

# Residential Tenancies (Savings and Transitional) Regulation 1989

[1989-702]



New South Wales

## Status Information

### Currency of version

Repealed version for 31 August 1995 to 31 August 2006 (accessed 18 July 2024 at 13:40)

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—

- **Previously named**  
Residential Tenancies Regulation 1989
- **Repeal**  
The Regulation was repealed by cl 33 (1) of the [Residential Tenancies Regulation 2006 \(528\)](#) (GG No 111 of 1.9.2006, p 7547) with effect from 1.9.2006.

### 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](#).

File last modified 1 September 2006

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New South Wales

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# Residential Tenancies (Savings and Transitional) Regulation 1989



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation may be cited as the *Residential Tenancies (Savings and Transitional) Regulation 1989*.

### 2 Commencement

This Regulation commences on 30 October 1989.

### 3 Definitions

In this Regulation:

**caravan park** means a caravan park the operation of which has been approved by a council under section 68 of the *Local Government Act 1993*.

**manufactured home estate** means a manufactured home estate the operation of which has been approved by a council under section 68 of the *Local Government Act 1993*.

**reservation fee** means an amount paid or required to be paid to a person in consideration for not letting residential premises pending the making of a residential tenancy agreement.

**the Act** means the *Residential Tenancies Act 1987*.

## Part 2 Application of Act to existing residential tenancy agreements

### 4 Application of Act to existing oral residential tenancy agreements

(1) This clause is made in pursuance of clause 17 of Schedule 2 to the Act.

(2) An application may be made, not later than 30 days after the commencement of this Regulation, under section 16, 57 or 70 of the Act, in respect of a dispute in relation to or a breach of an oral residential tenancy agreement that occurred before that

commencement.

- (3) No other action may be taken or remedy pursued in respect of any such dispute or breach.
- (4) Clause 2 of Schedule 2 to the Act has no effect.
- (5) Clause 8 (b) of Schedule 2 to the Act, to the extent to which it is inconsistent with this clause, has no effect.

#### **5 Application of provisions of the Act to written or partly written agreements**

- (1) For the purposes of section 5 (4) of the Act, sections 64 and 65 of the Act apply, and clauses 10 and 11 of Schedule 2 to the Act do not apply, to written and partly written and partly oral residential tenancy agreements made before the commencement of section 5 of the Act.
- (2) Except as provided by clauses 6–14 of this Regulation, for the purposes of clause 9 of Schedule 2 to the Act, Part 2 of the Act, sections 17–33 of the Act and sections 53–63, 66–70 and 74–79 of the Act, apply to written and partly written and partly oral residential tenancy agreements made before the commencement of section 5 of the Act and so apply from the commencement of this Regulation.

#### **6 Certain provisions not to apply to written or partly written agreements**

Sections 12, 17, 20, 21 and 25 (1) (a) of the Act do not apply to a written or partly written and partly oral residential tenancy agreement made before the commencement of this Regulation.

#### **7 Continuation of written or partly written fixed term agreements**

Section 14 of the Act does not apply to a written or partly written and partly oral residential tenancy agreement made before the commencement of this Regulation if the agreement is lawfully terminated before that commencement.

#### **8 Application to previous breaches of written or partly written agreements**

- (1) An application may be made, not later than 30 days after the commencement of this Regulation, under section 16, 57 or 70 of the Act in respect of a dispute in relation to or a breach of a written or partly written and partly oral residential tenancy agreement that occurred before that commencement.
- (2) No other action may be taken or remedy pursued in respect of any such dispute or breach.

#### **9 Charges**

Section 19 of the Act does not apply to or affect charges paid or payable by a landlord or tenant before the commencement of this Regulation under a written or partly written and

partly oral residential tenancy agreement.

#### **10 Condition of residential premises at termination**

In its application to a written or partly written and partly oral residential tenancy agreement made before the commencement of this Regulation, section 26 (1) (d) of the Act is to be read as if the words “as set out in any condition report forming part of the residential tenancy agreement” were omitted and the words “as they were in at the commencement of the tenancy” were inserted instead.

#### **11 Urgent repairs**

Section 28 of the Act does not confer on a tenant under a written or partly written and partly oral residential tenancy agreement any right to seek reimbursement for costs incurred before the commencement of this Regulation.

#### **12 Changes of names and address**

- (1) Section 32 (1) of the Act, and section 32 (3) of the Act to the extent that it relates to a breach of section 32 (1), do not apply to a written or partly written and partly oral residential tenancy agreement made before the commencement of this Regulation.
- (2) Section 32 (2) of the Act, and section 32 (3) of the Act to the extent that it relates to a breach of section 32 (2), do not apply to a written or partly written and partly oral residential tenancy agreement in respect of a change of landlord that occurred before the commencement of this Regulation.
- (3) Section 32 (4) of the Act does not apply to a written or partly written and partly oral residential tenancy agreement in respect of a change of address that occurred before the commencement of this Regulation.

#### **13 Rights of persons in possession**

Sections 75 and 76 of the Act do not apply to proceedings for the recovery of possession of residential premises subject to a written or partly written and partly oral residential tenancy agreement, if the proceedings were commenced or if possession of any such residential premises was recovered, before the commencement of this Regulation.

#### **14 Previous actions etc not affected**

- (1) Nothing in the Act or this Regulation:
  - (a) affects the validity of any action done or not done or payment made in pursuance of a term of a written or partly written and partly oral residential tenancy agreement before the commencement of this Regulation even though the term contravenes, is ineffective or is void because of the Act or this Regulation, or
  - (b) except as provided by subclause (2), affects any right or remedy which a landlord

or a tenant under such an agreement would have had but for the Act or this Regulation in relation to any such action or omission or payment or any breach of the agreement that occurred before that commencement.

- (2) A landlord or tenant may not, on and from the commencement of this Regulation, terminate a written or partly written and partly oral residential tenancy agreement made before the commencement of this Regulation, except in accordance with the Act.
- (3) Nothing in the Act (including section 71), this Regulation or Schedule 1 to the *Landlord and Tenant (Amendment) Act 1987* affects or prevents from being taken:
  - (a) any proceedings for the recovery of possession of land subject to a written or partly written and partly oral residential tenancy agreement, if the proceedings were commenced before the commencement of this Regulation, or
  - (b) the recovery of possession of that land in pursuance of any judgment, order or direction made in any such proceedings.
- (4) In subclause (3), a reference to proceedings for recovery of possession of land, includes a reference to the giving of a notice to quit.

## **Parts 3, 4**

**15-30 (Repealed)**

**Schedules 1-2A (Repealed)**