



New South Wales

Residential Tenancies Amendment Act 1998 No 60

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New South Wales

Residential Tenancies Amendment Act 1998 No 60

Act No 60, 1998

An Act to amend the *Residential Tenancies Act 1987* in relation to charges payable by tenants and the termination of residential tenancy agreements.
[Assented to 30 June 1998]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Residential Tenancies Amendment Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Residential Tenancies Act 1987 No 26

The *Residential Tenancies Act 1987* is amended as set out in Schedule 1.

Schedule 1 Amendment of Residential Tenancies Act 1987

(Section 3)

[1] Section 69 Tribunal may terminate residential tenancy agreement where landlord would otherwise suffer undue hardship

Omit section 69 (1). Insert instead:

- (1) The Tribunal may, on application by a landlord under a residential tenancy agreement, make an order terminating the agreement if it is satisfied that the landlord would, in the special circumstances of the case, suffer undue hardship if the agreement were not terminated.

[2] Section 69 (3)

Insert after section 69 (2)

- (3) The tenant must take all reasonable steps to mitigate the loss and is not entitled to compensation for any loss that could have been avoided by taking those steps.

[3] Section 69A

Insert after section 69:

69A Tribunal may terminate residential tenancy agreement where tenant would otherwise suffer undue hardship

- (1) The Tribunal may, on application by a tenant under a residential tenancy agreement, make an order terminating the agreement if it is satisfied that the tenant would, in the special circumstances of the case, suffer undue hardship if the agreement were not terminated.
- (2) If the Tribunal makes an order terminating a residential tenancy agreement under this section. the Tribunal:
 - (a) is also to make an order for the repossession by the landlord of the residential premises specifying the day on which the order takes effect, and

- (b) may make such other orders as it thinks fit (including an order that the tenant pay to the landlord compensation for the landlord's loss of the tenancy).
- (3) The landlord must take all reasonable steps to mitigate the loss and is not entitled to compensation for any loss that could have been avoided by taking those steps.

[4] Schedule 4 Savings, transitional and other provisions consequent an enactment of amending legislation

Insert at the end of clause 1 (1):

Residential Tenancies Amendment Act 1998

[5] Schedule 4, Part 4

Insert after Part 3:

Part 4 Provisions consequent on the enactment of Residential Tenancies Amendment Act 1998

6 Application of certain amendments

- (1) An amendment made by the *Residential Tenancies Amendment Act 1998*, does not apply in respect of a residential tenancy agreement entered into before the commencement of that amendment.
- (2) Despite subclause (1), the amendment made to section 69 in the *Residential Tenancies Amendment Act 1998*, extends to a residential tenancy agreement entered into before the amendment commences.

- (3) Despite subclause (1), section 69A, as inserted by the *Residential Tenancies Amendment Act 1998*, extends to a residential tenancy agreement entered into before the section commences.

[Minister's second reading speech made in—
Legislative Assembly on 29 April 1998
Legislative Council on 3 June 1998]