



## A STUDY OF THE CATEGORIES OF TENANTS AFFECTED BY EVICTION IN ILORIN METROPOLIS, NIGERIA BETWEEN 2001 – 2010

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### Abstract

Tenant eviction is almost inevitable but most stakeholders have suffered various degrees of loss and hardship. This paper examines the socioeconomic characteristics of tenants evicted from residential properties over a period of ten years (2001-2010) in Ilorin Metropolis with a view to proffering recommendations that would solve housing and other problems associated with eviction. There were 1,446 evicted tenants from residential properties by registered estate surveyors and valuers within the studied period. 10% of these were selected by stratified random sampling technique, and surveyed with structured questionnaire. Data collected were analysed using descriptive statistics. The study revealed that the majority of evicted tenants were low income civil servants whose annual income is below ₦120,000 (\$750 US) who were evicted from flats and tenement buildings. Over 75% of the tenants were evicted from low income properties.

*Keywords:* property management; residential properties; tenant eviction; lease; tenancy; tenants; Ilorin; Nigeria.

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## Introduction

The ever increasing migration of people into the major cities in the country in pursuit of greener pastures has made the quest for securing decent accommodation in these cities a herculean task, which only very few privileged individuals can afford. Many Nigerians make do with squatting with family relations or friends, while others manage squalor and unhygienic accommodations where the rents are within reach. Many who hitherto have been living in relatively decent accommodations are packing into very humble and hazardous apartments or vicinities because they can no longer meet up with the demands of their landlords, and have been thrown out as a consequence by such merciless landlords - often forcefully (Moneke, 2009).

Tenant eviction portrays the practice of involuntary removal of person(s) from their homes. It is frequently associated with a range of related terms such as premises recovery, tenancy breakdown, tenancy non-sustainment, tenancy failure, repossession action, ejection, forced removal, relocation, dislocation, expulsion and displacement (Ibrahim and Ojo, 2013). The reasons and methods adopted vary from one place to another (Ibrahim, 2010). The main object is to remove the occupier with a view to recovering possession of the premises by the landlord. A Landlord who wants to terminate a tenancy in order to recover possession of his property from a tenant for whatever reason must observe due diligence and lawful procedure to achieve his objective. Self-Help is an extra-judicial remedy to enforce or protect a right, where the landlord employs self-help, it must be lawful otherwise he will be criminally liable for his actions (MBIE, 2013; Knowsley Council, 2013; Taribo, 2011; Moneke, 2009).

Most landlords in major cities in the country embark on arbitrary increments of rents by unreasonable proportions at regular intervals, often using this as a strategy to eject tenants who are unable to keep up with such irregular increments, knowing fully well that another person standing by would quickly jump at the apartment regardless of the unreasonable asking rate because of the dearth of accommodations (Moneke, 2009).

In the study area, most tenants, landlords and property managers have passed through a level of hardship, financial loss, social stigma, and various degrees of disgrace from the problems that could be traced to tenant eviction (Ibrahim, 2010). Many tenants needlessly suffer grave hardships for lack of knowledge of the protections which the relevant laws confer on them. Tenants have security of tenancy that is, a tenant can continue to occupy the rental unit until he decides to leave and gives the landlord proper notice that they intend to move out, the landlord and tenant agree to end the tenancy, or the landlord gives the tenant a notice to end the tenancy for a reason allowed by the Act, and the tenant agrees to move, or the tenant does not agree with the landlord's notice, the landlord applies to court, and the court issues an eviction (Landlord and Tenant Board, 2012). The main thrust of this paper is to identify and examine the socioeconomic status of the evicted tenants with a view to suggesting recommendations that will be capable of reducing their housing problems and improving upon property management generally.

## Meaning of Tenant Eviction

Ordinarily, eviction means forcing somebody to pack out of the house they are living usually permanently and for a stated reason. It is a legal proceeding taken by a landlord to recover possession of his property (Ibrahim and Ojo, 2013; Friedman et al., 1997; TSLIHIS, 2006; The Legal Assistance Resource Centre of CT, 2006). Tenant eviction is regarded as a legal proceeding whether by action in court of law or otherwise, taken by a landlord or his agent acting on his behalf, to recover the possession of his property from any person that occupies the premises whether temporarily or permanently. Forms of eviction can be actual, constructive, partial or retaliatory (Ibrahim and Ojo, 2013). Actual eviction involves physical removal of a tenant from the property. It requires the service of adequate and proper notice instructing the tenant to vacate the premises by a specified time interval. Court process is applied when the tenant refuses to follow the notice. Constructive eviction occurs when the physical condition of the subject property deteriorates to a level which makes it unfit for the purposes of the tenancy. The tenant may seek termination of the lease, eviction or stop rent payment forthwith (Burke and Snoe, 2008). Partial eviction arises when a substantial modification is required on one side of the building. The landlord may agree with the tenant, to a partial eviction because of the disturbance to be caused by the work. The landlord may forfeit the rent for the period involved accordingly. Retaliatory eviction occurs when a landlord attempts to evict a tenant with the intention of getting revenge over some legal actions taken by the tenant. However, if the tenant could convince the court that the landlord's action is retaliatory, the eviction suit could be dismissed (Aaron, 2003 and RHOL, 2006).

### *Causes of Tenant Eviction*

A tenancy is a contract between a landlord and tenant which contains the terms and conditions of the rental which cannot be changed while it is in effect unless both parties agree (Boulder, 2012; Williams, 2000; Spitzer, 2006). In the tenancy contract, the landlord hands over exclusive possession of the property to the tenant for an agreed period of time, in return for rental payment and other conditions; at the expiration of the tenancy period, exclusive possession of the property reverts to the landlord (Nigeria Property Centre, 2012; ACN, 2011). However it must be noted that inasmuch as the property reverts to the landlord, there is still a laid down procedure for recovering this property from the tenant. The common reasons for eviction include expiration of period granted, breach of any covenants of the agreement, rent default, frustration, forfeiture and disclaimer. Termination may be due to the fact that the property is being used for immoral or illegal purposes; the premises has been abandoned, on safety and health issues: the premises is unsafe and dangerous, or that the conduct of the tenant or a person living with him constitutes intolerable nuisance, or criminal acts. The landlord can also recover possession on the grounds that the property is required for his personal use or that the premises require substantial repairs (Aluko, 1998; University of British Columbia, 2004, Kyle and Kennehan, 1979, Aaron, 2003; Amos, 2006 and Hartman and Robinson, 2006; Mitchell, 2003; Ojo (2007; Pawson, 2007; Lagos State Government 2011; Taribo, 2011; Nigeria

## The Study Area

The city of Ilorin which locates on Latitude 8<sup>0</sup>30'N and Longitude 4<sup>0</sup>35'E, lies in the transitional zone of the middle belt and serves as a gateway city between the north and south-western part of the Nigeria. The population of the state was given as 2,371,089 people at a growing rate of 6.2% (NPC, 1991 and 2006; Odeniyi, 2007). Out of this, 1,012,894 representing 42.72% of the state total population lives in the state capital. The city is experiencing a very high rate of population growth over the time. The metropolis is divided politically to form parts of five local government areas that is Ilorin West Local Government which is urban, and Ilorin East, Ilorin South, Moro and Asa Local Government Authorities.

The city maintained its dominant position as the capital, commercial and administrative centre of the state. Today, most residents are engaged in public and civil service working in the federal and state ministries, local government secretariats, educational institutions like the federal university, state polytechnic, secondary and primary schools, teaching hospital, federal research institutes, and other places. A lot of private professional offices and artisans are also present in Ilorin. The economic base is now very expansive and extensive, and thus provided ample employment opportunity for school leavers, graduates, skilled and unskilled persons. All economic activities associated with urban areas in Nigeria are common in Ilorin.

Ibrahim (2010) classified Ilorin property market into three viz: the residential, commercial and industrial property markets. The market for residential property featured various types of houses present all over the city. The traditional city centre comprises mainly old compound and tenement houses and few blocks of flats representing high-density housing sector. Medium density housing estates are found at Kulende, Adewole and other estates. They are mainly of two, three and four – bedroom bungalows, and few extensions to accommodate more people. Low-density residential sectors comprise the GRA and Taiwo areas where the houses are mainly detached bungalows of two to five bedrooms, duplex and maisonettes.

### *Types and Description of Residential Properties Managed by the Estate Surveyors*

The main categories of residential properties under the study are tenement, block of flats, bungalow, detached house and duplex.

**Tenement:** This refers to the houses, which provide a multi-family accommodation. Tenement buildings are those that have a common entrance to the house, a common passage or veranda to which a number of rooms are opened; communal kitchen, bathroom and toilet usually located outside the main building or at the rear. The main building consists of double rows of rooms separated by the passage. Each of the rooms provides accommodation for a household and so it is usually associated with a high density residential area and are usually over-crowded with a family of four to six or more persons living in a room. Tenements in form of

single room or room and parlour, are found almost everywhere in Ilorin but are more common in Oloje, Sango, Sabo Oke and Tanke areas. These properties are mostly occupied by the low income earners.

**Block of flats:** This is a building containing usually two, four or six flats with each flat providing accommodation for a household. Each unit provides almost a complete privacy with shared outdoor space, and common parts like entrance door, corridors and staircase. Sub-categories of flats are one, two, three and four bedroom flats. Kitchen, toilet and bathroom facilities are provided within the building and the number of each depends on design and decision of the owner. Flats which are common everywhere in Ilorin metropolis are mostly occupied by the low to medium income earners.

**Bungalow:** This is a building, which provides a self-contained accommodation on one floor for a single family. Most of the buildings under this category have built-in garage, and few have boys' quarters attached to them. The commonest types are two, three and four bedroom bungalows. These properties are mostly occupied by medium to high income earners.

**Detached house:** This is a type of building that provides accommodation on two floors for one household. The ground floors consist of a lounge, dining, kitchen, toilet and sitting room, while upper floor contains the living rooms and bathrooms. It stands alone without sharing any facility with another building. They are found in Taiwo, GRA and Adewole areas and they are mostly occupied by high income class.

**Duplex:** This is a type of building that provides accommodation on two floors like detached houses. However, there are two units sharing some facilities provided for the properties. Duplex is found in Taiwo, GRA and Adewole areas and they are mostly occupied by high income class.

## Research Methodology

The study population is the 1,446 tenants evicted from residential properties by estate surveyors and valuers within Ilorin metropolis between January 2001 – December 2010. A survey of the practising firms indicates a total of 1,446 evicted tenants from residential properties. This is made up of tenement (563), flats (587), bungalow (241) and duplex (55) within the ten year period. This figure (1,446) formed the sampling frame of the evicted tenants for the study. A sample size of one out of every ten (that is 10%) making a total of 144 was surveyed for the study. Stratified random sampling method was used to select the 144 evictees using property types as criterion. However, only 114 questionnaires (representing 79.17% response rate) were completed, returned and found useful for the study. Essential primary data for this study include the socioeconomic profile of evicted tenants, properties occupied, tenancy type, rent per annum, etc. and these were collected by structured questionnaire. The questionnaire was a combination of closed and open-ended questions. Data collected were analyzed with descriptive statistical techniques mainly frequency distribution tables and percentages.



## Results and Discussions

The result as shown in the table (appendix) indicates that a substantial number of the evicted tenants (38%) fall between the age group 41 – 50 years of age, 40% fall between the age group 51 – 60 years of age, 11% fall between the age group 31 – 40 years of age while only 4% were over 60 years of age. Their responses on marital status indicate that 74% were married, 10% were single, 7% were divorced while 9% did not respond. These show that majority of the respondents are responsible adults who can supply suitable and reliable data for this research.

The educational qualifications revealed that the majority 30% evicted tenants were primary school leavers; a substantial 45% were secondary school leavers; 23% were graduates of higher institutions while 2% did not indicate their status. These show that the tenants are educated and should be able to supply the relevant information for the study. One can also expect that they should be able to read and understand the terms of their tenancies. It was also shown that the majority 62% were civil servant, a substantial 32% work in private sector, 2% were retired civil servants while only 4% were unemployed. This shows that although people from different work sectors were affected, the civil servants were more vulnerable.

The income level of the evicted tenants as revealed in the table, indicates that the majority 69% earn below ₦10.000 per month; 17% earn between ₦10.000 and ₦30.000; 3% earn between ₦30.000 – ₦50.000; while 4% earn between ₦50.000 – ₦100.000. 7% did not indicate their income level. This shows that majority of evicted tenants were low income earners.

Distribution of the evicted tenants according to property types occupied indicates that 46% were evicted from tenement buildings, 36% were evicted from flats, 12% were evicted from bungalows, 6% were evicted from duplexes. This indicates that eviction cut across different categories of tenants considering property types but with greater impact on tenement buildings. It was also revealed that the majority of the evicted tenants (52%) held half yearly tenancy; 10% held quarterly tenancy; 7% held monthly tenancy; while 31% held a yearly tenancy, while the remaining 3% did not specify their tenancy status. This shows that the tenants held periodic tenancies in the properties from which they were evicted. The responses of evicted tenants on rentals per annum indicated that the majority 33% represent those that paid less than ₦12.001; 43% paid ₦12.001 - ₦36.000; 21% paid ₦36.001 – ₦60.000; while 3% paid more than ₦100.000. This shows that the incidence of eviction is higher on low rental properties than the higher ones.

## Summary and Conclusion

It was discovered that the incidence of eviction was higher on low income earners residing in tenement and block of flats while it was lower on those evicted from bungalows and duplexes. Other categories of evicted tenants are medium and high income group, private business men, government and other salaried workers. The study also discovered that about 76% of the evicted tenants fall in the category that paid less than N36.000. The study also revealed that about 82% of the evicted

tenants were evicted from tenement and flats indicating low income class.

The majority of the evicted tenants are young men, married and bread-winners aged below retirement age; the majority are also salaried workers. Evicting this set of tenants would amount to disturbing the total workforce in the city which may affect some organizations badly. The overall productivity of persons concerned may also be affected negatively. It also suggests that families and not just a single person representing the tenants are displaced. This will affect the jobs of the persons which will have to relocate, children schools and other places of interest.

It was observed that necessary action must be taken to reduce the incidence of evictions, which disproportionately affect lower-income tenants. It is true that the current legal system protects the legitimate interests of tenants. It is necessary to note that the problem is not the eviction itself but the potential outcome for individual stakeholders. Hence, this calls for urgent attention of the government at various levels and international organisations to bring succour to the practice. Tenant eviction should be seen as a national issue since it affects various classes of tenants irrespective of their income levels and marital status. It is necessary to create a national database of detailed information on evictions. This would help to determine the scope of the problem, bring national attention to this issue, and develop housing policies and programs that might decrease the occurrence and effect of evictions. Policies that will reduce the impacts of eviction on the most vulnerable tenants should be arranged at state and national level.

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**APPENDIX**

Evicted Tenants (114)		
<b>Age</b>	31 – 40 years	10.53%
	41 – 50years	37.72%
	51 – 60 years	40.35%
	Above 60years	4.39%
	No response	7.01%
<b>Marital Status</b>	Married	73.68%
	Single	10.53%
	Divorced	7.02%
	No response	8.77%
<b>Education Level</b>	Primary School	30.70%
	Secondary School	44.74%
	Tertiary Institutions	22.81%
	No response	1.75%
<b>Occupation</b>	Private sector	31.58%
	Civil servant	62.28%
	Retired	1.75%
	Unemployed	4.39%
<b>Income Level per month</b>	Below ₦10,000	69.30%
	₦10,001 – ₦30,000	17.54%
	₦30,001 – ₦50,000	2.63%
	₦50,001 – ₦100,000	3.51%
	No response	7.02%
<b>Property Types Occupied</b>	Tenement	33.99%
	Flat	26.14%
	Bungalow	12.42%
	Duplex	1.96%
<b>Tenancy Type</b>	Monthly	7.02%
	Quarterly	9.65%
	Half Yearly	51.75%
	Yearly	30.70%
	No response	0.87%
<b>Rent Paid Per Annum</b>	Below ₦ 12,001	33.335
	₦ 12,001 – ₦ 36,000	42.98%
	₦36,001 – ₦ 60,000	21.05%
	₦60,001– ₦ 100,000	0
	More than ₦100,000	2.63%

Source: field survey; 2010.



**ИССЛЕДОВАНИЕ КАТЕГОРИЙ СОБСТВЕННИКОВ И АРЕНДАТОРОВ  
ЖИЛЬЯ, ЗАТРОНУТЫХ ПОСТАНОВЛЕНИЯМИ О ВЫСЕЛЕНИИ В  
МЕТРОПОЛИИ ИЛОРИН, НИГЕРИЯ (ПЕРИОД 2001-2010 ГГ.)**

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**Аннотация.** Выселение арендаторов почти неизбежный процесс и большинство заинтересованных сторон страдают от различных потерь и лишений. В данной статье рассматриваются социально-экономические характеристики выселенных жильцов из жилой недвижимости в течение десяти лет (2001-2010 гг.) в Метрополисе Илорин с целью предложения рекомендации, направленных на решение жилищных и другие проблем, связанных с выселением. Выборка основана на 1446 выселенных жильцов из жилых объектов зарегистрированных оценщиками недвижимости в течение изучаемого периода. 10% из них были отобраны стратифицированной случайной выборкой и опрошены по структурированной анкете. Собранные данные были проанализированы с использованием описательной статистики. Исследование показало, что большинство выселенных жильцов из квартир и многоквартирных зданий имели низкие доходы государственных служащих, чей годовой доход был ниже ₦ 120.000 (Нигерийская Найра) (\$ 750 США). Более 75% арендаторов были выселены из частных владений при низких доходах.

**Ключевые слова:** управление имуществом; жилая недвижимость; выселение арендатора; договор аренды; наём помещения; арендаторы; Илорин; Нигерия.