

Landlord and Tenant Regulation 2009

[2009-442]



New South Wales

Status Information

Currency of version

Historical version for 1 July 2011 to 30 June 2012 (accessed 28 July 2024 at 6:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Landlord and Tenant Amendment \(Fees\) Regulation 2012 \(225\)](#) (LW 1.6.2012) (not commenced — to commence on 1.7.2012)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Landlord and Tenant Regulation 2009



New South Wales

1 Name of Regulation

This Regulation is the *Landlord and Tenant Regulation 2009*.

2 Commencement

This Regulation commences on 1 September 2009 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Landlord and Tenant Regulation 2004* which is repealed on 1 September 2009 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Landlord and Tenant (Amendment) Act 1948*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Prescribed form of statement

For the purposes of section 5AB (1) of the Act, the prescribed form of statement (being a statement by a lessee of premises to the effect that the lessee did not enter into possession of the premises until on or after 1 January 1986) is the form set out in Schedule 1.

5 Prescribed amount

(1) For the purposes of the definition of **prescribed amount** in section 31MAA (1) of the Act, the amount prescribed in lieu of the amount specified in that definition is the amount calculated by multiplying the maximum fortnightly age pension by 65.

Note—

Multiplying a fortnightly age pension by 65 is the equivalent, providing that the amount of the pension does not change, of multiplying the annual age pension by 2.5

(2) In this clause, a reference to the **maximum fortnightly age pension** is a reference to the maximum fortnightly rate at which an age pension is from time to time payable,

under the [Social Security Act 1991](#) of the Commonwealth, to a person who is not a member of a couple.

6 Fees

The fees set out in Column 4 of Schedule 2 are prescribed instead of the fees prescribed by the provisions of the Act to which they relate as set out in Column 2 of the Schedule.

7 Prescribed military and air operations

For the purposes of the definition of **present war** in section 99 (1) of the Act, the military and air operations that commenced after 28 June 1950 by Australian forces (whether acting alone or in association with other British Commonwealth forces) in Malaya (including the waters contiguous to the coast of Malaya for a distance of 10 nautical miles seaward from the coast) are prescribed operations.

8 Savings

Any act, matter or thing that, immediately before the repeal of the [Landlord and Tenant Regulation 2004](#), had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Form for statement by lessee

(Clause 4)

(Section 5AB (1) of [Landlord and Tenant \(Amendment\) Act 1948](#))

Date of taking possession of premises

- *I/We, [*Name(s) in block letters*], *am/are the lessee(s) of the premises at [*Address*].
- *I/We did not enter into possession of the premises until on or after 1 January 1986.

Lessee's signature:

Witness' signature, name in block letters and address:

Lessee's signature:

Witness' signature, name in block letters and address:

Date:

**Delete, where appropriate. If there are more than 2 lessees, each additional lessee should also sign the form and have the signature witnessed.*

Schedule 2 Fees

(Clause 6)

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
1	5A (11) (c)	Application for a certificate that a section 5A lease has been registered	\$17

2	17A (7) (b)	Application for registration of a section 17A agreement to fix rent	\$17
3	17A (11) (c)	Application for a certificate that a section 17A agreement has been registered	\$17
4	44 (1A)	Request for issue of a summons	\$22
5	52 (1A)	For applications for information as to a fair rent on shared accommodation: (a) each application (unless paragraph (b) applies) (b) applications made simultaneously in respect of 2 or more prescribed premises contained within the same premises (each application relating to a separate prescribed premises)	\$17 \$17 for all of the applications
6	52 (2)	For applications for information as to a fair rent on prescribed premises: (a) each application (unless paragraph (b) applies) (b) applications made simultaneously in respect of 2 or more prescribed premises contained within the same premises (each application relating to a separate prescribed premises)	\$17 \$17 for all of the applications
7	57 (1B)	For enquiries as to a fair rent on prescribed premises: (a) each enquiry (unless paragraph (b) applies) (b) enquiries made simultaneously in respect of 2 or more prescribed premises contained within the same premises (each enquiry relating to a separate prescribed premises)	\$17 \$17 for all of the applications
8	58 (3)	Application for a certificate as to a fixed fair rent	\$17
9	94 (4)	Application for a certificate as provided for under section 6A, 7, 86, 86A, 87, 87B or 94	\$17