

The Legal Regime of the Order Procedure for Leases

Decree-Law no. 34/2021, of 14 May, approved the legal regime of the order procedure for leases (OPL) and implemented the Order Procedure for Leases Service (OPLS).

The OPL, created by Law no. 13/2019, of 12 February, is an expeditious procedural mean set out to ensure the tenant's rights to (i) receive amounts due related to works carried out in the leased premises in substitution of the landlord (ii) cessation of activities posing a risk to the tenant's health (iii) correction of deficiencies found in the leased premises which pose a serious risk to the tenant's health or the security of persons and goods, and (iv) obtain remediation of impediments to the use of the leased premises.

The OPLS has exclusive competence to handle OPL proceedings in the whole national territory, and these proceedings shall be preferably carried out by electronic means.

Upon receiving the OPL application, and if there are no grounds to reject it, the OPLS immediately notifies the defendant. If an opposition is not filed or if the corresponding judicial fee is not paid within 15 days, the OPLS shall declare the OPL application enforceable.

With this enforceable title, the applicant may seek enforcement before a court under the rules of the Civil Procedure Code on the enforcement of a court judgement or order procedure. The defendant is not entitled to oppose such enforcement proceeding.

Although this Decree-Law has entered into force on 15 May, the Government is required to approve additional regulations to implement several aspects of the OPL within 60 days to ensure full operation of this procedure.

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