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Introduction

The United Nations Population Funds (UNPF) (2012) statistics indicate that Nigeria population figure is about 160 million people which ranks the nation the most populous country in Africa; contributing about 3.6 percent to the world’s total population of about 7 billion people. The country is also rated the sixth largest producer of crude oil in the world and a key member of OPEC. Central Bank of Nigeria (2015) reports that the Gross Domestic Product (GDP) in Nigeria expanded 2.57 percent in the second quarter of 2015 over the previous quarter. GDP Growth Rate in Nigeria averaged 0.54 percent from 2013 until 2015, reaching an all-time high of 8.99 percent in the third quarter of 2013 and a record low of -11.57 percent in the first quarter of 2015. According to the report, services is the largest sector of the economy, accounting for about 50 percent of total GDP. Two of the fastest growing segments in Services are information and communication, which together account for about 10 percent of the total output. Agriculture, which in the past was the biggest sector, now weights around 23 percent. Crude Petroleum and Natural Gas constitute only 11 percent of total GDP, different from the former report when Nigeria revenue had been largely dependent on oil (FRN, 2008). Industry and Construction account for the remaining 16 percent of GDP.

Yet, the World Bank (2010) categorised Nigeria as a low-middle income country. Political nomenclature of Nigeria started as regional structure of government prior independence in 1960 but it currently operates a federal system of government with three-tiers of government structure consisting federal, state and local government. Nigeria has experienced a very high population growth for at least the last 50 years, quadrupling its population during this time (UN, 2011). The nation’s population grows at an annual rate of 3.2 percent, with more than five million people born annually and larger portion of the population currently resides in Lagos, the former capital city (National Bureau of Statistics, 2013).

The corollary to the exponential growth in population results in housing shortage and often, landlords on the one hand take the advantages to exploit tenants and on the other hand, tenants often take laws into their hands. As a result of the crucial need for housing, private rental

housing portrays significant investment potentials as often confirmed in emerging markets (Gattini and Ganoulis, 2012; Chen, Chang, Yang and Hsieh, 2012; Milligan, Yates, Wiesel, Pawson and Hamilton, 2013). In Nigeria specifically, as private/corporate/institutional investors are investing in rental housing, so also they do create demand for the product. As a result of the increasing population growth and high demand for rental housing in most capital cities especially Lagos and FCT, Abuja wealthy overseas Nigerians are repatriating money to buy in most capital cities' property market for investment purpose.

The emphasis on privatization and commercialization, merger and acquisition, has motivated majority of the rental properties owners- private landlords and corporate bodies to commission their investments to private estate surveyors and valuers (licensed agents) for efficient management service for the purposes of lease administration which includes tenant selection, rent collection, maintenance and routine inspection. It is however, expedient to make known that as the option to break by allowing tenants to make early exit from the lease obligations characterizes the landlords and tenants frequent point of irreconcilable conflict in lease structure of the developed property market such as the UK (Dowden and Humphreys, 2013; Cooke and Woodhead, 2008), the frequent and major points of conflict in Nigeria residential rental market are issues of lease compliance status (Gbadegesin and Ojo, 2012 and 2013; Oni, 2012). Property investors (landlords) are yet skeptical and concern on the imbroglio. There are numbers of litigations, cases bothering on residential tenancy before courts of jurisdiction, issues of rental default, breaches of agreement, illegal subletting, recalcitrant tenants (Gbadegesin and Ojo, 2012; Oni, 2012).

It can also be argued that the status of lease compliance is not far-fetched from fund misappropriation and wave of corruption in the society, even among the professionals. Corruption is highly endemic in Nigeria setting, manifesting in the form of bribery. Thus, it is often stated in respect of Nigeria situation that *"Our culture of impunity is the bane of the entrenched corruption in our society. The value destruction and corruption undermine any economic development or social change we may aspire for our nation. Mismanagement and misallocation of resources, coupled with an unprecedented level of corruption have been at their highest in the history of our nation in the last six years. Performance or success in public space*

was measured by the conversion rate of public funds into private accounts. It looks as if democracy has been substituted with kleptocracy.”- Anonymous

Leasing is an important aspect in rental housing especially in developing country like Nigeria where only few can afford to own a house. Lease/tenancy agreement has been a major traditional procedure at the point of consensus between a tenant and landlord. Definition of the responsibilities of landlord and tenant is one of the major functions of a lease. These responsibilities are spelt out in lease agreement where the basis of landlord/tenant relationship is established. Attitude of both exploitative landlord and seemingly defiant tenants are the issues of concern in emerging rental market which might not be far from poor income distribution and economic climate (Akinyosoye, 2007), in the study conducted for National Bureau of Statistics. Contractual nature of lease calls for the need for policy makers- property managers, government and the Nigerian Institutions of Estate Surveyors and Valuers (NIESV) to establish tenants’ selection criteria in the code of practice, review approaches to curb acts of deviance in tenancy obligations and the need for landlords to shift ground in order to upgrade emerging rental market to that of international standard and consequently encourage investments in rental housing necessitate the value of the paper.

Theoretical and Conceptual Framework

Fiduciary theoretical approach within the context of agency theory is referred to as a single master agency model which is characterized with attorney-client relationship. In this case, the agent is expected and obliged to pursue the best interests of the principle with a single purpose. Jud and Frew (1986) and Marsh and Zumpano (1988) describe the attributes of fiduciary theory as the rule that once an agent has established a relationship with his principal, he owes the principal the utmost fidelity and good faith. In essence, the professional advice on the task and the way forward are exchanged between the principal and the contract management agent as the agent is expected to act primarily for the principal’s benefit without any conflict of interest. In Nigeria context, this forms parts of 1995 constitution on code of conduct of Nigeria institution of Estate Surveyors and Valuers (NIESV).

Against the foregoing, the nature of relationship between agent (here ESV), owner and tenants describe the concept of structured agency model similar and applicable in property development (Healey, 1992a; 1992b; Healey and Davoudi, 1993; Healey, 1994; Healey, 2003; Healey, 2006;

Healey 2007; Ball, Lizieri and Mac Gregor, 1998; 2002). The theory is known as the application of the sequences and relationship model as the transformative process of the physical form, bundles of rights, and material and symbolic value of land and buildings from one stage to another, through the effort of agents with interests and purposes in acquiring and using resources within the context of rules, ideas and values. In the structure-agency model, according to the authors, four levels of development process are identified based on the description. In property management parlance in Nigeria, which is the central focus of this study, Figure I describes scenarios:

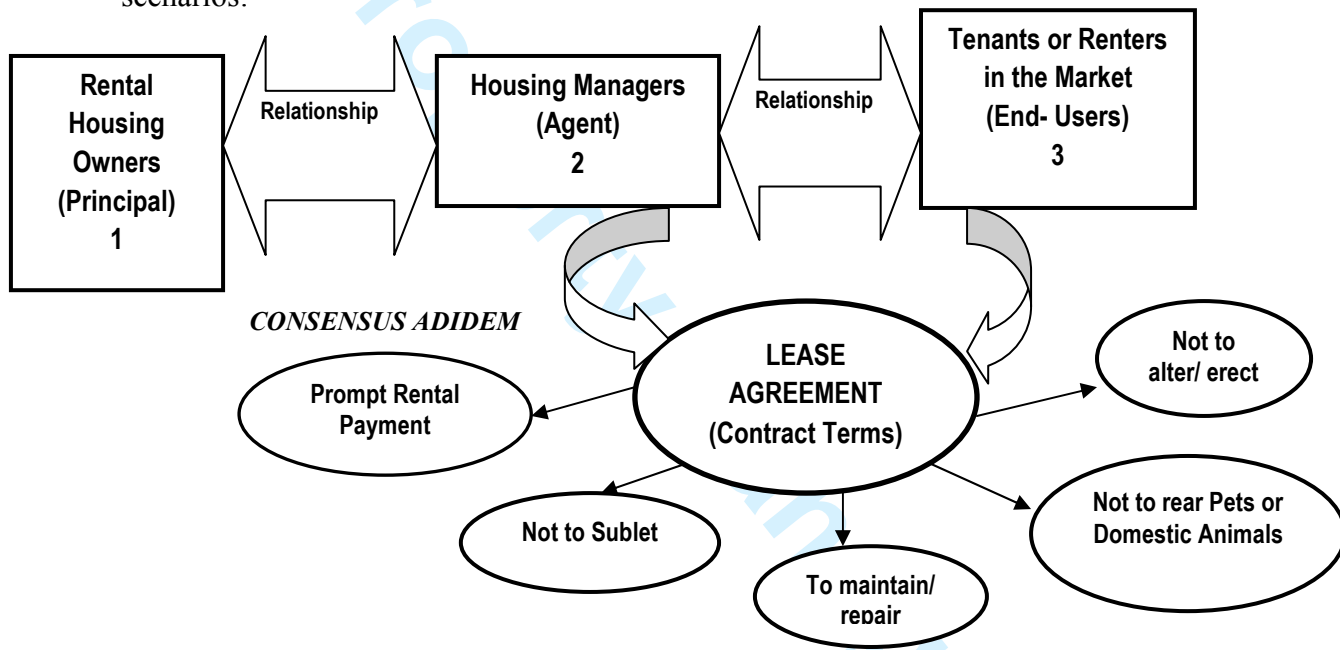


Figure I: Description of major Component of Lease Agreement conceptualized Model in Nigeria Rental Housing Market. Source: Pilot study and lease agreement conceptualization in Nigeria rental market.

Figure I indicates the nature of relationship that exists among the three key actors in rental housing market in Nigeria. The court of *consensus adidem* is the point of compromise between the end-users (tenants) and agents who represent rental housing owner/ investor/ landlords. Study. The obligations of both landlords (corporate or private) are particularly established through the signing of lease or tenancy agreement. The norm is that the obligations of both the landlord and tenant, particularly the latter, should be certain and precise as to such vital matters as covenant to repair and maintain, covenant for prompt rent payment as at when due, covenant

against subletting, covenant against illegal erection of structure or unauthorized alteration, covenant against livestock rearing within the premises and covenants to keep the premises in good condition (Neat, 2007). Consequently, due to the nature of the relationship that occurs between the agents and the owners often described as *fiduciary*, the agent often represents the owners in the execution of the agreement formulated at the same time, ensuring that the rights of the tenants are not trampled upon. Lease agreement terms are usually classified into five and in this study are limited to five major obligations usually surface in traditional lease agreement in Nigeria emerging rental market. Hence, Figure I is transformed into Figure II framework for precise description.

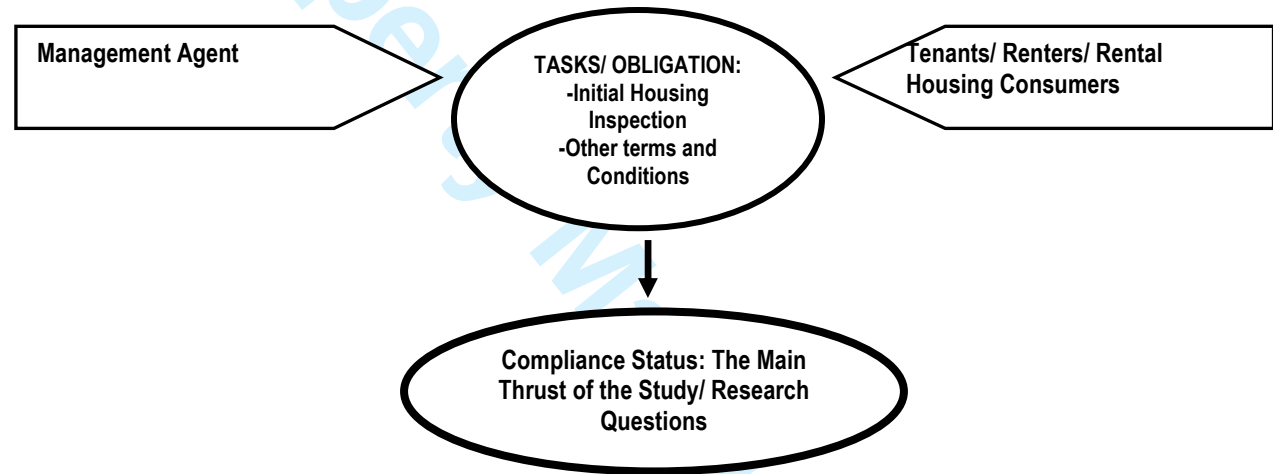
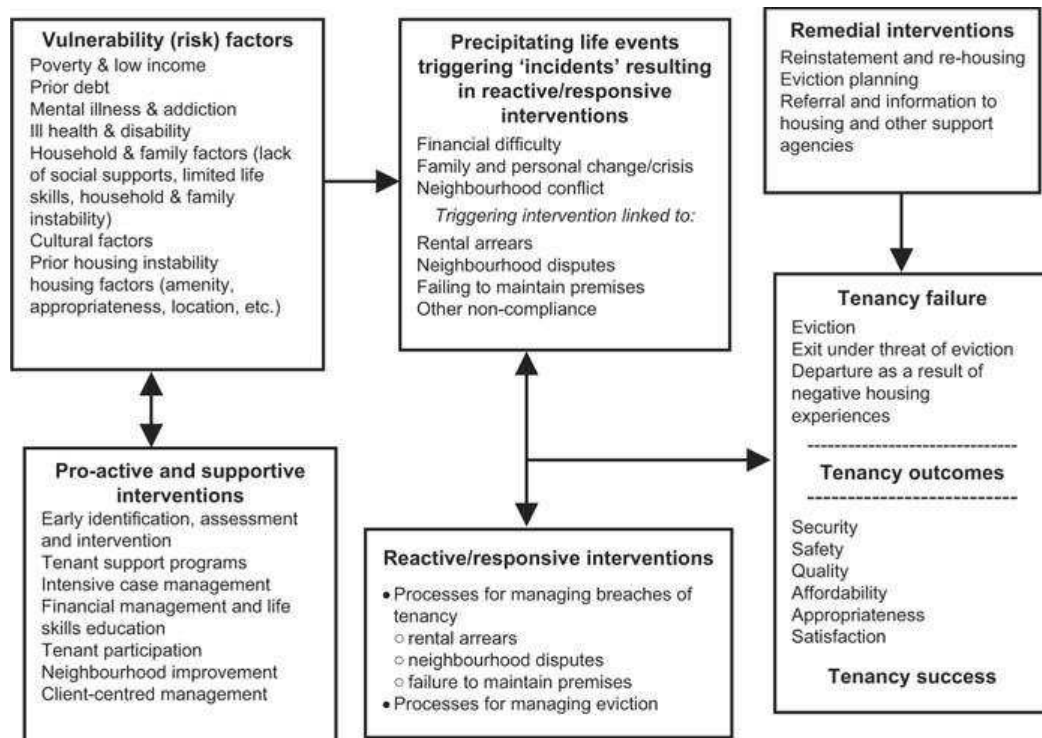


Figure II: Modified Landlords/Agents agreement conceptualized framework in Nigeria
Source: Pilot study and lease agreement tone in Nigeria private rental market

Conceptually, defiance (non-compliance) is often discussed within the threshold of *vulnerability factors* (causes), *precipitating events* (attitudes manifestation) and the *intervention* (handling techniques) (Jones, McAuliffe, Redde, Martston and Thompson, 2004). In the Model by Jones et. al (2004) on factor (risks) intervention and public tenancy outcomes, these subjects are incorporated as vulnerability factors (causes), precipitating events (incidents or non-compliance attitudes) and intervention (handling approaches). Figure III presents the model which was adopted by Gbadegesin and Ojo (2012) while examining the menace of recalcitrant tenants in metropolitan Ibadan area’s residential property market in Nigeria.



Source: Jones *et al.* (2004)

Figure III. A model of risk, intervention and public tenancy outcomes (Jones et al, 2004)

In the context of Nigerian circumstances, the framework is structured in such a way that reflects the main scenarios in Nigeria rental market as follows in Figure IV.

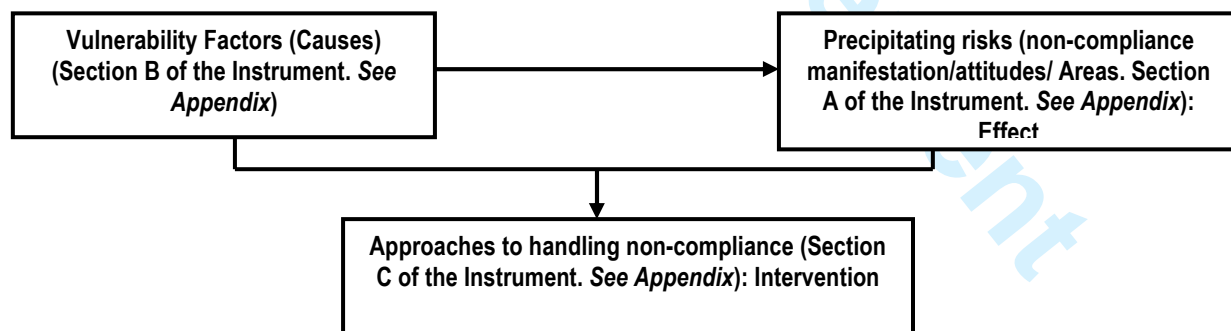


Figure IV. A framework that reflects the main scenarios in Nigeria's rental market (Source: Adapted from Jones et al. 2004)

Literature Review

Factors that influence defiant (non-compliance) attitudes

Extant literature indicates varied causes and determinants from divergent perspectives. For instance; causes often are attributed to *lease structure and review terms* (see Richard, 1996; Crosby et al., 2003; O’Roarty, 2001; Halvitigala et al. 2011, French and Jones, 2010; Crosby et al., 2000; Taylor, 2007; Baum et al., 1995, Ward et al., 1998). In this circumstance, the drafting of rent review clause had been considered to be a source of differences and dispute resulting in a substantial body of landlord and tenant case law (Baum et al., 1995, Ward et al., 1998). *Rent control, mutual consent, hardship, family crisis* (see Klingenberg and Brown, 2008; Tenants Union of Victoria Ltd, 2011). These scenarios often result to neglect of maintenance and management duties consequently causes deterioration in the rental properties. Tenants Union of Victoria Ltd (2011) opine that circumstances can be as a result of inconvenient mutual consent, hardship and family violence, giving up possession and assignment. *Tenants selection is fundamental to the nature of rental housing investment*(see Gibson, 2000; Waterson, 2007; Oni, 2011; Dunn and Grabchuk, 2010; Gbadegesin and Ojo, 2013; Waterson, 1996; Seron et al., 2001; Mansfield and Robinson, 2007). Careful and critical evaluation of selection criteria at arm’s length is crucial to avoid the ugly experience of defiance even from both parties.

Intervention approaches to curbing acts of non-compliance towards lease obligations

In similar case, extant literature exists on intervention techniques. Early debates and research in the developed nations concentrate on both *judicial and non-judicial approaches*. *Judicial* entails caveat emptor, implied warranty of habitability. *Non-judicial* entails mediation on decision about human behavior (tenants and landlords) (Salsich and Fitzgerald, 1986) and discretionary approaches in handling matters relating to tenancies either judicial or adjudicative (Schauer, 1987; Lempert, 1989; Barak, 1989). However, various reasons on inequality and favoritism are often raised. More *subtle and pragmatic approaches* (see Clifford and Ackland (1994) which include cutting rents or giving “holidays” reducing let areas, splitting tenancies between partners, and granting short lets are identified. According to the author, the more subtle approach preserves tenant’s income flow and protects the landlord in the event of the tenant being unable to meet the term of the agreement. *Institutionalization and application of unconscionable conduct principles* in property leasing (Crosby, Murdoch and Webb, 2007; Tenants Union of Victoria Ltd, 2011) is also identified an intervening tool. However, it is reported that the

application of the principles realistically face hurdles which are even much more complicated for instance in the case of the UK. Waterson (2007) posits that *declaration as to the lawfulness or otherwise of the landlord's acts or omissions*, which may be conveniently combined with an action for damages can be adopted as tenant remedial approach to a defiant landlord. In the Pfrang's and Wittigi's (2008) study on modeling of a game- theoretical framework, contract negotiation, debt recovery processes entails distress (entry by force to seize item to recover the debt), re- entry, forfeiture, judgement and execution are examined. A more recent study identified self – regulation/ help especially for repairing obligation (see Hughes and Crosby, 2012).Hence, the foregoing findings are within the lease terms context in the developed markets of America and Europe. Issues pertaining to African emerging market are missing even in literature which forms the practical implication of this study.

Research Question

In Nigeria context, there emerged two critical poles within the context of tenancy compliance in rental housing: *vulnerability factors*; here referred to as the causes and the *precipitating risks*; resultant events manifesting in varied areas during the contract terms, thus raise the main question:

What is the nature of non-compliance attitudes in Nigeria rental housing market between; (rental housing owners represented by attorney/ contract agents or self) and End-users (tenants- rental housing consumers) perspectives and how does the manager intervene in compliance issues? To address this question, here are the objectives:

Objective I: To identify and examine the causes of non-compliance attitudes from the managers and tenants viewpoints in Nigeria

Objective II: To identify and examine the areas or dimensions of non-compliance (precipitating events) on the part of the two actors- managers/landlords and tenants

Objective III: To determine the relationship among the tenants' and managers' submissions on vulnerability factors and precipitating events

Objective IV: To determine if there difference between the managers' and tenants' submissions on the causes and dimensions of non-compliance with lease agreement

Objective V: To identify the adopted intervention tool to resolve non-compliances.

Research Methodology

Quantitative Data Collection Approach

The study adopts a survey research technique in Lagos State. It is important to state that Lagos has largest population of the entire practicing ESV. It is the economic-nerve centre of Su-Sahara Africa and the property market therein is largest. Also, due to high population, housing consumers cater for their housing needs in rental housing provided by private investors or landlords usually by channeling their housing application to agents/ property managers (statutorily estate surveyors and valuers, ESV). Majority of ESV therefore locates either one or more branches of offices in Lagos state because of the active nature of Lagos property market.

To achieve the purpose of this study, the questionnaires were administered with the aid of research assistants on 411 property managers (registered ESV) out of 450 indicated in 2013 NIESV directory in Lagos state (see Table I; *Inland, Mainland and Ikeja*). Out of 411 questionnaires administered, 266 (65 per cent) questionnaires were retrieved and useful for this study which represents 59 percent in Lagos state and 52 percent in the entire country. 330 (66%) of tenants survey instruments were collected and useful as well (see *Tables I &II on the strategic distribution*).

Table I: Administration of the Instrument among Property Agents and or Landlords in Lagos

Location	Questionnaire Administered	Questionnaire Retrieved and Useful	Valid Percentage
Mainland	91	66	16%
Inland	150	69	17%
Ikeja	170	131	32%
Total	411	266	65%

Source: Field Survey (2014/2015)

Note: Handful of the instrument was administered to Landlords directly where he/she is the self-manager of property and the profiles are recognized in the similar form with professional agents.

Table II provides how the instruments were distributed to solicit information from rental housing consumers (Tenants), the end-users within Lagos.

Table II: Administration of the Instrument among Tenants (End-Users) in Lagos

Location	Questionnaire Administered	Questionnaire Retrieved and Useful	Valid Percentage
Mainland	140	80	16%
Inland	160	100	20%
Ikeja	200	150	30%
Total	500	330	66%

Source: Field Survey (2014/2015)

Reliability Test of the Instruments

The instrument emerged via an iteration process of interview conducted on the respondents. It was developed upon a set of theme gathered from the practical experiences of both the rental housing supply and demand sides, subsequently established with literature. The Survey instrument was then pilot tested on property managers and tenants in cities. The validation information in this study yielded a Cronbach's α of 0.94 and a test-retest coefficient of 0.76 on "areas of defiance", 0.92 on "causes of non-compliance (factors)". Validation is internal consistency reliability measure via Statistical Packages for Social Sciences. Test-retest coefficient was obtained using Pearson correlation for data collected from a repeated administration of the pilot testing questionnaires during an interval of two to three weeks.

Demographic Profiles of the Respondents

While the demographics of the respondent agents are presented in Table III, that of tenants are shown in Table IV.

Table III: Socio-Demographic Information of the Property Managers

Variable	Levels	Frequency (f)	Percentage (%)
Academic Qualification	Diploma/Certificate	8	3.0
	HND/BSc	158	59.4
	Masters Degree	82	30.8
	Ph. D.	17	6.4
	No Response	1	.4
	Total	266	100.0
	ANIVS	139	52.3

Professional Qualification	FNIVS	72	27.1
	ARICS	4	1.5
	FNIVS and RICS	10	3.8
	No response	41	15.4
	Total	266	100.0
Year of Property Management Experience	Btw 1-5 years	38	14.3
	Btw 6-10 years	91	34.2
	Btw 11-15 years	49	18.4
	Btw 16-20 years	52	19.5
	Above 20 years	35	13.2
	No Response	1	.4
	Total	266	100.0
Size of firm in Terms of Staff Strength	Btw 1-5	85	32.0
	6-10	129	48.5
	11-15	43	16.2
	16-20	7	2.6
	Above 20	1	.4
	No response	1	.4
	Total	266	100.0
How often do you experience acts of non-compliance after tenant selection?	Uncommon	17	6.4
	Common	106	39.8
	Very common	139	52.3
	No response	4	1.5
	Total	266	100.0

ANIVS; Associate of Nigeria Estate Surveyors & Valuers. FNIVS; Fellow of Nigeria Estate Surveyors & Valuers.

ARICS; Associate of Royal Surveyors. Source: Field Survey, 2014/2015.

Table III presents the socio-demographic characteristics of the respondents agents: *academic qualification, professional qualification, year of property management experience, firm’s area of professional practice and size of firm in terms of staff strength. etc.*

Academic qualification

The result presented in Table III reveals that majority (59.4%) of the respondents (property managers) are either Bachelor of Science (B.Sc.) or Higher National Diploma (HND) holders, followed by the Master’s Degree holders, accounting for (30.8%) of the total population, while

the least proportion (3.0%) are respondents with Diploma / Certificate as their academic qualification. This is therefore an indication that the respondents possess substantial academic qualification which could guarantee the understanding of questions directed to them.

Professional Qualification

The result also reveals that significant proportion of the surveyed property managers possess necessary professional qualification which serves as a valid basis and further justification of the suitability of the data collected for the study. It was observed that respondents who were associate members (ANIVS) accounted for 52.3% (139) of the total respondents, FNIVS accounted for 27.1 % (72), FNIVS and ARICS accounted for 3.8% (10) while the least proportion of 1.5% (4) was observed among members who possess ARICS as their professional qualification.

Years of property management experience

It is also revealed that 91 (34.2%) of the respondents had between 6-10 years of property management experience, 52 (19.5%) had between 16-20 years of property management experience and the least proportion 35 (13.2%) had over 20 years property management experience.

Property managers' experience on compliance issues in rental housing administration

In Table III 139 (52.3%) respondents indicate that issues of non-compliances are “very common”, 106 (39.8%) indicate that the issues are “common” and 17 (6.4%) indicate that issues of non-compliance are “uncommon”. This implies that acts of non-compliance in Nigeria rental housing market are worthwhile issues to investigate.

Size of firm

Finally, the result reveals that simple majority (48.5%) of the respondents had between 6-10 staffs, (32.0%) had between 1-5 staff, while the least proportion of (0.4%) was observed among property managers with staff strength of over 20 distributed in their various branches.

Table IV: Socio-Demographic Information of the Respondent Tenants

Variable	Levels	Frequency (f)	Percentage (%)
Educational Qualification	Basic Pry Education	18	5.5
	Secondary Education	63	19.1
	Tertiary Education	237	71.8

	Informal Education	9	2.7
	Uneducated	3	.9
	Total	330	100.0
Professional/Career Status	Public Worker	48	14.5
	Private Worker	159	48.2
	Self-Employed	90	27.3
	Unemployed	27	8.2
	No Response	6	1.8
	Total	330	100.0
Marital Status	Single	84	25.5
	Married and live with the family	204	61.8
	Lone Parents with children	39	11.8
	Widow/widower/divorced	3	.9
	Total	330	100.0
Numbers of Year in private rental housing	Btw 1-5yrs	264	80.0
	Btw 6-10yrs	66	20.0
	Total	330	100.0
Tenancy Status	Monthly	51	15.5
	Half-yearly	36	10.9
	Yearly Tenancy	240	72.7
	No Response	3	.9
	Total	330	100.0
Family/Household size	Btw 1-3	165	50.0
	Btw 4-6	141	42.7
	Btw 7-9	9	2.7
	No Response	15	4.5
	Total	330	100.0

Educational and Professional Qualifications

Table IV indicates that the respondent tenants are well informed with empirical facts that 237 (71.8%) possess tertiary education qualifications, 63(19.1%) secondary education.18(5.5%) Basic primary education and just 9 (2.7) obtained their educational qualifications via informal approach. Out of these respondents, it is also revealed that 159 (48.2%) work in private

organizations, 90 (27.3%) are self-employed. 48 (14.5%) are public workers in various sectors and 6 (1.8%) did not reveal their status.

Marital status and numbers of year in private rental housing

The profiles of the tenants in Table III also show that 204(61.8%) are married and live with the family, 84 (25.5%) are single, 39(11.8%) lone parents with children and 3(0.9%) widow/widower/divorced. The sampled respondents indicate different years ranges in private rental housing: For instance 264(80%) claimed that they have been in rental housing within the a period pf five year. 66 (20%) claim they are in rental apartment for a period between six to ten years.

Empirical Findings

Property Managers (Landlords') and Tenants' View Points

Objective 1a: *To identify and examine the causes (vulnerability factors) of non-compliance from property managers' perspectives.* We addressed this objective by subjecting each identified factor on the survey instrument to a one sample t-test using the factors' group mean (10.78) as test value. The result is presented in Table V:

Table V: Causes (vulnerability factors) of non-compliance from property managers' perspective

One-Sample Statistics (Test Value = 10.78)							
	N	Mean	Std. Deviation	Std. Error Mean	t	df	P-Value
MF	266	9.5639	3.34292	.20497	-5.933	265	.000
CF	266	10.3120	3.12452	.19158	-2.443	265	.015
EF	266	11.4023	2.75678	.16903	3.681	265	.000
RRF	266	11.1767	2.50787	.15377	2.580	265	.010
LRF	266	10.8571	3.01729	.18500	.417	265	.677
NPF	266	10.9398	2.94672	.18068	.885	265	.377
CEF	266	11.2180	2.86116	.17543	2.497	265	.013

MF; Maintenance plan, CF; Communication factors, EF; Economic factors; RRP; Rent review plan, LRF; Legal/Regulatory factors, NPF; (CEF);Natural phenomenon factor, Cultural/ethnicity factors .

The mean ranking of the individual factor shows that *EF* had the highest mean of 11.402 with t-value of 3.681, df = 265, and p-value of .000 and followed by *CEF* (see Table V). The least vulnerability factors (causes) as indicated by mean value is *MP* with mean of 9.564 with t-value of -5.933, df = 265, and p-value of .000. Using the group mean value of 10.78 as test value, causes such as MP, CF, EF, RRP and CEF were found to be significant whereas, factors such as LRF and NPF were not significant(see Table V).

Objective Ib: *To identify and examine the vulnerability factors (causes) of non-compliance from tenants’ perspectives.*

To address this objective, each identified factor was subjected to a one sample t-test using the factors’ group mean (12.83) as test value. The result is presented in Table VI.

Table VI: Vulnerability factors (Causes) of non-compliance from tenants’ perspective

One-Sample Statistics							
	N	Mean	Std. Deviation	Std. Error Mean	t	df	P-Value
MF	330	12.9000	1.93802	.10668	.656	329	.512
CF	330	12.7818	1.73669	.09560	-.504	329	.615
EF	330	13.1091	1.69397	.09325	2.993	329	.003
RRF	330	12.7182	2.03972	.11228	-.996	329	.320
LFR	330	12.8818	1.76455	.09714	.533	329	.594
NPF	330	12.8182	1.76171	.09698	-.122	329	.903
CEF	330	12.6273	1.77037	.09746	-2.080	329	.038

MF; Maintenance plan, CF; Communication factors, EF; Economic factors; RRP; Rent review plan, LRF; Legal/Regulatory factors, NPF; Natural phenomenon factor, CEF; Cultural/ethnicity factors.

The mean ranking of the individual factor shows that *EF* has the highest mean of 13.109 with t-value of 2.993, df = 329, and p-value of .003 and followed by *MP*. The least cause of non-compliance from tenants’ perspectives as indicated by mean value is CEF with mean of 12.627, t-value of -2.080, df = 329, and p-value of .038. Using the group mean value of 12.83 as test value, the causes such as EF and CEF were found to be significant; whereas causes such as MP, CF, RRP, LRF and NPF were not significant.

The implication from the foregoing findings is that all the identified factors are posited as strong influencing factors but economic factors (*EF*) can be much more attributed to the causes of non-compliance from the perspectives of both parties in Nigeria emerging rental market.

In a similar approach, the dimensions of non-compliance (precipitating events of the vulnerable factors are identified and evaluated as the **RQ IIa: *What are the precipitating events (non-compliance dimensions) observed from property managers' perspective?***

This question was addressed by subjecting each identified area of non-compliance to a one sample t-test using the factors' group mean (12.13) as test value. The result is presented in Table VII:

Table VII: Precipitating events (areas) of non-compliance from property managers' perspective

One-Sample Statistics							
	N	Mean	Std. Deviation	Std. Error Mean	t	df	P-Value
MRC	266	11.8496	2.00752	.12309	-2.278	265	.024
RPC	266	12.5226	1.87372	.11488	3.417	265	.001
SC	266	12.6842	1.75421	.10756	5.153	265	.000
AIS	266	11.7143	2.11579	.12973	-3.205	265	.002
UAPR	266	11.8759	2.47166	.15155	-1.676	265	.095

MRC; Maintenance & repair covenant, RPC; Rental payment covenant, SC; subletting covenant, AIS; alteration and illegal structure, UAPR; unauthorized animal or pet rearing.

Considering the importance placed on the each identified dimension (areas) of non-compliance, it is revealed that **SC** (mean value of 12.684 with t-value of 5.153, df = 265, and p-value of .000) seems to be the most important area of non-compliance from the perspective of property managers, followed by *RPC*. *AIS* has the least mean value among all areas of non-compliance with mean value of 11.714, t-value of -3.205, df of 265, and p-value of .002, nevertheless, it was found to be significant at 0.05 (*see Table VII*). Using the group mean value of 12.13 as test value, it was found that areas such as MRC, RPC, SC and AIS were all found to be significant at 0.05 level of confidence. However, unauthorized animal or pet repair (UAPR) was not significant.

Objective IIb: *To investigate into the dimensions (areas) of non-compliance from tenants' perspective.* We addressed this objective by subjecting each identified area of non-compliance to

a one sample t-test using the factors’ group mean (11.98) as test value. The result is presented in Table VIII.

Table VIII: Precipitating events (non-compliance areas) from tenants (end-users).

One-Sample Statistics							
	N	Mean	Std. Deviation	Std. Error Mean	t	df	P-Value
MRC	330	12.2909	2.86265	.15758	1.973	329	.049
RPC	330	12.5636	2.71278	.14933	3.908	329	.000
SC	330	12.3364	3.01449	.16594	2.148	329	.032
AIS	330	12.2818	3.22452	.17750	1.700	329	.090
UAPR	330	10.4364	4.00955	.22072	-6.994	329	.000

MRC; Maintenance & repair covenant, RPC; Rental payment covenant, SC; subletting covenant, AIS; alteration and illegal structure, UAPR; unauthorized animal or pet rearing.

While considering the importance placed on the each area of non-compliance, it is found that **RPC** (mean value of 12.564 with t-value of 3.908, df = 329, and p-value of .000) seems to be the most important area of non-compliance, followed by **SC**(mean value of 12.336, t-value of 2.148, df of 329, and p-value of .032) . Finally, **UAPR** has the least mean value among all areas of non-compliance with mean value of 10.436, t-value of -6.994, df of 329, and p-value of .000, nevertheless, it was found to be significant at 0.05. Using the group mean value of 11.98 as test value, it is also revealed that areas such as MRC, RPC, USC and UAPR were all found to be significant at 0.05 level of confidence. However, AIS was not significant.

The implication from the foregoing findings is that while most of the areas of defiance are significant, SC (subletting covenant) and RPC (rental payment covenant) are the most precipitating manifestation of non-compliance in Nigeria.

Objective IIIa: *To determine the extent of relationship between the precipitating factors and vulnerability factors from property managers’ perspective.*

In order to address this objective, precipitating factors(MRC, RPC, SC, AIS and UAPR), and vulnerability factors (MP, CF, EF, RRP, LRF, NPF and CEF) were subjected to Pearson Correlation. The result is presented in Table IX.

Table IX: Relationship and the extent between non-compliance vulnerability factors (causes) and precipitating factors (manifestations)- Property managers' viewpoint.

Precipitating Factors		Vulnerability Factors						
		MP	CF	EF	RRP	LRF	NPF	CEF
MRC	Pearson Correlation	.246*	.136*	.010	-.189*	-.119	.012	-.108
	Sig. (2-tailed)	.000	.026	.867	.002	.052	.847	.079
	N	266	266	266	266	266	266	266
RPC	Pearson Correlation	.128*	-.065	.116	.036	.132*	.138*	.293*
	Sig. (2-tailed)	.037	.293	.058	.562	.031	.024	.000
	N	266	266	266	266	266	266	266
SC	Pearson Correlation	.173*	.144*	.274*	.170*	.307*	.364*	.324*
	Sig. (2-tailed)	.005	.019	.000	.006	.000	.000	.000
	N	266	266	266	266	266	266	266
AIS	Pearson Correlation	-.079	.129*	.195*	.096	.200*	.212*	.205*
	Sig. (2-tailed)	.199	.035	.001	.117	.001	.000	.001
	N	266	266	266	266	266	266	266
UAPS	Pearson Correlation	-.155*	-.048	.309*	.268*	.324*	.249*	.291*
	Sig. (2-tailed)	.012	.438	.000	.000	.000	.000	.000
	N	266	266	266	266	266	266	266

NOTE: refer to APPENDIX II for detailed correlation result & extraction. MP; Maintenance factors, CF; Communication factors, EF; Economic factors; RRP; Rent review factors, LRF; Legal/Regulatory factors, NPF; Natural phenomenon factor, CEF; Cultural/ethnicity factors.

Table IX confirms that while there are virtually correlation among the vulnerability factors (non-compliance causes) and the precipitation factors (non-compliance attitudes manifesting areas), the significant relationships occur between *maintain and repair obligation* (MRC) and (MP, CF and RRP) implies that only the *maintenance, communication and rent review issues* on the rental housing occupied by the tenants, practically influence the maintenance and repair obligation (MRC) in the lease agreement from the managers' submission. *Rent payment obligation* (RPC) exhibits a significant relationship with MP, LRF and CEF which implies that *maintenance, legal/regulatory and cultural/ethnicity factors* influence obligation to make *prompt payment* (RPC). This might be true considering the fact that all (about 400 ethnic groups) reside in Lagos with

differ cultural norms. Significant relationships also found between *covenant- not- to- sublet* (SC) and all the vulnerability factors. This implies *maintenance plan, communication, economic, rent review plan, legal/regulatory, natural phenomena, and cultural factors* have influence on *covenant- not- to- sublet obligation*. Significant relationship is also found between covenant against alteration & illegal structure (AIS) and all causal factors except MP and RRP. This implies that while all the identified factors influence the quest to keep the obligation on alteration & illegal structure in the rental premises, *maintenance plan and rent review pattern* do not determine the move. Lastly, Covenant against animal/ pet rearing (UAPR) has significant relationship with all factors except *communication factor implying that other factors except communication gap have influence on the compliance status to this rule*.

Objective IIIb: *To determine the extent of relationship between the precipitating factors and vulnerability factors from tenants’ point of view.*

In order to achieve this objective, precipitating factors such as maintenance and repair (MRC); rental payment covenants (RPC); unauthorized subletting covenants (USC); alteration and illegal structure (AIS); and unauthorized animal or pet rearing (UAPR), and vulnerability factors such as maintenance factor (MF); communication factors (CF); economic factors (EF); rental review factors (RRS); legal/regulatory factors (LRF); natural phenomenon factors (NPF); and cultural/ethnicity factors (CEF) were subjected to Pearson Correlation. The result is presented in Table X.

Table X: Relationship and the extent between the precipitating factors and vulnerability factors

Precipitating Factors		Vulnerability Factors						
		MP	CF	EF	RRP	LFR	NPF	CEF
MRC	Pearson Correlation	.370*	.262*	.232*	.322*	.216*	.293*	.266*
	Sig. (2-tailed)	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330
RPC	Pearson Correlation	.401*	.301*	.344*	.340*	.271*	.365*	.296*
	Sig. (2-tailed)	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330
USC	Pearson Correlation	.343*	.272*	.286*	.315*	.174*	.249*	.218*
	Sig. (2-tailed)	.000	.000	.000	.000	.002	.000	.000

	N	330	330	330	330	330	330	330
AIS	Pearson Correlation	.340*	.294*	.280*	.355*	.206*	.295*	.240*
	Sig. (2-tailed)	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330
UAPR	Pearson Correlation	.204*	.158*	.162*	.173*	.119*	.151*	.124*
	Sig. (2-tailed)	.000	.004	.003	.002	.031	.006	.025
	N	330	330	330	330	330	330	330

NOTE: refer to APPENDIX III for detailed correlation result & extraction.

Table X shows the extent of relationship between the precipitating factors and vulnerability factors. As it can be observed, all the precipitating elements (non-compliance manifestations) are positively correlated and significantly related with vulnerability factors (causes of non-compliance). The implication is that the defiance attitudes towards rental housing obligation cannot be logically separated from the causes identified.

Objective IV: To determine if there are differences between agents' and tenants (end-users) submissions on the causes and areas of non-compliance in rental housing obligations.

To address this objective, Tables XI and XII provides the results of comparison of property managers/ landlord submission and tenants submission using independent t-test.

Table XI: Independent t-test of comparison in causes of non-compliance between the agents/landlords and tenants.

Group Statistics								
	Group	N	Mean	Std. Deviation	Std. Error Mean	t	df	P
MF	Tenants	330	12.9000	1.93802	.10668	14.438	404.142	.000
	Managers	266	9.5639	3.34292	.20497			
CF	Tenants	330	12.7818	1.73669	.09560	11.535	393.749	.000
	Managers	266	10.3120	3.12452	.19158			
EF	Tenants	330	13.1091	1.69397	.09325	8.842	419.549	.000
	Managers	266	11.4023	2.75678	.16903			
RRS	Tenants	330	12.7182	2.03972	.11228	8.096	506.868	.000
	Managers	266	11.1767	2.50787	.15377			
LFR	Tenants	330	12.8818	1.76455	.09714	9.690	406.373	.000

	Managers	266	10.8571	3.01729	.18500			
NPF	Tenants	330	12.8182	1.76171	.09698	9.160	412.140	.000
	Managers	266	10.9398	2.94672	.18068			
CEF	Tenants	330	12.6273	1.77037	.09746	7.022	421.470	.000
	Managers	266	11.2180	2.86116	.17543			

Table XI shows the comparison in the causes(vulnerability factors) of non- compliance between the managers and tenants. One observable event about this result is that tenants attached more importance to all these vulnerability factors as shown in their respective mean scores and these differences were statistically significant at .05 level of confidence.

Table XII: Independent t-test of comparison of precipitating events areas between the managers and tenants.

Group Statistics								
	Group	N	Mean	Std. Deviation	Std. Error Mean	t	df	P-value
MRC	Tenants	330	12.2909	2.86265	.15758	2.207	583.339	.028
	Managers	266	11.8496	2.00752	.12309			
RPC	Tenants	330	12.5636	2.71278	.14933	.218	581.010	.827
	Managers	266	12.5226	1.87372	.11488			
USC	Tenants	330	12.3364	3.01449	.16594	-1.759	544.247	.079
	Managers	266	12.6842	1.75421	.10756			
AIS	Tenants	330	12.2818	3.22452	.17750	2.581	571.792	.010
	Managers	266	11.7143	2.11579	.12973			
UAPR	Tenants	330	10.4364	4.00955	.22072	-5.377	558.279	.000
	Managers	266	11.8759	2.47166	.15155			

Table XII shows the comparison in the areas (*precipitation events / manifestation*) of non-compliance as observed by the *managers and tenants* which also indicates the *level of importance attached to the events*. A significant difference is observed between the tenants and agents in maintenance and repair covenants (MRC); *tenants* (M = 12.291, SD = 2.86) and *managers*, M = 11.850, SD = 2.01; t (583.339) = 2.207, p < .05. The mean score from the two

groups indicates that tenants attached more importance to this factor than the property managers (agents/landlords). On the other side, in alteration and illegal structure rule (AIS); *tenants* ($M = 12.282$, $SD = 3.22$) and *managers*, $M = 11.714$, $SD = 2.12$; $t(571.792) = 2.581$, $p < .05$ and unauthorized animal or pet rearing (UAPR); *tenants* ($M = 10.436$, $SD = 4.01$) and *managers*, $M = 11.876$, $SD = 2.47$; $t(558.279) = -5.377$, $p < .05$. This result shows that managers attached more importance to these events than the tenants as reflected in their respective mean scores.

Rationale for the use of t-test and correlation is in conformity with existing literature and extracts (McCrum-Gardner, 2007; Pallant, 2005); The independent samples t -test was used to compare sample means from two independent groups(managers and tenants) when the distribution is approximately normal. The one-sample t-test is used for comparing sample results with a known value. Specifically, in this type of test, a single sample is collected, and the resulting sample mean is compared with a value of interest sometimes a “gold standard”.

Correlation analysis is popular in many applications because it is a quantitative way to evaluate whether two or more variables are related or not. Thus, correlation analysis allows to reduce the information contained in n observations that have been measured on pairs or groups of data to a single number falling into a normal interval (Filzmoser and Hron, 2008). In this article, the rudiments of the statistics are complied with and justifiable.

Objective V: To identify the intervention techniques adopted by managers for resolving non-compliance issues.

This objective was achieved by seeking the opinion of the managers as indicated in the instrument (see the appendix I). The result is presented in Table XIII.

Table XIII: Non-compliances intervention techniques

Intervention Approaches adopted	Frequency (f)	Percent (%)	Rank
Action of arrears of rent	21	7.9	6
Damages	17	6.4	7
Equitable remedies	46	17.3	1
Forfeiture	24	9.0	5
Peaceful entry	38	14.3	2

Arbitration/mediation	34	12.8	3
Forfeiture and Arbitration/mediation	5	1.9	11
Action for arrears of rent and Arbitration/mediation	31	11.7	4
Equitable remedies and Arbitration/mediation	14	5.3	9
Equitable remedies and forfeiture	4	1.5	12
Forfeiture and peaceful entry	4	1.5	12
Action for arrears of rent and forfeiture	16	6.0	8
All Options	11	4.1	10
No response	1	.4	13
Total	266	100.0	

Implicit in Table XI is the indication that equitable remedies and peaceful entry are the most adopted approached to resolve non-compliance events. However, the effectiveness can be challenged owe to the frequency of occurrence (Hughes and Crosby, 2012).

Summary of findings

This study has pursued the following objectives: it examined the causes of defiance against lease agreement terms, areas of defiance, relationship between the causes and the areas, comparison from managers’ and tenants’ viewpoints. It also examined the handling techniques from managers’ perspectives.

Hence, while economic circumstances (EF) are considered the major vulnerable factor that cause acts of non-compliance, defiance against covenant- not- to- sublet (SC) and prompt rental payment covenant (PRPC) are the two most non-compliance attitudes (precipitation events) reported by both parties. There is correlation among all vulnerability elements and precipitating events. While a significant relationship was only observed between “SC” and all vulnerability elements on the part of agents, there is significant relationship among all the vulnerability elements and precipitating events. Also, while tenants attached higher significance to all the vulnerability factors than managers, both parties attached different level of priority to

precipitating events. Lastly, equitable remedies and peaceful entry are the two most adopted intervention tools.

Practical policy implication and recommendations

A market that is not regulated is prone to risk and uncertainty for a prospective investors- domestic and international. Rental housing is considered a necessity in today property market in Nigeria. Hence, the need for reform to ensure compliance with the rules, regulation, codes of ethics and structures that enhance implementation.

A market that is not regulated is prone to risk and uncertainty for a prospective investors.. Rental housing is considered a necessity in today property market in Nigeria. Hence, the need for reform to ensure compliance with the rules, regulation and codes of ethics . The Joint Working Group on Commercial Leases (2007) opines that a business lease is a legally binding contract between the legal owner (Landlord) and the occupier (Tenant). Failure by either party to comply with the terms of the agreement could result in court action. Issues relating to leases (Lease negotiations, financial matters, rent deposits and guarantees, rent review, subletting and assignment, lease length, break clauses, renewals and service charges) should therefore be taken seriously. It should also be grounded within a functional and effective legal framework. Appropriate institutional framework can be of great help in averting non - compliance status in lease. For instance, Massey (2015) identifies four principles of statutory compliance clauses as follows;

“to shift responsibility for all statutory compliance to the tenant where possible so that, in effect, the landlord is absolved from statutory liability, to provide the landlord with a direct right of recourse against a tenant for breach of lease as a consequence of the tenant’s failure to comply with statutory obligations (subject to the statute in question not containing cost apportionment provisions), as a reminder to the tenant of its responsibility to comply with statute, evidence of the parties intentions as to the apportionment of liability”.

In tandem to the clauses there are various regulations which include planning, construction, defect premises, safety, smoking rules, control of asbestos/roofs, energy related rules and other relevant restrictions and laws to that effect. Thus, the steps define a clear prospect for the development of the emerging rental market in Africa. Ideas of the appropriate code can be

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gleaned into and borrowed from developed market such as that of RICS, in “Lease-end dilapidations in commercial property; The content is based upon circumstances current in May 2012” (The Royal Institution of Surveyors, RICS, 2012), Association of British Insurers, British Council of Offices, The Forum of Private Business, British Property Federation, Federation of Small Businesses, British Retail Consortium, Investment Property Forum, Voice of Business, The Law Society, Communities and Local Government and other statutory international built environment organisations. However, as stated by Massey (2015), in the majority of cases it is not necessary for specific legislation to be identified in a lease since the general tenant covenant to comply will generally be sufficient, many leases do in fact refer to specific legislation because in relation to some statutory obligations this enables a landlord to exert a greater degree of control over its tenant. The concluding remark and practical implication in this policy-related study is that enforcement of tenants compliance is *sine qua non* to an effective regulatory framework in Nigeria and it begins from tenants selection approaches.

Again, the opinion of Hughes and Crosby (2012) that concerns on self-regulation should not be taken to suggest that government regulation would be necessarily do a better job. Strict enforcement against breaches of lease agreement should be published by the professional body similar to Lai (2000) and collaborative approaches should be embraced (Gunningham and Rees, 1997). By implication, the state tenancy law, existing tenancy regulations, professional codes of ethics should work together for the betterment of rental market.

This paper explored an important aspect of lease administration in both corporate and private rental market. It also provides platform on which the insidious act of defiance can be reduced in emerging rental market.

This paper explored an important aspect of lease administration in both corporate and private rental market. It also provides platform on which the insidious act of defiance can be reduced in emerging rental market.

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Appendix I: Correlation analysis results (Tenants analysis)

Correlations													
		MRC	RPC	USC	AIS	UAPR	MF	CF	EF	RRS	LFR	NPF	CEF
MRC	Pearson Correlation	1	.815**	.720**	.683**	.417**	.370**	.262**	.232**	.322**	.216**	.293**	.266**
	Sig. (2-tailed)		.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
RPC	Pearson Correlation	.815**	1	.784**	.748**	.455**	.401**	.301**	.344**	.340**	.271**	.365**	.296**
	Sig. (2-tailed)	.000		.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
USC	Pearson Correlation	.720**	.784**	1	.906**	.504**	.343**	.272**	.286**	.315**	.174**	.249**	.218**
	Sig. (2-tailed)	.000	.000		.000	.000	.000	.000	.000	.000	.002	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
AIS	Pearson Correlation	.683**	.748**	.906**	1	.476**	.340**	.294**	.280**	.355**	.206**	.295**	.240**
	Sig. (2-tailed)	.000	.000	.000		.000	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
UAPR	Pearson Correlation	.417**	.455**	.504**	.476**	1	.204**	.158**	.162**	.173**	.119*	.151**	.124*
	Sig. (2-tailed)	.000	.000	.000	.000		.000	.004	.003	.002	.031	.006	.025
	N	330	330	330	330	330	330	330	330	330	330	330	330
MF	Pearson Correlation	.370**	.401**	.343**	.340**	.204**	1	.671**	.784**	.736**	.658**	.628**	.558**
	Sig. (2-tailed)	.000	.000	.000	.000	.000		.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
CF	Pearson Correlation	.262**	.301**	.272**	.294**	.158**	.671**	1	.774**	.639**	.631**	.649**	.647**
	Sig. (2-tailed)	.000	.000	.000	.000	.004	.000		.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
EF	Pearson Correlation	.232**	.344**	.286**	.280**	.162**	.784**	.774**	1	.626**	.715**	.657**	.613**
	Sig. (2-tailed)	.000	.000	.000	.000	.003	.000	.000		.000	.000	.000	.000

Management

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Appendix II: Correlation analysis results (Mangers (agents/ landlords)

Correlations													
		MRC	RPC	USC	AIS	UAPR	MF	CF	EF	RRS	LFR	NPF	CEF
MRC	Pearson Correlation	1	.815**	.720**	.683**	.417**	.370**	.262**	.232**	.322**	.216**	.293**	.266**
	Sig. (2-tailed)		.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
RPC	Pearson Correlation	.815**	1	.784**	.748**	.455**	.401**	.301**	.344**	.340**	.271**	.365**	.296**
	Sig. (2-tailed)	.000		.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
USC	Pearson Correlation	.720**	.784**	1	.906**	.504**	.343**	.272**	.286**	.315**	.174**	.249**	.218**
	Sig. (2-tailed)	.000	.000		.000	.000	.000	.000	.000	.000	.002	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
AIS	Pearson Correlation	.683**	.748**	.906**	1	.476**	.340**	.294**	.280**	.355**	.206**	.295**	.240**
	Sig. (2-tailed)	.000	.000	.000		.000	.000	.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
UAPR	Pearson Correlation	.417**	.455**	.504**	.476**	1	.204**	.158**	.162**	.173**	.119**	.151**	.124**
	Sig. (2-tailed)	.000	.000	.000	.000		.000	.004	.003	.002	.031	.006	.025
	N	330	330	330	330	330	330	330	330	330	330	330	330
MF	Pearson Correlation	.370**	.401**	.343**	.340**	.204**	1	.671**	.784**	.736**	.658**	.628**	.558**
	Sig. (2-tailed)	.000	.000	.000	.000	.000		.000	.000	.000	.000	.000	.000
	N	330	330	330	330	330	330	330	330	330	330	330	330
CF	Pearson Correlation	.262**	.301**	.272**	.294**	.158**	.671**	1	.774**	.639**	.631**	.649**	.647**

*. Correlation is significant at the 0.05 level (2-tailed).