

LANDLORD AND TENANT (AMENDMENT) ACT 1986
No. 61

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS TO THE LANDLORD AND TENANT ACT 1899

LANDLORD AND TENANT (AMENDMENT) ACT 1986 No. 61

NEW SOUTH WALES



Act No. 61, 1986

An Act to amend the Landlord and Tenant Act 1899 with respect to the protection of tenants taking action under the Residential Tenancies Tribunal Act 1986; and for other purposes. [Assented to, 21 May 1986]

Landlord and Tenant (Amendment) 1986

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:

Short title

1. This Act may be cited as the "Landlord and Tenant (Amendment) Act 1986".

Amendment of Act No. 18, 1899

2. The Landlord and Tenant Act 1899 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE LANDLORD AND TENANT ACT 1899**(1) Section 1—**

Omit the section, insert instead:

Short title

1. This Act may be cited as the "Landlord and Tenant Act 1899".

(2) Section 3—

After section 2c, insert:

Recovery of land may be refused in cases of retaliatory eviction

3. (1) The Supreme Court or a Local Court may, where proceedings have been commenced against a tenant in either Court for recovery of land, refuse to give judgment for possession of land or issue a warrant for possession of land, as the case requires, if the Court is satisfied that the person who commenced the proceedings was wholly or partly motivated to do so—

SCHEDULE 1—*continued*

AMENDMENTS TO THE LANDLORD AND TENANT ACT 1899—
continued

- (a) by the fact that the tenant had applied or proposed to apply to the Residential Tenancies Tribunal for an order that an increase in rent or the rent payable by the tenant was excessive; or
- (b) by the fact that an order had been made by the Residential Tenancies Tribunal specifying the maximum amount of rent payable by the tenant.

(2) If the Supreme Court or a Local Court is satisfied that a tenant against whom proceedings for recovery of possession of land have been commenced has, within the period of 12 months preceding that commencement, applied to the Residential Tenancies Tribunal for an order referred to in subsection (1) (a) or that an order referred to in subsection (1) (b) is in force in relation to the tenant, the burden lies on the person who commenced the proceedings to prove that the proceedings were not wholly or partly motivated by that fact.
