

Rent Control Court awards damages to owner after tenant is evicted

22 February 2019 | Contributed by [George Z Georgiou & Associates LLC](#)

On 15 October 2018 the Limassol Rent Control Court in *Photiou v Koutroupis* (Rent Control Application E21/2016) dismissed the applicants' application to evict the tenant from the leasehold. However, the court awarded damages in relation to unpaid rent to the third applicant (who became the actual owner of the property after the application).

In particular, the first and second applicants requested the eviction of the tenant alleging that he had failed to pay the owed rent within 21 days of applicants one and two serving a statutory notice on him.

Notably, the leasehold had been rented to the tenant in 2012 by a limited liability company which had owned the leasehold at that time. The first and second applicants were also the directors and shareholders of the company.

On 19 November 2015 the first and second applicants sent a statutory notice according to Section 11(1)(a) of the Rent Control Act 1983 (Law 23/1983) to the tenant, requiring him to pay the due rent within 21 days.

When the tenant did not adhere to the notice, the first and second applicants filed an application for his eviction.

On 7 July 2016, the property was transferred to the third applicant. For this reason, the latter became a party to the judicial proceedings from that time.

The tenant objected to the eviction application on the grounds that none of the applicants owned the property concerned at any stage.

The court found that until the property transfer on 7 July 2016, the company had owned the property, not the applicants.

Since it was ruled that the first and second applicants had never owned the property, they were not entitled to file the eviction application. The court decided that, because the third applicant had become the owner of the property on 7 July 2016, his legal rights arose after that date and therefore the statutory notice (which had been sent on 19 November 2015) under Section 11(1)(a) of the Rent Control Act could not support his request for recovery of possession of the property. However, the court ruled in favour of the applicant's claim for due rent for the period after he had become the owner.

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