

FAIR RENTS (AMENDMENT) ACT.

Act No. 46, 1920.

**George V, An Act to amend the Fair Rents Act, 1915; to
No. 46. amend the law relating to landlord and
tenant; and for purposes connected therewith.
[Assented to, 31st December, 1920.]**

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title
and con-
struction.**

1. This Act may be cited as the "Fair Rents (Amendment) Act, 1920," and shall be construed with the Fair Rents Act, 1915, hereinafter referred to as the Principal Act.

**Commence-
ment.**

2. This Act shall come into operation on the first day of January, one thousand nine hundred and twenty-one.

3.

3. The Principal Act is amended as follows:—

(1) By omitting subsection one of section six and substituting therefor the following subsection:—

(1) Any lessor, and any lessee who—

- (a) has paid or tendered all rent due and payable under his lease; or
- (b) satisfies the court, in any case where he has not paid or tendered all such rent, that such non-payment or non-tender is justifiable or excusable in the circumstances notwithstanding that he
- (c) has received from the lessor notice to terminate the tenancy,

may apply to the court to have the fair rent of the dwelling-house leased by or to him determined by the court: Provided that no application to have such rent determined shall be entertained where such notice to terminate the tenancy has been given prior to the first day of January, one thousand nine hundred and twenty-one.

(2) By adding at the end of section six the following new subsection:—

(5) Where the dwelling-house is vacated by the applicant lessee at or before the date fixed for the hearing of the application, the court may strike such application out of its list.

(3) By inserting after section eight the following new section:—

8A. Upon the hearing of any application under this Act any party thereto may be represented by counsel or attorney, or by an attorney or agent duly appointed in writing in that behalf.

(4) By adding at the end of section nine the following new proviso:—

Provided also that if the court by its determination increases or decreases the rent of any dwelling-house above or below the rent payable under the lease at the date when the application was made, such increase or decrease shall not take effect until the expiration of fourteen days after the date of such determination.

(5)

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^{Amendment of}
Principal Act.

^{New subsec-}
^{tion substi-}
^{tuted for}
s. 6 (1).

^{New subsec-}
^{tion at end of}
s. 6.

s.

^{New section}
after s. 8.

s.

^{New proviso}
to s. 9.

s.

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New sections
substituted
for s. 11.

Restriction
on lessor's
power to
determine
the lease
either during
or after an
application
to fix the
fair rent.

New sections
after s. 17.

Bonus, &c.,
for lease
unlawful.

(5) By omitting section eleven and substituting therefor the following sections :—

11. Where an application has been made by a lessee to determine the fair rent of a dwelling-house leased to him, then if the lessee has duly paid the rent of the dwelling-house and has otherwise performed the conditions of his lease, the lessor shall not, without reasonable cause demand any increased rent or give any notice or take any proceedings to determine the lease during the pendency of the application or during the period of six months from the date of such determination. Any lessor contravening any of the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

(6) By omitting from section thirteen the word "six" and substituting therefor the word "twelve."

(7) By inserting after section seventeen the following new sections :—

17A. (1) Any person who—

(a) gives or receives, or offers, promises, or agrees to give or receive any bonus or premium or any sum of money other than rent in consideration of the grant or acceptance of any lease or of the renewal thereof or of an agreement for a lease or for the renewal of a lease of a dwelling-house; or

(b) makes it a condition of the granting of any lease that the lessee shall purchase any furniture or other article, or pay or give any consideration for obtaining a key of the dwelling-house,

shall be liable to a penalty not exceeding fifty pounds.

(2) Any agreement, whether oral or in writing, which in any way contravenes the provisions of this section shall to that extent be null and void.

17B.

17B. Any person who refuses to let a dwelling-house to any respectable and responsible applicant who has a child or children shall be liable to a penalty not exceeding fifty pounds: Provided that in any prosecution under this section it shall be a sufficient defence to show that such refusal was not due to the fact that the applicant had a child or children.

17C. Any person who—

(1) instructs an agent not to let, or

(2) states his intention whether by advertisement or otherwise not to let

a dwelling-house to any person who has a child or children shall be liable to a penalty not exceeding fifty pounds.

(S) By omitting section twenty-five and substituting therefor the following section:—

25. Penalties imposed by this Act may be recovered before the court in a summary way under the Justices Act, 1902.

Penalty for
refusal to let
dwelling to
applicant
with family.

New section
substituted
for s. 25.

Recovery of
penalties.