



New South Wales

Residential Tenancies (Residential Premises) Amendment (St Patrick's Estate, Manly) Regulation 1999

under the

Residential Tenancies Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Tenancies Act 1987*.

JW Shaw, QC MLC

Minister for Fair Trading

Explanatory note

The objects of this Regulation are:

- (a) to exempt from the operation of the *Residential Tenancies Act 1987* certain long-term residential tenancy agreements currently subsisting in respect of certain lands at Manly held by the Roman Catholic Archbishop of Sydney and known as St Patrick's Estate, and
- (b) to provide for the exemption from the Act, by consent of the parties to the agreement, of a residential tenancy agreement that renews or extends any such subsisting tenancy, or creates a new tenancy with previous tenants in respect of the same land, for a term not greater than 52 years.

This Regulation is made under section 133 (3) (d) of the *Residential Tenancies Act 1987*.

Residential Tenancies (Residential Premises) Amendment (St Patrick's Estate, Manly) Regulation 1999

1 Name of Regulation

This Regulation is the *Residential Tenancies (Residential Premises) Amendment (St Patrick's Estate, Manly) Regulation 1999*.

2 Commencement

This Regulation commences on 30 March 1999.

3 Amendment of Residential Tenancies (Residential Premises) Regulation 1995

The *Residential Tenancies (Residential Premises) Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Section 23B

Insert after section 23A:

23B St Patrick's Estate, Manly

- (1) A residential tenancy agreement entered into before 2 October 1971 that created a tenancy for a term of not less than 40 years in respect of any land comprised in St Patrick's Estate, Manly is exempted from the operation of the Act.
- (2) A residential tenancy agreement entered into after the commencement of this clause that extends the term of a tenancy exempted by subclause (1) by a period, or renews such a tenancy for a further term, of not more than 52 years, is exempted from the operation of the Act if the parties agree in writing that the Act is not to apply to the agreement.
- (3) A residential tenancy agreement entered into after the commencement of this clause:
 - (a) in respect of land previously the subject of a tenancy to which subclause (1) applies, and
 - (b) by which a new tenancy is created, being a tenancy entered into:
 - (i) between the persons who, immediately before the creation of the new tenancy, were the landlord and tenant under the tenancy referred to in paragraph (a), and
 - (ii) for a term of not more than 52 years,is exempted from the operation of the Act if the parties agree in writing that the Act is not to apply to the agreement.

- (4) The exemption of a residential tenancy agreement from the operation of the Act, whether by the operation of subclause (1) or by agreement in accordance with subclause (2) or (3), does not:
- (a) affect any other residential tenancy agreement (a ***sublease***) effecting a demise of:
 - (i) the tenant's interest under the exempt agreement, or
 - (i) any interest derived from that interest. or
 - (b) affect the rights or obligations under the Act, as landlord and tenant under the sublease, of the parties to the sublease.
- (5) In this clause, ***St Patrick's Estate, Manly*** means the following lands held by the Roman Catholic Archbishop of Sydney:
- Lots 85–87 inclusive in DP 70416
 - Lots 88–92 inclusive, Lots 101–104 inclusive and Lots 110 and 112 in DP 998494
 - Lots 1 and 2 in DP 206444
 - Lots 1 and 2 in DP 506097
 - Lots A and B in DP 447103
 - Lot 1 in DP 797289
 - Lot 1 in DP 198774
 - Lots 2–35 inclusive and Lots 39–80 inclusive in 8075
 - Lot 36B in DP 390597
 - Lots 1–3 inclusive in DP 205741
 - Land in plan attached to Lease B263018
 - Lots 1–4 inclusive and Lots 81–84 inclusive in DP 8076