Balanced protections will reduce risk for both landlords and tenants.
 - Clearer rights and obligations will lower the volume of disputes.
 - Landlords will be more confident to remain in the rental market, supporting housing supply.
- Efficiency and Accountability
 - A single Act will eliminate redundancy and reduce administrative burden.
 - Consumer Affairs and the Rent Commission will have clearer powers to investigate and enforce.
 - Annual reporting will strengthen transparency and public trust.

Projected Outcomes

- Reduction in Complaints: By addressing core causes of disputes, reforms are expected to lower annual complaints to Consumer Affairs by at least 20–30% within the first three years.
- Faster Resolutions: Tribunal or ADR mechanisms will cut average resolution timelines.
- Lower Costs: Tenants and landlords will avoid costly legal fees, reducing pressures on court system and expenses.
- Social Benefits: More secure housing for tenants and stronger enforcement against unsafe or exploitative practices.
- Economic Stability: More reliable rental income for landlords, helping prevent mortgage defaults and preserving housing stock.

The Landlord Tenant Consultation Bill 2025 is a key component of Bermuda’s strategy to address cost of living challenges and advance affordability fostering a rental sector that is fair, accessible, and sustainable.

Consultation Timeline

The consultation process for the *Landlord Tenant Consultation Bill* is structured as follows:

Phase	Key Activities	Dates
Stakeholder Meetings	Targeted sessions with landlords, tenants, advocacy groups, commercial owners, government agencies and quangos	24 September – 31 October 2025
Public Announcement & Information Release	Press Release and Citizen Forum Launch	6 October 2025
Public Feedback Period	Citizen Forum Online platform; community Town Hall	6 October – 31 October 2025
Review & Analysis	Assessment of submissions - preparation of summary report	November 2025
Legislative Drafting & Final Recommendations	Integration of feedback; finalization of Bill proposals	

Public Feedback Mechanisms

Ensuring the safety, privacy, and inclusivity of all participants is a priority for the consultation process. The following mechanisms have been established:

- Citizen’s Forum Online Portal: This platform allows individuals to submit feedback anonymously,
- Community Town Hall: Facilitated session with opportunities for anonymous questions and comments using your mobile device.
- Email Submissions: Feedback can be sent to MHAHQ@gov.bm, a dedicated email address for submissions.

All feedback will be handled in accordance with Bermuda's privacy regulations. No personal data will be disclosed, and aggregated results will be published to ensure transparency while protecting anonymity.

Summary and Next Steps

The Landlord Tenant Consultation Bill 2025 marks a significant opportunity to reshape Bermuda's rental sector for the better. Through a transparent, inclusive consultation process, stakeholders and the public are invited to contribute to the development of legislation that consolidates existing laws, promotes fairness and equity, and supports the island's cost of living and affordability objectives.

Following the consultation, all feedback will be reviewed, and final legislative recommendations will be presented to policymakers, with ongoing engagement to ensure the reforms reflect the needs and aspirations of all Bermudians.

This is your opportunity to make a difference in shaping Bermuda's rental market. We would be pleased if you could participate and encourage your family, friends and neighbours to do the same. Your voices feedback will have an impact in changing Bermuda's rental landscape.