

**LANDLORD AND TENANT (AMENDMENT)
ACT.**

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 76, 1969.

An Act to amend the Landlord and Tenant (Amendment) Act, 1948, and the Landlord and Tenant Act, 1899; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE it enacted by the Queen'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 :—

1. This Act may be cited as the "Landlord and Tenant Short title.
(Amendment) Act, 1969".

2.

Landlord and Tenant (Amendment).

No. 76, 1969 2. The Landlord and Tenant (Amendment) Act, 1948,
is amended—

Amendment
of Act No.
25, 1948.

Sec. 5A.
(Parts II,
III, IV
and V of
this Act not
to apply to
certain
premises.)

- (a) (i) by inserting in paragraph (a) of subparagraph (i) of paragraph (d) of subsection one of section 5A after the word “sixty-nine” the words “; or that was occupied personally by the lessor or his predecessor in title on or after that day”;
- (ii) by omitting from paragraph (b) of the same subparagraph the words “or been occupied personally by the lessor or his predecessor in title”;
- (iii) by omitting from paragraph (b) of the same subparagraph the word “and” where secondly occurring;
- (iv) by inserting at the end of paragraph (a) of subparagraph (ii) of paragraph (d) of the same subsection the word “and”;
- (v) by omitting paragraph (c) of subparagraph (ii) of paragraph (d) of the same subsection;
- (vi) by inserting at the end of paragraph (d) of the same subsection the following new subparagraph :—
- (iii) the lease of which is after that day registered in the office of the Rent Controller;
- (vii) by inserting in paragraph (b) of subsection ten of the same section after the words “Rent Controller” the words “or his delegate”;
- (viii) by omitting from subsection eleven of the same section the words “by the Rent Controller”;

Sec. 17A.
(Fixing of
rent of
prescribed
premises
by agree-
ment.)

- (b) (i) by inserting in paragraph (b) of subsection ten of section 17A after the words “Rent Controller” the words “or his delegate”;
- (ii)

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- (ii) by omitting from subsection eleven of the same section the words "by the Rent Controller"; No. 76, 1969
- (c) by inserting in paragraph (e) of subsection one of section twenty-one after the word "Act" where firstly occurring the words "or of a determination made under Division 4AA of this Part"; Sec. 21. (Matters to be considered.)
- (d) (i) by omitting from paragraph (a) of subsection one of section 31MFA the word "or" where thirdly occurring; Sec. 31MFA. (Variations of determinations.)
- (ii) by omitting from paragraph (b) of the same subsection the word "made," and by inserting in lieu thereof the following words and new paragraph :—
 made; or
 (c) the amount determined as the current value rental was incorrectly calculated,
- (e) by inserting at the end of section 31MHA the following new subsections :— Sec. 31MHA. (Notice of application.)
- (4) Where a notice required under subsection one or subsection two of this section is not given in respect of any prescribed premises and a Fair Rents Board has determined the fair rent of the prescribed premises at the current value rental of those premises the Board, on application to it by the person to whom the notice was required to be given made not later than one month after the determination was made, may set aside that determination.
- (5) Where a determination is set aside under subsection four of this section, the fair rent of the premises shall, for the purposes of subsection three of section thirty-five of this Act, be deemed to have been, from the date fixed by the Fair Rents Board for the coming into operation of the determination,

the

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the rent that was payable in respect of the premises without goods or with goods, as the case may be, immediately before the determination was made and that rent shall, subject to its being varied under any of the provisions of this Act, be, for all purposes, the fair rent and the rent of the premises without goods or with goods, as the case may be.

Sec. 32.
(Variation
of deter-
mination.)

- (f) by omitting from paragraph (j) of subsection two of section thirty-two the words "used for business or commercial purposes" and by inserting in lieu thereof the symbol and words ", and are not a dwelling-house";

Sec. 44.
(Summon-
ing of wit-
nesses and
production
of docu-
ments.)

- (g) by inserting next after subsection one of section forty-four the following new subsection :—

(1A) A request for the issue of a summons under subsection one of this section shall be accompanied by a fee of two dollars or, where another fee has been prescribed in lieu thereof, by that other fee.

Amendment
of Act No.
18, 1899.

3. (1) The Landlord and Tenant Act, 1899, is amended—

Sec. 2D.
(Certain
amendments
of Act
effective on
and from
1/1/1969
until
31/12/1972.)

- (a) by omitting from section 2D the word "seventy-two" and by inserting in lieu thereof the word "seventy-one";

New sec.
2E.

- (b) (i) by inserting at the end of section 2E, as appearing in Schedule N, the following new subsection :—

(3) A landlord is not entitled to possession of excluded premises otherwise than in accordance with an order entitling him to possession made in proceedings referred to in subsection one or two of this section.

(ii)

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- (ii) by omitting from paragraph (a) of section No. 76, 1969 2F, as appearing in the same Schedule, the word "and" where lastly occurring;
- (iii) by inserting at the end of paragraph (b) of the same section the following word and new paragraph : —
- and
- (c) since that day have been occupied by the person who on that day was the tenant or by some person claiming under him.

(2) Section 2D of the Landlord and Tenant Act, 1899, shall in respect of the amendment made by paragraph (b) of subsection one of this section have effect as if for the words "first day of January, one thousand nine hundred and sixty-nine," there were substituted the words "commencement of the Landlord and Tenant (Amendment) Act, 1969".

4. The Landlord and Tenant (Amendment) Act, 1968, Amendment of Act No. 58, 1968. is amended—

- (a) by omitting from subsection two of section seven Sec. 7. the word "seventy-two" and by inserting in lieu (Amendment of Act No. 18, 1899.) thereof the word "seventy-one";
- (b) by omitting from subsection two of section eight Sec. 8. the word "seventy-two" and by inserting in lieu (Amendment of Common Law Procedure Act, 1899.) thereof the word "seventy-one".