

**Reprint
as at 1 October 2010**



**Residential Tenancies Amendment
Act 2010**

Public Act 2010 No 95
Date of assent 22 July 2010
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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1 Title

This Act is the Residential Tenancies Amendment Act 2010.

2 Commencement

This Act comes into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.

Section 2: Residential Tenancies Amendment Act 2010 brought into force, on 1 October 2010, by the Residential Tenancies Amendment Act 2010 Commencement Order 2010 (SR 2010/258).

3 Principal Act amended

This Act amends the Residential Tenancies Act 1986.

Part 1

Amendments to principal Act

4 Interpretation

- (1) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**approved form**, in relation to any application or other matter, means a form approved and made available by the chief executive for the purposes of that application or matter

“**assignment** means a transfer to a person of all of the rights that a tenant has under a tenancy agreement

“**department** means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

“**dispute**, in relation to a matter before, or to be brought before, the Tribunal, includes any claim, difference, question, or other matter, whether it requires a decision as between the parties or a declaration

“**guarantor**, in relation to a tenancy, means a person who guarantees the performance of the tenant’s obligations, or who indemnifies the landlord against loss that he or she may incur in respect of the tenancy, or who assumes liability for the performance of the obligations of the tenant, and **guarantee** has a corresponding meaning

“**letting agent**, in relation to a tenancy, means a person who, in the ordinary course of business, acts, or who holds himself or herself out to the public as ready to act, for reward as an agent in respect of the grant or assignment of tenancies, whether or not that person carries on any other business”.

- (2) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**boarding house, boarding house tenancy, boarding house tenancy agreement, and boarding room** have the meanings given to them in section 66B”.

- (3) Section 2(1) is amended by repealing the definitions of **address for service, chief executive, member of the landlord’s family, Minister, Officer of the Tribunal, and service tenancy** and substituting the following definitions in their appropriate alphabetical order:

“**address for service** has the meaning given to it by section 13AB

“**chief executive** means the chief executive of the department

“**member of the landlord’s or owner’s family** means any of the following:

“(a) the landlord’s or owner’s spouse or civil union partner:

“(b) the landlord’s or owner’s de facto partner:

“(c) any child of the landlord or owner or of any person referred to in paragraph (a) or (b):

“(d) any other child who is being, or is to be, cared for on a continuous basis by the landlord or owner or any person referred to in paragraph (a) or (b):

“(e) any parent of the landlord or owner or of any person referred to in paragraph (a) or (b):

“(f) any other person who is related (whether by blood or marriage) to the landlord or owner or to any person referred to in paragraph (a) or (b) and is residing, or is to reside, in the landlord’s or owner’s premises in accordance with an arrangement between that person and the landlord or the owner of a predominantly domestic or family nature rather than a predominantly commercial nature

“**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

“**officer of the Tribunal** means an officer of the department or the Ministry of Justice who is for the time being acting in the service of the Tribunal; and includes a Tenancy Mediator

“**service tenancy** means a tenancy granted under a term of, or otherwise as an incident of, a contract of service or a contract for services between the landlord as employer and the tenant as employee or contractor, whether or not a separate tenancy agreement is concluded in writing between the parties, and whether or not any rent is payable for the tenancy; and includes—

“(a) any tenancy of that kind granted under or in accordance with any enactment; and

“(b) any tenancy of that kind granted by a company to an employee or contractor of an associated company (within the meaning of subsection (2)); and

“(c) any tenancy granted by the Armed Forces to any person subject to the Armed Forces Discipline Act 1971”.

- (4) The definitions of **bailiff**, **ethnic or national origins**, **Ministry**, and **Tenancy Officer** in section 2(1) are repealed.
- (5) The definition of **accommodation broker** in section 2(1) is amended by omitting “real estate agent” and substituting “letting agent”.
- (6) The definition of **facilities** in section 2(1) is amended by omitting “, includes all facilities provided by the landlord for the” and substituting “(other than a boarding house tenancy agreement), includes all facilities provided by the landlord for the non-exclusive”.
- (7) The definition of **fixed-term tenancy** in section 2(1) is amended by omitting “of this Act” and substituting “and section 58(1)”.
- (8) The definition of **possession order** in section 2(1) is amended by omitting “or section 65 of this Act”, and substituting “, 65, or 66Y”.

- (9) The definition of **premises** in section 2(1) is amended by omitting “include” and substituting “includes (other than in relation to a boarding house tenancy, in which case the definition in section 66B applies)”.

5 New section 4 substituted

Section 4 is repealed and the following section substituted:

“4 Act generally to apply to all residential tenancies

This Act applies to every tenancy for residential purposes except as specifically provided.”

6 Act excluded in certain cases

- (1) Section 5 is amended by repealing paragraph (h) and substituting the following paragraph:

“(h) where the premises are used to provide accommodation to students—

“(i) at a school hostel (being a hostel within the meaning of section 2 of the Education Act 1989); or

“(ii) in accordance with the requirements of section 5B:”.

- (2) Section 5 is amended by repealing paragraphs (k) and (l) and substituting the following paragraphs:

“(k) where the premises—

“(i) are intended to provide temporary or transient accommodation (such as that provided by hotels and motels), being accommodation that is ordinarily provided for periods of less than 28 days at a time; and

“(ii) are subject to an agreement that has been entered into for the purpose of providing temporary or transient accommodation that continues to be provided under the agreement:

“(l) where the tenant occupies the premises under an occupation right agreement within the meaning of the Retirement Villages Act 2003:”.

- (3) Section 5 is amended by repealing paragraph (n) and substituting the following paragraph:

- “(n) where the premises, not being a boarding house, continue to be used, during the tenancy, principally as a place of residence by the landlord or the owner of the premises or by any member of the landlord’s or owner’s family:”.
- (4) Section 5 is amended by repealing paragraph (s) and substituting the following paragraph:
- “(s) where the tenancy agreement—
- “(i) is genuinely entered into to enable a tenant (the **sublandlord**) to sublet the premises to provide accommodation for other people for commercial gain or to provide accommodation for the sublandlord’s employees or to provide social housing; and
- “(ii) is not entered into to provide accommodation for the sublandlord or to evade this Act or any of its provisions; and
- “(iii) expressly provides that the sublandlord will not personally occupy the premises:”.
- (5) Section 5 is amended by inserting the following paragraphs after paragraph (t):
- “(ta) where the tenant occupies, under a tenancy agreement, a cabin, caravan, vehicle, tent, or other building or structure that—
- “(i) is located in a camping-ground subject to regulations under the Health Act 1956; and
- “(ii) is intended for human habitation for periods not exceeding 50 days in any continuous term of occupancy:
- “(tb) where temporary or transient accommodation is provided in a relocatable home under a tenancy agreement that has been entered into for the purpose of providing accommodation of that kind and that continues to be provided under the agreement:”.
- (6) Section 5 is amended by adding the following subsections as subsections (2) and (3):
- “(2) In subsection (1)(s)(i), **social housing** means housing for—
- “(a) persons on low incomes:

- “(b) persons with special housing needs:
 - “(c) persons whose disabilities mean that they need support or supervision in their housing.
- “(3) In subsection (1)(tb), **relocatable home** means a structure (other than a tent) that—
- “(a) is located in a camping-ground subject to regulations under the Health Act 1956; and
 - “(b) is designed to be relocatable; and
 - “(c) comprises a group of rooms occupied or intended to be occupied either permanently or temporarily as the living quarters of a single housekeeping unit (whether consisting of 1 or more persons), which is completely self-contained in respect of domestic equipment and facilities.”

7 **New section 5B inserted**

The following section is inserted after section 5A:

“**5B Exempt student accommodation**

- “(1) For the purposes of section 5(1)(h)(ii), this Act does not apply to premises if—
- “(a) the premises are used to provide accommodation exclusively for students of 1 or more tertiary education providers; and
 - “(b) the premises are owned or operated by a person (an **accommodation provider**) who is—
 - “(i) a tertiary education provider; or
 - “(ii) a person who has entered into a written agreement of the kind described in subsection (5) with each tertiary education provider whose students are accommodated at the premises; and
 - “(c) the accommodation provider complies with subsections (2) to (4).
- “(2) The accommodation provider must provide services to the students accommodated in the premises that are over and above the services that a landlord must provide under Part 2 or 2A.
- “(3) The accommodation provider must have in place house rules that aim to create an environment that fosters personal development and encourages a sense of community and association with fellow students.

- “(4) The accommodation provider must take all reasonable steps to ensure that prospective and current student tenants are made aware of, and have access to copies of, the house rules.
- “(5) An agreement referred to in subsection (1)(b) is one that sets out—
- “(a) the rights and obligations of the accommodation provider and the tertiary education provider; and
 - “(b) a dispute resolution process by which disputes between the accommodation provider and the tertiary education provider may be resolved.
- “(6) In this section, **tertiary education provider** has the same meaning as in section 159(1) of the Education Act 1989, and, accordingly, includes universities, polytechnics, colleges of education, wananga, specialist colleges, private training establishments registered under Part 18 of that Act, and government training establishments.”

8 Short fixed-term tenancies

- (1) Section 7 is amended by omitting “120” in each place where it appears and substituting in each case “90”.
- (2) Section 7 is amended by inserting the following subsections after subsection (2):
- “(2A) The parties may not enter into a fixed-term tenancy of not more than 90 days for the purpose of using that tenancy as a trial-period for ascertaining the desirability of extending or renewing the tenancy.
- “(2B) The Tribunal may, on the application of a tenant or former tenant who is or who was a party to a fixed-term tenancy of not more than 90 days, order the extension or renewal of that tenancy on any terms that the Tribunal thinks just if the Tribunal is satisfied that—
- “(a) the tenancy was granted in breach of subsection (2A); and
 - “(b) the proposed extension or renewal will not prejudice third parties who are not in any way involved in the breach.”

9 Contents of tenancy agreement

- (1) Section 13A(1)(m) is amended by omitting “real estate agent” and substituting “letting agent”.
- (2) Section 13A is amended by repealing subsection (1)(n).
- (3) Section 13A is amended by repealing subsection (2).

10 New section 13AB inserted

- (1) The following section is inserted after section 13A:

“13AB Address for service

- “(1) For the purposes of this Act, an **address for service** means an address given by the landlord or tenant under this Act as an address at which notices and other documents relating to the tenancy will be accepted by or on behalf of the landlord or tenant, as the case may be.
- “(2) Whenever a party is required to give an address for service, the party—
 - “(a) must give an address of a physical place in New Zealand; and
 - “(b) may, in addition, specify a Post Office box number, email address, or facsimile number as one of the party’s addresses for service.”
- (2) Sections 15(2) and 16(2) are consequentially repealed.

11 Exceptions to requirements relating to tenancy agreements

Section 13D is amended by omitting “of this Act” and substituting “(and, in the case of a boarding house tenancy, section 66C)”.

12 Change of name or address

Section 16 is amended by adding the following subsection:

- “(3) The obligation in subsection (1) does not apply to a contact person whose name and contact details are contained in a boarding house tenancy agreement.”

13 New sections 16A and 16B inserted

The following sections are inserted after section 16:

“16A Landlord must have agent if out of New Zealand for longer than 21 consecutive days

- “(1) A landlord who is out of New Zealand for longer than 21 consecutive days must ensure that the landlord has an agent in New Zealand.
- “(2) A landlord who does not already have an agent and who knows that he or she will be out of New Zealand for longer than 21 consecutive days must appoint an agent before he or she departs from New Zealand.
- “(3) A landlord who does not already have an agent and who has been out of New Zealand for longer than 21 consecutive days must promptly appoint an agent.
- “(4) A landlord who appoints an agent under this section must, immediately after appointing the agent,—
- “(a) notify the tenant of the agent’s name, contact address, and address for service; and
 - “(b) if a bond is held in respect of the tenancy, notify the chief executive in the approved form of those particulars.
- “(5) An agent appointed under this section has, as against the tenant, all the rights and obligations of the landlord.
- “(6) A contravention of any of subsections (1) to (4) is declared to be an unlawful act.

“16B Body corporate rules part of tenancy agreement

- “(1) This section applies to residential premises that are held in a stratum estate under the Unit Titles Act 2010.
- “(2) Body corporate operational rules made under the Unit Titles Act 2010 that affect a tenant of premises to which this section applies are taken to be terms of the tenancy agreement.
- “(3) A tenancy agreement that creates or evidences the letting of premises to which this section applies must set out a statement of the rules referred to in subsection (2).
- “(4) The landlord must promptly give the tenant written notice of any variation of the rules referred to in subsection (2).
- “(5) As soon as the tenant is notified of a variation, the terms of the tenancy agreement are taken to be varied accordingly.
- “(6) This section does not limit section 13A.”

14 Requiring key money prohibited

Section 17(4)(c) is amended by omitting “real estate agent” and substituting “letting agent”.

15 New section 18A inserted

The following section is inserted after section 18:

“18A Landlord must not require security other than permitted bond

“(1) A landlord may not require a tenant to provide the landlord with any form of security to secure any payment or performance arising out of, or in connection with, the tenancy.

“(2) A requirement made in contravention of subsection (1) is declared to be an unlawful act.

“(3) In this section, **security**—

“(a) means—

“(i) any interest in real or personal property; or

“(ii) the power to exercise a right of the tenant, including the authority to cause an account to be debited (for example, without limitation, by reference to a card, such as the imprint of a credit card or a PIN number) or the means to obtain money from a third party; but

“(b) does not include—

“(i) a payment by way of bond that is permitted under section 18; or

“(ii) any guarantee.”

16 Duties of landlord on receipt of bond

(1) Section 19(1) is amended by inserting “(whether the amount is for the whole or part of the bond)” after “any amount by way of bond”.

(2) Section 19(1)(b) is amended by omitting “prescribed” and substituting “approved”.

(3) Section 19 is amended by inserting the following subsection after subsection (1):

“(1A) Subsection (1) does not apply if a bond of 1 week’s rent or less is paid in respect of a boarding house tenancy. In that case, section 66D applies instead.”

17 Tenant may pay bond direct to chief executive with landlord's consent

Section 21(2) is amended by omitting “prescribed” and substituting “approved”.

18 New sections 22 to 22E substituted

Section 22 is repealed and the following sections are substituted:

“22 Agreed applications to chief executive for payment of bond

“(1) This section applies if—

“(a) at any time a landlord or a tenant applies in the approved form for payment of a bond, or part of a bond; and

“(b) the application is made—

“(i) with the agreement of the other party; or

“(ii) in favour of the other party.

“(2) The chief executive must pay the bond (or, as the case requires, part of the bond) in accordance with the terms of the application.

“22A Applications to chief executive for payment of bond without agreement of other party

“(1) This section applies to an application in the approved form for payment of a bond, or part of a bond, made by a party (**party A**) without the agreement of the other party (**party B**).

“(2) The application may be made at any time after the termination of the tenancy if party A is the tenant, but must be made within 2 months of the termination of the tenancy if party A is the landlord.

“(3) On receiving the application, the chief executive must notify party B of the application and invite party B to indicate, within 10 working days after being notified, whether or not party B wishes to contest the application.

“(4) An indication by party B must be in writing, unless the chief executive waives that requirement.

“(5) If party B indicates that he or she wishes to contest the application, the chief executive must tell the parties how to apply to the Tribunal for a determination of the dispute.

- “(6) If party B does not respond to the invitation to indicate whether or not party B wishes to contest the application, the chief executive must—
- “(a) pay the bond (or, as the case requires, part of the bond) in accordance with the application; or
 - “(b) decline to make a decision and tell the parties how to apply to the Tribunal for a determination.
- “(7) If party B agrees to the application, the chief executive must pay the bond (or, as the case requires, part of the bond) in accordance with the application.

“22B Applications to, and orders by, Tribunal

- “(1) If there is a dispute between the parties as to the payment of a bond, either party may apply to the Tribunal for an order determining to whom the bond, or any part of it, is to be paid.
- “(2) If the tenant applies to the Tribunal and the landlord seeks payment of the bond in whole or in part, the landlord must file an application with the Tribunal that sets out the landlord’s counterclaim.
- “(3) If, more than 2 months after the termination of a tenancy, the landlord seeks payment of a bond held in respect of that tenancy but does not have the agreement of the tenant, the landlord may apply to the Tribunal for an order determining to whom the bond, or any part of it, is to be paid.
- “(4) If the chief executive is satisfied that a tenancy has terminated and no application for payment of a bond, or part of a bond, has been made within a reasonable time, the chief executive may apply to the Tribunal for an order determining to whom the bond, or any part of it, is to be paid.
- “(5) If the Tribunal makes an order concerning the payment of a bond, or part of a bond, the chief executive must make the payment in accordance with the terms of the order.

“22C Payments of bond to be made out of Residential Tenancies Trust Account

The chief executive must make any payments of a bond under section 22, 22A, or 22B out of the Residential Tenancies Trust Account.

“22D Chief executive may take steps to refund bonds

- “(1) The chief executive may take any steps that the chief executive considers reasonable in the circumstances to refund a bond held by the chief executive if the chief executive believes on reasonable grounds that—
- “(a) the tenancy to which the bond relates has terminated and no claim is made for the bond within 2 months of the termination; or
 - “(b) an application for the refund of the bond has been approved but the bond money has not been collected within 2 months of the approval.
- “(2) The steps that the chief executive takes under subsection (1) may include the publication of 1 or more of the following:
- “(a) the name of the person to whom the bond is to be refunded if the circumstances described in subsection (1)(b) apply:
 - “(b) the name of the tenant in whose name the bond is held:
 - “(c) the amount, or approximate amount, of the bond:
 - “(d) the location of the premises to which the bond relates.
- “(3) To avoid doubt, this section applies to all bond money held by the chief executive, whenever it is received.

“22E Social Welfare may disclose address information for bond refund purposes

- “(1) In this section, unless the context otherwise requires,—
- “**address information**, in relation to a person, means the last known address and (if available) the telephone number of the person
- “**Social Welfare** means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Social Security Act 1964.
- “(2) The purpose of this section is to facilitate the disclosure of address information by Social Welfare to the department to enable the chief executive to locate persons who are entitled to bonds to which section 22D(1) applies and that the chief executive continues to hold despite previous attempts to refund them.

- “(3) If the chief executive is satisfied that reasonable steps have been taken, under section 22D, to refund a bond but that those steps have not been successful, the chief executive may, for the purposes of this section, request Social Welfare, in accordance with arrangements made with the chief executive of Social Welfare,—
- “(a) to ascertain whether Social Welfare holds any address information about any person entitled to the bond who is named in the request; and
 - “(b) if that is the case, to supply that information to the department.
- “(4) On receipt of a request made under subsection (3), Social Welfare may supply the information requested to any officer or employee of the department who is authorised to receive that information.”

19 Rent increases

- (1) Section 24(1)(c) is amended by inserting “(or, in the case of a boarding house tenancy, not less than 28 days)” after “not less than 60 days”.
- (2) Section 24(1)(f)(i) is amended by inserting “(or, in the case of a boarding house tenancy, 28 days)” after “60 days”.
- (3) Section 24(1) is amended by repealing paragraph (g) and substituting the following paragraph:
 - “(g) a landlord under a fixed-term tenancy—
 - “(i) may not increase the rent during the term of the tenancy unless permitted by the provisions of the tenancy agreement to do so; and
 - “(ii) may do so only in accordance with this section and any such provisions of the tenancy agreement; and”.
- (4) Section 24 is amended by inserting the following subsection after subsection (1):

“(1A) The provisions referred to in subsection (1)(g) may take the form of the provisions set out in Schedule 1.”

20 New section 24A inserted

The following section is inserted after section 24:

“24A Expiry of temporary rent reduction

If the parties to a tenancy agree that, during a specified period or until the occurrence of a specified event, the tenant is entitled to pay a lower rent,—

- “(a) the agreement is a variation of the tenancy agreement to which sections 13B and 13C apply; and
- “(b) on the expiry of the period or the occurrence of the event, the rent payable before the variation is reinstated; and
- “(c) that reinstatement does not constitute a rent increase.”

21 Market rent

Section 25 is amended by inserting the following subsection after subsection (2):

- “(2A) Despite subsection (2), a tenant who is a party to a fixed term tenancy of premises held in a stratum estate under the Unit Titles Act 2010 may apply under subsection (1) within 3 months after the tenant is notified of a change or otherwise becomes aware of a change in the body corporate operational rules made under that Act, if that change affects the tenant.”

22 New sections 28 to 28B substituted

Section 28 is repealed and the following sections are substituted:

“28 Increase of rent by agreement or order in case of substantial improvements, improved facilities, or variation of terms

- “(1) The landlord and the tenant may agree to increase the rent if the landlord has, with the consent of the tenant,—
- “(a) made substantial improvements to the premises (not being general or necessary repairs) that increase the value of the premises and constitute a material benefit to the tenant;
 - “(b) increased or improved the facilities or services (other than general or necessary repairs) provided for the tenant;
 - “(c) agreed to a variation in the terms of the tenancy that benefits the tenant.

- “(2) If the tenant does not agree to the increase proposed by the landlord, the landlord may apply to the Tribunal for an order increasing the rent.
- “(3) The Tribunal may, on an application under subsection (2), make an order increasing the rent by any amount the Tribunal thinks fit, if the Tribunal is satisfied that (except for the absence of agreement on increasing the rent) subsection (1) applies to the tenancy.

“28A Increase of rent by order in case of unforeseen expenses

The Tribunal may, on application by the landlord, make an order increasing the rent by any amount the Tribunal thinks fit if the landlord—

- “(a) has incurred expenses in respect of the premises; and
- “(b) the nature or the amount of those expenses could not reasonably have been foreseen when the rent was last fixed.

“28B Effect of rent increases under section 28 or 28A

- “(1) An increase of rent agreed or ordered under section 28 or 28A does not affect the dates on which the rent may otherwise be reviewed or increased.
- “(2) An increase of rent agreed or ordered under section 28 or 28A during the currency of any order made by the Tribunal under section 25—
- “(a) does not affect the expiry date of that order; and
- “(b) is to be treated as an amendment of that order.
- “(3) Sections 28 and 28A override sections 24 and 26.”

23 Accelerated rent or damages prohibited

Section 32 is amended by adding the following subsection:

- “(3) This section does not preclude a provision in a tenancy agreement requiring one party (the **debtor**) to reimburse the other party (the **creditor**) for any reasonable expenses or commissions paid or incurred by the creditor in recovering, or attempting to recover, any overdue payment that the debtor owes to the creditor under an order of the Tribunal.”

24 Tenant's goods not to be seized

Section 33(4)(a) is amended by omitting “section 62(1)” and substituting “any of sections 62 to 62C”.

25 New section 39 substituted

Section 39 is repealed and the following section substituted:

“39 Responsibility for outgoings

“(1) The landlord is responsible for all outgoings in respect of the premises that—

“(a) are incurred whether or not the premises are occupied; and

“(b) are incurred for common facilities.

“(2) Without limiting the generality of subsection (1), the landlord is responsible for the cost of—

“(a) the general rate (within the meaning of section 13 of the Local Government (Rating) Act 2002) payable in respect of the premises; and

“(b) insurance premiums payable in respect of the premises; and

“(c) any body corporate levies payable in respect of the premises.

“(3) The tenant is responsible for all outgoings in respect of the premises that are exclusively attributable to the tenant's occupation of the premises or to the tenant's use of the facilities.

“(4) Without limiting the generality of subsection (3), the tenant is responsible for the following charges, incurred during the tenancy, in respect of the premises:

“(a) electricity and gas:

“(b) telephone and Internet:

“(c) supply of water if the water supplier charges for water provided to the premises on the basis of consumption.

“(5) In this section, **premises** includes facilities that are exclusively for the use of the tenant.”

26 Tenant's responsibilities

(1) Section 40(2) is amended by inserting the following paragraph after paragraph (a):

- “(ab) cause or permit any interference with, or render inoperative, any means of escape from fire within the meaning of the Building Act 2004; or”.
- (2) Section 40(3) is amended by omitting “reside” in each place where it appears and substituting in each case “ordinarily reside”.
- (3) Section 40 is amended by inserting the following subsection after subsection (3):
- “(3A) The following are declared to be unlawful acts:
- “(a) a failure, without reasonable excuse, to quit the premises in contravention of subsection (1)(e)(i):
- “(b) a contravention of subsection (2)(ab):
- “(c) a contravention of subsection (2)(b):
- “(d) a contravention of subsection (2)(c) in circumstances that amount to harassment of a tenant or a neighbour of the tenant:
- “(e) a contravention, without reasonable excuse, of subsection (3).”
- (4) Section 40(4) is amended by inserting “(other than fair wear and tear)” after “Where any damage”.

27 Tenant’s fixtures

Section 42 is amended by repealing subsection (4) and substituting the following subsections:

- “(4) Any fixtures affixed by the tenant to the premises but not removed by the tenant on the expiry of the tenancy become the property of the landlord.
- “(5) Despite subsection (4), the tenant may remove any fixtures on or after the expiry of the tenancy if the tenant—
- “(a) does so in accordance with an agreement or arrangement reached with the landlord; or
- “(b) reasonably believes that he or she is entitled to do so because of anything the landlord has said or done.
- “(6) If, on removing any fixture, the tenant causes any damage to the premises, the tenant must inform the landlord immediately and, at the landlord’s option, either repair the damage or compensate the landlord for any reasonable expenses incurred by the landlord in repairing the damage.”

28 Assignment and subletting by tenant

- (1) The heading to section 44 is amended by omitting “**and subletting**” and substituting “**, subletting, or parting with possession**”.
- (2) Section 44(2) is amended by inserting “otherwise” after “sublet, or”.
- (3) Section 44 is amended by inserting the following subsection after subsection (2):

“(2A) A tenant commits an unlawful act if he or she assigns, sublets, or otherwise parts with possession of the premises—

 - “(a) in contravention of a provision of the kind described in subsection (1); or
 - “(b) in any other case, without the prior written consent of the landlord.”

29 Landlord’s responsibilities

- (1) Section 45(1) is amended by inserting the following paragraph after paragraph (c):

“(ca) if the premises do not have a reticulated water supply, provide adequate means for the collection and storage of water; and”.
- (2) Section 45(1)(d) is amended by repealing subparagraph (ii) and substituting the following subparagraph:

“(ii) the tenant has given the landlord notice of the state of disrepair or made a reasonable attempt to do so; and”.
- (3) Section 45 is amended by inserting the following subsection after subsection (1):

“(1A) Failure by the landlord to comply with any of paragraphs (a) to (ca) of subsection (1) is declared to be an unlawful act.”
- (4) Section 45 is amended by inserting the following subsection after subsection (2):

“(2A) A contravention by the landlord of subsection (2) is declared to be an unlawful act.”

30 Landlord’s right of entry

- (1) Section 48(1)(a) is amended by inserting “freely” after “tenant”.

- (2) Section 48(2) is amended by inserting the following paragraph after paragraph (d):
- “(da) for the purpose of providing services agreed to under the tenancy agreement, but only if the entry complies with any conditions specified in the tenancy agreement; or”.
- (3) Section 48 is amended by repealing subsection (3) and substituting the following subsections:
- “(3) With the prior consent of the tenant, the landlord may enter the premises at any reasonable time for the purpose of showing the premises—
- “(a) to prospective tenants; or
- “(b) to prospective purchasers; or
- “(c) to a registered valuer engaged in the preparation of a report on the premises; or
- “(d) to a real estate agent engaged in appraising, evaluating, or selling or otherwise disposing of the premises; or
- “(e) to an expert engaged in appraising or evaluating the premises; or
- “(f) to a person who is authorised to inspect the premises under any enactment.
- “(3A) For the purposes of subsection (3), the tenant—
- “(a) may not withhold his or her consent unreasonably; and
- “(b) may make the consent subject to any reasonable conditions.”
- (4) Section 48(6) is amended by omitting “\$500” and substituting “\$2,000”.

31 Circumstances in which tenancies are terminated

Section 50 is amended by repealing paragraph (a) and substituting the following paragraphs:

- “(a) in the case of a fixed-term tenancy, on the expiry of the term of the tenancy or, if any of sections 58(1)(d), (da), 59, or 59A apply, by giving notice in accordance with the applicable section:
- “(ab) on the death of a sole tenant under a tenancy agreement or a sole tenant under a boarding house tenancy agree-

ment, in accordance with section 50A or 66W, as the case requires.”.

32 New section 50A inserted

The following section is inserted after section 50:

“50A Termination following death of sole tenant

“(1) On the death of a sole tenant under a tenancy agreement (whether for a fixed-term tenancy or a periodic tenancy), the tenancy agreement terminates on the earliest of the following dates:

“(a) the date that is the 21st day after the date on which the personal representative of the tenant or a person who is the tenant’s next of kin gives the landlord written notice of the death of the tenant:

“(b) the date that is the 21st day after the landlord gives the personal representative of the tenant or a person who is the tenant’s next of kin written notice to vacate the premises that are the subject of the tenancy agreement:

“(c) the date that is agreed in writing by the landlord with the personal representative of the tenant or with a person who is the tenant’s next of kin:

“(d) the date determined as the termination date of the tenancy agreement by the Tribunal on the application of the landlord under subsection (2).

“(2) If a landlord is unable to give notice to vacate under subsection (1)(b), the landlord may apply, without notice, to the Tribunal for an order to terminate the tenancy.

“Compare: Residential Tenancies Act 1997 s 228 (Vic)”.

33 Termination by notice

(1) Section 51(1) is amended by omitting “and 53 of this Act” and substituting “, 53, 53A, 59, and 59A”.

(2) Section 51(1) is amended by repealing paragraph (a) and substituting the following paragraph:

“(a) where the owner of the premises requires the premises as the principal place of residence for the owner or any member of that owner’s family, 42 days:”.

- (3) Section 51(1) is amended by repealing paragraph (c) and substituting the following paragraph:
“(c) where the owner is required, under an unconditional agreement for the sale of the premises, to give the purchaser vacant possession, 42 days:”.
- (4) Section 51(2) is amended by omitting “and 53 of this Act” and substituting “to 53A, 59, and 59A”.
- (5) Section 51(3) is amended by inserting the following paragraph after paragraph (c):
“(ca) in any case where the tenant is given less than 90 days’ notice, set out the reasons for the termination; and”.
- (6) Section 51 is amended by repealing subsection (6) and substituting the following subsection:
“(6) A party who has given an effective notice to terminate a tenancy—
“(a) may, at any time before the expiry of the period of notice, revoke the notice with the consent of the other party; but
“(b) may give a further notice to terminate the tenancy only if the prior notice is revoked.”

34 Special provisions for notice terminating service tenancies

- (1) Section 53 is amended by repealing subsection (1) and substituting the following subsection:
“(1) The landlord or the tenant must give a minimum period of notice of 14 days to terminate a service tenancy if the contract of service or, as the case requires, the contract for services has been terminated or either party has given notice to terminate that contract (subject to subsections (2) to (7)).”
- (2) Section 53 is amended by omitting “contract of service” in subsections (2), (3), and (7)(a) and substituting in each case “contract of service or, as the case requires, contract for services”.
- (3) Section 53 is amended by inserting the following subsection after subsection (5):
“(5A) Section 50A does not limit subsection (4) or (5).”

35 New section 53A inserted

The following section is inserted after section 53:

“53A Special provisions for notice terminating certain student tenancies

- “(1) In this section, **student tenancy** means a tenancy to which this Act applies that is granted by an institution (as defined in section 159(1) of the Education Act 1989) to a person who is eligible to be a tenant by virtue of the person being—
- “(a) a student; or
 - “(b) a student of a particular educational institution.
- “(2) The landlord of a student tenancy, or the tenant of a student tenancy, may terminate the tenancy on 14 days’ notice if the tenant ceases to be eligible to be granted the tenancy.
- “(3) In any proceedings before the Tribunal in which the validity of a notice under subsection (2) is in issue, the question of when the tenant ceased to be eligible to be a tenant under the tenancy is a question of fact to be determined by the Tribunal.”

36 Tribunal may declare retaliatory notice of no effect

Section 54(1) is amended by omitting “of this Act”, and substituting “(or, in the case of a boarding house tenancy, section 66U)”.

37 Termination on non-payment of rent, damage, or assault

Section 55(1) is amended by repealing paragraph (c) and substituting the following paragraph:

- “(c) the tenant has assaulted, or has threatened to assault, or has caused or permitted any person to assault, or to threaten to assault, any of the following persons:
- “(i) the landlord or any member of the landlord’s family:
 - “(ii) the owner of the premises or any member of the owner’s family:
 - “(iii) any agent of the landlord:
 - “(iv) any occupier of any building of which the premises constitute a part:
 - “(v) any neighbour of the premises or of any building of which the premises constitute a part.”

38 Termination for other breach

- (1) Section 56 is amended by omitting the heading and substituting the following heading: “**Termination for non-payment of rent and other breaches**”.
- (2) Section 56(1)(a) is amended by inserting “(including provisions relating to the payment of rent)” after “tenancy agreement”.
- (3) Section 56(1)(b)(i) is amended by omitting “10 working days” and substituting “14 days”.

39 Mortgagee or other person becoming entitled to possession

Section 58(1) is amended by inserting the following paragraph after paragraph (d):

“(da) in the case of a fixed-term tenancy, the tenant has the same right to give notice terminating the tenancy as the tenant would have had if the tenancy had been a periodic tenancy.”.

40 Destruction of premises

Section 59(1) is amended by inserting “(whether for a fixed-term tenancy or a periodic tenancy)” after “tenancy agreement”.

41 New section 59A inserted

The following section is inserted after section 59:

“59A Termination where breach renders premises uninhabitable

- “(1) This section applies if, as a result of a breach of the tenancy agreement (whether for a fixed-term tenancy or a periodic tenancy) by a party, the premises are destroyed or are so seriously damaged as to be uninhabitable.
- “(2) If the tenant is not in breach, the rent abates.
- “(3) The party who is not in breach may give notice to the other party terminating the tenancy.
- “(4) When a landlord gives notice of termination under this section, the period of notice is not less than 7 days.

“(5) When a tenant gives notice of termination under this section, the period of notice is not less than 2 days.”

42 New sections 60A to 60C inserted

The following sections are inserted after section 60:

“60A Fixed-term tenancy becomes periodic unless contrary notice given

“(1) On the expiry of a fixed-term tenancy of more than 90 days, the tenancy continues as a periodic tenancy with the same terms as the terms contained in the expired tenancy so far as those terms are consistent with a periodic tenancy.

“(2) Subsection (1) does not apply if—

“(a) the parties enter into a new tenancy agreement or agree to extend the existing tenancy agreement; or

“(b) within the effective period, either party gives the other written notice of the party’s intention not to continue with the tenancy.

“(3) The **effective period** is the period that starts on the 90th day before the date on which the tenancy expires and ends with the 21st day before that date.

“(4) On an application by either party, the Tribunal may make an order specifying a date for the early termination of a tenancy that will continue, or is continuing, under subsection (1).

“(5) The Tribunal may only make an order under subsection (4) if satisfied that, without the order, the applicant would suffer greater hardship than the other party.

“(6) Where the Tribunal makes an order under subsection (4), the Tribunal may order that the applicant pay to the other party an amount determined by the Tribunal by way of reasonable compensation for any loss or damage to the other party that is likely to result from the early termination.

“60B Tenant must exercise right to renew or extend tenancy not later than 21 days before expiry

“(1) A tenant who wishes to exercise a right under the tenancy agreement to require the landlord to grant the tenant a renewal or an extension of the tenancy must exercise that right by giv-

ing the landlord written notice, in accordance with this section, of the tenant's intention to exercise the right.

- “(2) The tenant must give notice of the tenant's intention not later than the 21st day before the date on which the tenancy would otherwise expire.
- “(3) On an application, made before or after the expiry of the tenancy, by a tenant who has failed to comply with subsection (1) or (2) but who wishes to renew or extend the tenancy, the Tribunal may order the renewal or extension of the tenancy.
- “(4) The Tribunal may make an order under subsection (3) only if satisfied that, without the order, the tenant would suffer greater hardship than the landlord.
- “(5) If the Tribunal makes an order under subsection (3), the Tribunal may order that the tenant pay the landlord an amount determined by the Tribunal by way of reasonable compensation for any loss or damage to the landlord that has resulted from the tenant's failure to comply with subsection (1) or (2).

“**60C Notices and orders continue to apply to renewed or extended tenancies**

- “(1) This section applies to a tenancy (the **current tenancy**) that results from the renewal or extension of a previous tenancy (the **previous tenancy**).
- “(2) The rent payable at the commencement of the current tenancy in respect of that tenancy—
- “(a) is the rent that is payable under the previous tenancy immediately before the commencement of the current tenancy; and
 - “(b) is subject to any lawful notice or order, given or made before the commencement of the current tenancy, that varies that rent on or after that commencement; and
 - “(c) may be increased only if any of sections 24 to 28B apply.”

43 Abandonment of premises

Section 61 is amended by adding the following subsection:

“(5) It is declared that a tenant commits an unlawful act if, without reasonable excuse, he or she abandons the premises when the rent is in arrear.”

44 New sections 62 to 62F substituted

Section 62 is repealed and the following sections are substituted:

“62 Goods left on premises on termination of tenancy

“(1) Where, on the termination of the tenancy, the tenant leaves on the premises foodstuffs or other perishable goods, the landlord may, immediately after taking possession of the premises, dispose of those goods in any way the landlord thinks fit.

“(2) If the tenant leaves on the premises goods that are neither foodstuffs nor other perishable goods, the landlord must, immediately after taking possession of the premises, make all reasonable efforts to contact the tenant and to agree with the tenant on a period within which the tenant is to collect the goods.

“(3) If the landlord is unable to contact the tenant or to agree on a period with the tenant, or if the tenant fails to collect the goods within the agreed period, the landlord must ensure that any personal documents belonging to the tenant are stored securely and must deal with the other goods either—

“(a) in accordance with section 62A; or

“(b) by securing them in safe storage and by applying to the Tribunal in accordance with section 62B.

“(4) In this section, **premises** includes facilities.

“62A Disposal of abandoned goods following assessment of market value

“(1) The landlord may deal with the goods to which section 62(3) applies, other than personal documents belonging to the tenant, by making all reasonable efforts to assess the market value of those goods.

“(2) If the assessment under subsection (1) indicates that any of the goods have a value below the cost of storing, transporting, and selling them, the landlord may immediately dispose of those goods in any way the landlord thinks fit.

- “(3) If the assessment under subsection (1) indicates that any of the goods have a value above the cost of storing, transporting, and selling them, the landlord must secure those goods in safe storage for not less than 35 days from the date on which the landlord first took possession of those goods.
- “(4) If, before the landlord disposes of the goods under subsection (5), the tenant claims the goods and any personal documents belonging to the tenant or claims either the goods or the documents,—
- “(a) the landlord may require the tenant to pay the landlord’s actual and reasonable costs arising out of the storage of the goods; and
- “(b) the landlord must release to the tenant any goods and personal documents claimed by the tenant, subject to payment of any costs required under paragraph (a); and
- “(c) the tenant must give the landlord a receipt for any goods and personal documents released to the tenant.
- “(5) If, after the period of 35 days specified in subsection (3), the goods or any personal documents belonging to the tenant remain unclaimed, the landlord must—
- “(a) continue to secure those goods and personal documents in safe storage to await any claims by the tenant under subsection (4); or
- “(b) do the following:
- “(i) take any personal documents belonging to the tenant to the nearest Police station and obtain a receipt for them from a Police employee; and
- “(ii) sell the other goods by public auction or by private contract at a reasonable market price.
- “(6) If the landlord has sold the goods under subsection (5)(b)(ii), the landlord may apply to the Tribunal for an order specifying the amount (if any) owing to the landlord out of the proceeds of sale.

“62B Disposal of abandoned goods in accordance with Tribunal order

- “(1) The landlord may apply to the Tribunal for an order for the disposal of the goods to which section 62(3) applies, including any personal documents belonging to the tenant.

- “(2) On an application under subsection (1), the Tribunal must make an order—
 - “(a) for the return of the goods to the tenant; or
 - “(b) if that is not practicable, for the sale or other disposition of the goods.
- “(3) Without limiting section 78(3), the Tribunal may, in making an order for the sale or other disposition of goods under this section, direct that the order is not to take effect unless the tenant has had the opportunity to collect the goods within a period specified in the order or unless another condition is met.
- “(4) If the Tribunal makes an order for the sale of goods under this section, the order must state the amount owing (if any) to the landlord out of the proceeds of sale.

“62C Application of proceeds of sale and recovery of amount owing

- “(1) In this section, **amount owing** means—
 - “(a) where the landlord has sold the goods under section 62A(5)(b)(ii) but there is no order under section 62A(6), the cost of storage, transport, and sale reasonably incurred by the landlord;
 - “(b) where there is an order by the Tribunal under section 62A(6) or 62B(4) specifying the amount owing to the landlord out of the proceeds of sale, that amount.
- “(2) The landlord may deduct any amount owing from the proceeds of any sale under section 62A(5)(b)(ii) or under an order made under section 62B(2)(b).
- “(3) The landlord must pay the proceeds of any sale, less any deduction made under subsection (2), to the chief executive, and the chief executive must pay those proceeds into the Residential Tenancies Trust Account.
- “(4) To the extent that any amount owing to the landlord is not fully reimbursed under subsection (2), the landlord may seek reimbursement, in accordance with section 22, 22A, or 22B, for that amount out of any bond held in the Residential Tenancies Trust Account in respect of the tenancy.

“(5) To the extent that any amount owing to the landlord is not fully reimbursed under subsections (2) and (4), the landlord may recover those costs from the tenant.

“**62D Tenant may claim proceeds of sale**

At any time within 1 year after the date of a sale under section 62A(5)(b)(ii) or under an order made under section 62B(2)(b), the tenant may apply to the chief executive for the payment to the tenant of the proceeds of sale in the Residential Tenancies Trust Account, and the chief executive must either make that payment to the tenant or, if there are reasonable grounds to do so, refer the matter to the Tribunal for determination.

“**62E Responsibility of tenant unaffected**

Sections 62A to 62D do not absolve the tenant from any responsibility imposed on the tenant by the tenancy agreement or by section 40(1)(e) or by any rule of law to remove from the premises on the termination of the tenancy all goods owned by the tenant that the tenant is entitled to possess.

“**62F Protection from liability**

“(1) The landlord is not liable in respect of goods sold or disposed of under section 62 or 62A, or under an order made under section 62B, unless it is shown that, at the time of the sale or disposition, the landlord had reason to believe that the goods were not owned by the tenant.

“(2) Any goods sold under section 62A(5)(b)(ii) or under an order made under section 62B(2)(b) are not recoverable from the purchaser unless it is shown that the purchaser acted otherwise than in good faith.”

45 Entry without order of Tribunal prohibited

Section 63(2) is amended by omitting “to imprisonment for a term not exceeding 3 months or a fine not exceeding \$1,000” and substituting “to a fine not exceeding \$2,000”.

46 Possession order

Section 64(2) is amended by omitting “3 months” and substituting “90 days”.

47 Eviction of squatters

Section 65 is amended by adding the following subsection:

“(3) To avoid doubt, the Tribunal has jurisdiction under this section even though the premises are not subject to a tenancy agreement.”

48 Reduction of fixed-term tenancy

(1) The heading to section 66 is amended by inserting “**or termination**” after “**Reduction**”.

(2) Section 66(2) is amended by omitting “this section” and substituting “subsection (1)”.

(3) Section 66 is amended by adding the following subsections:

“(3) On an application by a tenant who is a party to a fixed-term tenancy, the Tribunal may make an order terminating the tenancy if the Tribunal is satisfied that the tenant has received a notice of a rent increase that—

“(a) is substantial; and

“(b) is of an amount that the tenant could not reasonably foresee when he or she entered into the tenancy agreement; and

“(c) has caused, or will cause, serious hardship.

“(4) On an application by a tenant who is party to a fixed-term tenancy of premises held in a stratum estate under the Unit Titles Act 2010, the Tribunal may make an order terminating the tenancy if satisfied that—

“(a) the tenant is adversely affected by a change to the body corporate operational rules made under that Act; and

“(b) because of that change, it would be unreasonable to require the tenant to continue with the tenancy.”

New Part 2A inserted

49 New Part 2A inserted

The following Part is inserted after section 66:

“Part 2A
“Boarding house tenancies

“Application

“66A Application of Part

- “(1) This Part sets out special provisions that apply only to boarding house tenancies.
- “(2) The following provisions do not apply to boarding house tenancies unless otherwise specifically applied:
- “(a) section 7 (relating to short fixed-term tenancies):
 - “(b) section 9(1) and (2) (relating to transitional provisions):
 - “(c) sections 36 to 42 and 44 to 49 (relating to the rights and obligations of landlords and tenants):
 - “(d) sections 50A, 51, and 55 to 57 (relating to the termination of tenancies):
 - “(e) section 61 (relating to the abandonment of premises):
 - “(f) section 64 (relating to possession orders).
- “(3) When applying other provisions to boarding house tenancies, terms that are defined in section 66B have the meaning given by that section.

“66B Interpretation for this Part

In this Part, unless the context otherwise requires,—

“boarding house means residential premises—

- “(a) containing 1 or more boarding rooms along with facilities for communal use by the tenants of the boarding house; and
- “(b) occupied, or intended by the landlord to be occupied, by at least 6 tenants at any one time

“boarding house tenancy means a residential tenancy in a boarding house—

- “(a) that is intended to, or that does in fact, last for 28 days or more; and
- “(b) under which the tenant is granted exclusive rights to occupy particular sleeping quarters in the boarding house, and has the right to the shared use of the facilities of the boarding house

“**boarding house tenancy agreement** means a tenancy agreement (as defined in section 2(1)) relating to a boarding house tenancy

“**boarding room** means a room in a boarding house that is used as sleeping quarters by 1 or more tenants of the boarding house, and that is for use only by a tenant whose tenancy agreement relates to that room

“**contact person** means a natural person or an organisation

“**facilities** means the facilities provided by the landlord of a boarding house for the shared use by tenants of the boarding house, such as—

“(a) toilet and bathroom facilities:

“(b) cooking facilities:

“(c) general living, dining, or recreational areas:

“(d) laundry facilities:

“(e) lifts and stairways:

“(f) rubbish storage and rubbish disposal facilities:

“(g) appliances for heating or cooling premises:

“(h) communication facilities:

“(i) lawns, gardens, and outhouses:

“(j) any land or buildings intended for use for storage space or for the parking of motor vehicles

“**premises** means the boarding house, comprising the boarding rooms and all the facilities of the boarding house; and includes any part of any premises.

“Boarding house tenancy agreements

“66C **Content of boarding house tenancy agreements**

“(1) A boarding house tenancy agreement must comply with the requirements in section 13A and must, in addition, contain the following:

“(a) a statement of whether the tenancy is intended to last for 28 days or more:

“(b) 1 or more telephone numbers at which the landlord may be contacted by the tenant at any reasonable time:

“(c) the room number of the boarding room to which the tenancy agreement relates:

- “(d) a statement as to whether the boarding room that the tenant is renting is shared by other tenants and, if so, the maximum number of other tenants who may occupy the room:
 - “(e) a statement of whether the tenancy is a joint tenancy and, if so, the names of the other people who will occupy the boarding room under the tenancy agreement:
 - “(f) a statement of the services (if any) to be provided by the landlord:
 - “(g) if the premises are managed by a person other than the landlord, the name and contact address (which must include a telephone number) of that person:
 - “(h) a description of the fire evacuation procedures that apply to the premises.
- “(2) A boarding house tenancy agreement may, in addition, provide for the tenant to supply, for the purposes of sections 62 to 62B and 66X, the name and contact details of a contact person.
- “Compare: Residential Tenancies Act 1997 s 125 (Vic)

“66D Bond of 1 week’s rent or less

- “(1) If 1 week’s rent or less is received as bond under a boarding house tenancy,—
- “(a) the bond need not be lodged with the chief executive, and sections 19 to 22D do not apply; and
 - “(b) the landlord must immediately give the tenant a receipt for the bond, and the receipt must comply with section 19(1)(a); and
 - “(c) the landlord must refund the bond to the tenant when the tenancy terminates.
- “(2) Despite subsection (1)(c), the landlord may retain out of a bond—
- “(a) any unpaid rent owing under the tenancy; and
 - “(b) any other amount owing by the tenant to the landlord, such as (without limitation) costs associated with repairing damage attributable to the tenant, replacing lost keys, reimbursement for services provided by the landlord, or unpaid gas, electricity, water, or telephone charges.

“(3) If the landlord does not refund the bond, or withholds more of the bond than the tenant considers is justified, the tenant may apply to the Tribunal for an order.

“66E Outgoings

“(1) The landlord is responsible for all outgoings in respect of the boarding house that are incurred—

“(a) whether or not the boarding house is occupied; or

“(b) for common facilities; or

“(c) in respect of rooms that are occupied by more than 1 tenant.

“(2) Without limiting the generality of subsection (1), the landlord is responsible for the cost of—

“(a) the general rate (within the meaning of section 13 of the Local Government (Rating) Act 2002) payable in respect of the boarding house; and

“(b) insurance premiums payable in respect of the boarding house.

“(3) A tenant is responsible for all outgoings that are exclusively attributable to the tenant’s occupation of a room that is exclusively occupied by the tenant.

“(4) Without limiting the generality of subsection (3), the tenant is responsible for the following charges, incurred during the tenancy, in respect of the premises:

“(a) electricity and gas supplied to the tenant’s boarding room, if the supply is separately metered for that room:

“(b) telephone and Internet connected to the tenant’s boarding room.

“(5) If the landlord provides services to a tenant, and payment for those services is not included in the rent, the landlord must provide the tenant each week with an itemised account of the services provided and the amount payable by the tenant.

“Compare: Residential Tenancies Act 1997 ss 108, 109 (Vic)

“66F Tenancy not assignable by tenant

A boarding house tenancy is not assignable by a tenant.

“Compare: Residential Tenancies Act 1997 s 93 (Vic)

*“Rights and obligations of landlords and tenants***“66G Quiet enjoyment**

- “(1) Every tenant of a boarding house is entitled to the quiet enjoyment of the premises, without interruption by the landlord or another tenant of the boarding house.
- “(2) The landlord must not cause or permit any interference with the reasonable peace, comfort, or privacy of the tenant in the use of the premises by the tenant.
- “(3) The tenant must not cause or permit any interference with the reasonable peace, comfort, or privacy of any other tenant on the premises.
- “(4) Contravention of subsection (2) or (3) in circumstances that amount to harassment of a tenant is declared to be an unlawful act.

“Compare: Residential Tenancies Act 1997 ss 113, 122 (Vic)

“66H Landlord’s obligations at start of tenancy

- “(1) When a tenant enters into a boarding house tenancy agreement, the landlord must give the tenant—
- “(a) a copy of the current house rules; and
 - “(b) if services are or may be provided by the landlord that are not covered by the rent, a list of the services and their cost.
- “(2) When a tenant first takes occupation of a boarding room under a boarding house tenancy, the landlord must ensure that—
- “(a) the tenant has vacant possession of the room or, if the room is shared, of the tenant’s sleeping quarters in the room; and
 - “(b) the room is in a reasonable state of cleanliness; and
 - “(c) there is no legal impediment to the tenant’s occupation of the room.

“Compare: Residential Tenancies Act 1997 s 109 (Vic)

“66I Landlord’s ongoing obligations

- “(1) The landlord of a boarding house must, at all times,—
- “(a) ensure that the facilities of the premises are in a reasonable state of cleanliness; and

- “(b) ensure that the premises are in a reasonable state of repair, having regard to the age and character of the premises and the period during which the premises are likely to remain habitable and available for residential purposes; and
 - “(c) comply with all requirements in respect of buildings, health, and safety under any enactment so far as they apply to the premises; and
 - “(d) ensure that there are sufficient locks or similar devices to ensure that the premises are reasonably secure; and
 - “(e) ensure that the tenant has access at all times to his or her room and to toilet and bathroom facilities in the premises; and
 - “(f) ensure that the tenant has access at all reasonable hours to the other facilities in the premises; and
 - “(g) ensure that copies of the house rules and fire evacuation procedures are on display in the premises at all times; and
 - “(h) take all reasonable steps to ensure that the house rules are observed, and to enforce them in a fair and consistent manner.
- “(2) Subsection (1) applies even if the tenant has notice, at the time when the tenancy agreement is entered into, of the state of the premises.
- “(3) The obligations in subsection (1) are in addition to the obligation in section 66G(2).
- “(4) Failure by the landlord to comply with any of paragraphs (a) to (c) of subsection (1) is declared to be an unlawful act.
- “Compare: Residential Tenancies Act 1997 ss 120–124, 127(2) (Vic)

“66J Other obligations of landlord

- “(1) The landlord must not interfere with the supply of gas, electricity, water, telephone services, or other services to the premises, unless the interference is necessary to avoid danger to any person or to enable maintenance or repairs to be carried out.
- “(2) The landlord must immediately tell the tenant if he or she puts the premises on the market and, if the premises are on the

market, the landlord must advise any prospective tenant of that fact.

- “(3) Before changing any lock or similar device, the landlord must tell every tenant of the boarding house who will be affected about the change.
- “(4) Failure by the landlord to comply with subsection (1) or (2) is declared to be an unlawful act.

“66K Obligations of tenant

- “(1) The tenant of a boarding house must—
 - “(a) pay the rent when it is payable under the tenancy agreement; and
 - “(b) ensure that the tenant’s boarding room is occupied principally for residential purposes; and
 - “(c) keep the tenant’s room reasonably clean and reasonably tidy, and in a condition that does not create a health or safety hazard; and
 - “(d) notify the landlord, as soon as possible after discovery, of any damage to the premises or of the need for any repairs; and
 - “(e) observe the house rules; and
 - “(f) compensate the landlord for any damage done by the tenant, or by any of his or her visitors to the premises, other than damage caused by general wear and tear.
- “(2) The tenant of a boarding house must not—
 - “(a) intentionally or carelessly damage, or permit any other person to damage, the premises; or
 - “(b) cause or permit any interference with, or render inoperative, any means of escape from fire within the meaning of the Building Act 2004; or
 - “(c) use the tenant’s boarding room, or permit the room to be used, for an unlawful purpose; or
 - “(d) cause or permit any interference with the reasonable peace, comfort, or privacy of any person residing in the neighbourhood; or
 - “(e) affix any fixture to the premises, or make any renovation, alteration, or addition of or to the premises, without the prior written consent of the landlord; or

- “(f) alter, add to, or remove from the premises any lock or similar device; or
 - “(g) keep a pet on the premises without the permission of the landlord.
- “(3) The obligations in this section are in addition to the obligation in section 66G(3).
- “(4) The following are declared to be unlawful acts:
- “(a) a contravention of subsection (2)(b):
 - “(b) a contravention of subsection (2)(c):
 - “(c) a contravention of subsection (2)(d) in circumstances that amount to harassment of a neighbour of the tenant.

“66L Tenant’s liability for damage caused by others

- “(1) The tenant of a boarding house is responsible for anything done or omitted to be done by any person who is on the premises with the tenant’s permission if the act or omission would have constituted a breach of the tenancy agreement had it been the act or omission of the tenant.
- “(2) Any damage done to a tenant’s boarding room is presumed to have been caused by the tenant, unless the tenant proves otherwise or is not the only tenant of that room.
- “(3) For the purposes of subsection (2), a person who enters the tenant’s boarding room is presumed to be on the premises with the tenant’s permission, unless the tenant proves otherwise or is not the only tenant of that room.

“66M Tenant’s obligations at end of tenancy

On the termination of a tenancy, the tenant of a boarding house must—

- “(a) quit the premises; and
- “(b) remove all his or her goods from the premises; and
- “(c) leave the tenant’s boarding room in a reasonably clean and reasonably tidy condition, and remove all rubbish from the room; and
- “(d) return to the landlord all keys, security or pass cards, and other such devices provided by the landlord for the use of the tenant; and

- “(e) leave in or at the premises all other chattels provided by the landlord for the use of tenants of the boarding house.

“66N Mitigation of damage or loss

If a landlord or tenant breaches any provision of the tenancy agreement, the other party must take all reasonable steps to limit the damage or loss arising from the breach, in accordance with the rules of law relating to mitigation of loss or damage upon breach of contract.

“House rules

“66O Landlord may make house rules

- “(1) The landlord of a boarding house may make house rules relating to—
 - “(a) the use and enjoyment of the premises; and
 - “(b) the provision of services.
- “(2) No house rule may—
 - “(a) be inconsistent with this Act; or
 - “(b) require or purport to permit anything that is or would be illegal and, in particular, must not—
 - “(i) require or permit any form of discrimination in contravention of the Human Rights Act 1993; or
 - “(ii) purport to permit anything that would breach the Privacy Act 1993.
- “(3) The landlord may at any time change the house rules, but a new house rule does not come into effect until the landlord has given each tenant of the boarding house at least 7 days’ written notice of the new house rule.

“Compare: Residential Tenancies Act 1997 ss 126, 127 (Vic)

“66P What tenant may do if he or she objects to house rules

- “(1) A tenant may apply to the Tribunal for an order declaring a house rule to be unlawful on the grounds that it breaches section 66O(2).
- “(2) Subsection (1) applies even if, when the tenancy was entered into, the tenant had notice of the relevant house rule.
- “(3) The Tribunal may, on the application of a tenant, make any of the following determinations in relation to a house rule:

- “(a) require the landlord to apply a house rule in a particular manner:
 - “(b) vary the rule:
 - “(c) set the rule aside.
- “(4) A landlord commits an unlawful act if he or she, in breach of an order of the Tribunal made under this section,—
- “(a) adopts or maintains a house rule that has been declared unlawful; or
 - “(b) refuses to apply a house rule in the manner ordered by the Tribunal; or
 - “(c) does not give effect to a house rule as varied by the Tribunal; or
 - “(d) purports to give effect to a house rule that has been set aside by the Tribunal.

“Compare: Residential Tenancies Act 1997 s 128 (Vic)

“Landlord’s right of entry

“66Q Landlord has right to enter premises at any time

- “(1) The landlord of a boarding house may enter the boarding house at any time.
- “(2) The landlord must not use the facilities of the boarding house for his or her own domestic purposes unless the landlord resides at the boarding house.

“66R Landlord’s right to enter boarding room is limited

- “(1) The landlord of a boarding house may enter a boarding room that is currently let to a tenant only in the following circumstances:
 - “(a) with the consent of the tenant (or, if the room is let to more than 1 tenant, with the consent of any tenant of the room) freely given at, or immediately before, the time of entry:
 - “(b) the landlord believes on reasonable grounds that there is an emergency and that immediate entry is necessary to save life or property:
 - “(c) the landlord believes on reasonable grounds that there is a serious risk to life or property and that immediate entry is necessary to reduce or eliminate the risk:

- “(d) services are provided under the tenancy agreement and it is necessary to enter the room in order to provide them, but, in this case, the entry must be in accordance with any conditions specified in the tenancy agreement or the house rules:
 - “(e) the Tribunal has ordered that the landlord may enter the room.
- “(2) The landlord may also enter the room of a tenant if the landlord—
- “(a) gives the tenant (or, if the room is let to more than 1 tenant, any tenant of the room), at least 24 hours before the entry, a notice of entry that complies with section 66S; and
 - “(b) enters the room only for the purpose set out in the notice of entry (which must be one of the purposes set out in section 66S(1)); and
 - “(c) enters the room between 8 am and 6 pm.
- “(3) A landlord entering a room under this section—
- “(a) must do so in a reasonable manner; and
 - “(b) must not stay in the room longer than is necessary to achieve the purpose of the entry; and
 - “(c) must not interfere with the tenant’s property unless it is necessary for the purpose of the entry.
- “Compare: Residential Tenancies Act 1997 ss 136, 138 (Vic)

“66S Notice of entry

- “(1) The purposes for which a landlord may enter a boarding room under a notice of entry are—
- “(a) to show the room to a prospective tenant:
 - “(b) to show the room to a prospective buyer or lender, or to a registered valuer, real estate agent, or an expert engaged in appraising or evaluating the boarding house, if the boarding house is to be sold or used as security:
 - “(c) where entry to the room is necessary to enable the landlord to fulfil his or her obligations under this Act:
 - “(d) where the landlord has reasonable grounds to believe that a tenant of the room has failed to comply with his or her obligations as a tenant under this Act:

- “(e) the landlord wishes to confirm whether or not a tenant of the room has abandoned the tenancy:
 - “(f) the landlord wishes to inspect the room and no entry for that purpose has been made within the last 4 weeks:
 - “(g) to inspect work that the landlord has required the tenant to carry out or that the tenant has agreed to carry out.
- “(2) The tenant may be notified of the proposed entry orally or in writing.
- “(3) The notice must—
- “(a) state the purpose of the entry, which must be one of the purposes listed in subsection (1); and
 - “(b) identify the person or persons who will enter the room; and
 - “(c) state the date on which entry will be made and the approximate time of entry.
- “(4) If the notice is in writing, it must be served on the tenant by—
- “(a) giving it to the tenant in person; or
 - “(b) putting it on the door of the tenant’s room; or
 - “(c) putting it inside the tenant’s room (for example, by sliding it under the door).

“Compare: Residential Tenancies Act 1997 ss 137, 139 (Vic)

“66T Consequence of abuse, or refusal, of right of entry

- “(1) The following are unlawful acts:
- “(a) entry into a tenant’s room by a landlord otherwise than in accordance with section 66R:
 - “(b) the use or threat of force by the landlord to enter or attempt to enter a tenant’s room (other than as provided for in section 66R(1)(b) or (c));
 - “(c) failure by a tenant of a boarding room (or any person occupying the tenant’s room with the tenant’s permission) to permit the entry by the landlord into the tenant’s room when the person entering is exercising a right of entry in accordance with section 66R.
- “(2) A landlord who uses or threatens to use force to gain entry into a tenant’s room in breach of subsection (1)(b) commits an offence and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$2,000.

- “(3) If a landlord enters a tenant’s room under section 66R(2), but does not comply with sections 66R(3) and 66S, the tenant may apply to the Tribunal for an order prohibiting the landlord from exercising the right to enter under section 66R(2) for a period specified in the order.
- “(4) If a landlord damages any property of a tenant while in the tenant’s room, the tenant may apply to the Tribunal for compensation for the damage.
- “Compare: Residential Tenancies Act 1997 ss 140, 141 (Vic)

“*Termination*

“**66U Termination of tenancy by landlord**

- “(1) The landlord of a boarding house may terminate a boarding house tenancy—
- “(a) immediately, if the tenant has—
- “(i) caused, or threatened to cause, serious damage to the premises; or
- “(ii) endangered, or threatened to endanger, people or property; or
- “(iii) caused, or threatened to cause, serious disruption to other tenants; or
- “(b) on 48 hours’ notice, if—
- “(i) the landlord has, by written notice to the tenant, required the tenant to pay any rent in arrears within a stated period of not less than 10 days, commencing on the day the notice is given, and the tenant fails to pay the rent in arrears within the stated period; or
- “(ii) the tenant is using the premises for an illegal purpose; or
- “(iii) the landlord believes, having complied with section 66X, that the tenant has abandoned the room; or
- “(c) on 14 days’ notice, if the tenancy is also a service tenancy, in which case section 53 applies; or
- “(d) on 28 days’ notice, if no reason is given.
- “(2) A notice of termination given by a landlord to a tenant of a boarding house must—
- “(a) be in writing; and

- “(b) state the date on which the notice is given; and
 - “(c) state the date on which the termination takes effect; and
 - “(d) state the reason for the termination (unless 28 days’ notice is given, in which case no reason need be given); and
 - “(e) state the name of the tenant; and
 - “(f) state the name, contact address, and telephone number of the landlord or his or her agent.
- “(3) Subsections (4) to (9) of section 51 apply, with all necessary modifications, to a notice of termination given by the landlord of a boarding house.
- “(4) To avoid doubt, section 54 (which provides that the Tribunal may order that notice by a landlord is of no effect in certain circumstances) applies to boarding house tenancies.

“66V When tenant may terminate tenancy

- “(1) A tenant under a boarding house tenancy may terminate the tenancy by giving at least 48 hours’ notice to the landlord.
- “(2) A tenant need not give notice in writing.
- “(3) If a boarding house tenancy is also a service tenancy, the requirement in section 53(1) that a tenant give not less than 14 days’ notice does not apply.

“66W Termination of tenancy on death of sole tenant

A boarding house tenancy terminates 48 hours after the death of a sole tenant under the tenancy.

“Abandonment

“66X Abandonment by tenant

- “(1) If the tenant of a boarding house is in arrear with the rent, and if the landlord has reason to believe that the tenant has abandoned the premises, the landlord—
- “(a) may put a notice on the door of the tenant’s boarding room advising the tenant that the landlord will enter the room 24 hours later to confirm whether or not the tenant has abandoned the tenancy; and

- “(b) must make all reasonable efforts to contact the contact person (if any) identified in the tenant’s tenancy agreement.
- “(2) The landlord must not enter the room until at least 24 hours after putting the notice on the door.
- “(3) If, after inspecting the room and making contact (if possible) with the tenant’s contact person, the landlord considers, on reasonable grounds, that the tenant has abandoned the room, the landlord may terminate the tenancy by putting a notice of termination that complies with subsection (4) and section 66S(1) on the door of the tenant’s room.
- “(4) The notice of termination must specify the date and time on which the tenancy terminates, which must be a time no sooner than 48 hours after the notice is put on the door.
- “(5) It is declared that a tenant commits an unlawful act if, without reasonable excuse, he or she abandons the premises when the rent is in arrear.

“66Y Possession orders

- “(1) A landlord may apply to the Tribunal for a possession order if—
 - “(a) the landlord has given the tenant notice under section 66U and the tenant has not quit the premises within the period specified in the notice; or
 - “(b) the tenant has given the landlord notice under section 66V and the tenant has not quit the premises within the period specified by the tenant.
- “(2) If the Tribunal is satisfied that the notice of termination was properly given and has not been withdrawn, it must make an order granting possession of the premises to the landlord.”

50 Constitution of Tribunal

- (1) Section 67 is amended by omitting “of Housing” in each place where it appears.
- (2) Section 67(4) (which imposes an age restriction on appointees) is repealed.
- (3) Section 67(6)(a) is repealed (consequentially on the repeal of Schedule 1).

51 Term of office of Tenancy Adjudicator

- (1) Section 68(2) (which requires Tenancy Adjudicators to retire at a certain age) is repealed.
- (2) Section 68(5)(c) is amended by omitting “of Housing”.

52 Conduct of Tribunal and stationing of Tenancy Adjudicators

Section 71 is amended by repealing subsection (2) and substituting the following subsection:

- “(2) Sittings of the Tribunal must be held, as and when necessary for the dispatch of its business, at the places that the chief executive directs.”

53 New section 72 substituted

Section 72 is repealed and the following section substituted:

“72 Registrars

- “(1) For each office of the Tribunal, there is a Registrar, who is the Registrar of the nearest District Court or any other officer of the Ministry of Justice that the chief executive of the Ministry of Justice designates for the purpose.
- “(2) It is the responsibility of each Registrar—
- “(a) to arrange, in accordance with the instructions of the chief executive of the Ministry of Justice, for the provision of any secretarial and administrative services that may be necessary for the efficient and expeditious exercise of the Tribunal’s jurisdiction at the place for which the Registrar is appointed; and
 - “(b) to ensure that adequate arrangements are made, in consultation with the chief executive, for the filing and processing of all applications and other documents required or authorised to be filed under this Act in the office of the Tribunal at that place; and
 - “(c) to arrange fixtures for cases to be dealt with by the Tribunal at that place; and
 - “(d) to carry out, in respect of the exercise of the Tribunal’s jurisdiction at that place, the duties customarily carried out by a registrar of a judicial body.”

54 Seal of Tribunal

Section 73(2) is amended by omitting “Department for Courts” and substituting “Ministry of Justice”.

55 Section 75 repealed

Section 75 is repealed.

56 Tenancy Mediators

- (1) Section 76(2) is amended by omitting “Ministry” and substituting “department”.
- (2) Section 76 is amended by repealing subsection (3) and substituting the following subsection:

“(3) Without limiting subsection (1), the Minister must appoint as Tenancy Mediators sufficient persons who are not officers or employees of any of the State services to act in cases to which the Crown or any instrument of the Crown or the department is a party, and in any other cases that may from time to time be required.”
- (3) Section 76(8) is amended by omitting “from the Tenancy Officer”.
- (4) Section 76(11) is amended by omitting “of Housing” in each place where it appears.

57 Jurisdiction of Tribunal

- (1) Section 77 is amended by repealing subsection (1) and substituting the following subsection:

“(1) The Tribunal has, subject to the Limitation Act 1950, jurisdiction to determine in accordance with this Act any dispute that—

 - “(a) exists between a landlord and a tenant or between a landlord and the guarantor of a tenant; and
 - “(b) relates to any tenancy to which this Act applies or to which this Act did apply at any material time.”
- (2) Section 77(2) is amended by inserting the following paragraph after paragraph (a):

“(ab) to determine whether any premises are or are not, or were or were not at any material time, a boarding house as defined in section 66B:”.

- (3) Section 77(2) is amended by inserting the following paragraph after paragraph (k):
 - “(ka) to determine whether, and the extent to which, the guarantor of a tenant is liable to the landlord under the guarantee, and to order the guarantor to pay to the landlord any sum found to be payable under the guarantee.”.
- (4) Section 77(2) is amended by inserting the following paragraphs after paragraph (m):
 - “(ma) to make an order declaring a house rule of a boarding house unlawful, or requiring a landlord to apply a house rule in a particular manner, or to vary a house rule, or to set a house rule aside:
 - “(mb) to order the landlord to refrain from exercising the power under section 66R(2) to enter the boarding room of a tenant under a boarding house tenancy:
 - “(mc) to make orders under section 62B concerning goods left on the premises on the termination of a tenancy.”.
- (5) Section 77(2)(p) is amended by omitting “whole of the tenant’s interest” and substituting “rights of the tenant”.
- (6) Section 77 is amended by inserting the following subsection after subsection (4):
 - “(4A) The Tribunal does not have jurisdiction to determine a dispute so far as it raises a question as to the landlord’s conduct in the landlord’s capacity as a provider of health or disability services and the conduct is of a kind about which a complaint may be made under the Health and Disability Commissioner Act 1994.”
- (7) Section 77 is amended by repealing subsection (5) and substituting the following subsection:
 - “(5) Despite subsection (1), the Tribunal does not have jurisdiction to require any party to pay any sum, or to do any work to a value, or otherwise to incur any expenditure, in excess of \$50,000.”
- (8) Section 77(6) is amended by omitting “to a tenancy agreement to which this Act applies from abandoning so much of a claim as exceeds \$12,000” and substituting “from abandoning so much of a claim as exceeds \$50,000”.

- (9) Section 77 is amended by repealing subsection (7) and substituting the following subsection:
- “(7) Subsection (5) does not affect a claim relating to a tenancy that is for a balance of not more than \$50,000 that results from a set-off or any counterclaim in respect of the same tenancy, if the set-off or counterclaim is admitted by the claimant in the notice of claim.”

58 Orders of Tribunal

Section 78 is amended by inserting the following subsections after subsection (1):

- “(1A) A person with an interest in premises that are not subject to a tenancy agreement may apply, without notice, to the Tribunal for an order under subsection (1)(a) declaring the status of the premises for the purposes of this Act.
- “(1B) An order made on an application under subsection (1A) is binding on all parties to any subsequent proceedings before the Tribunal, but the Tribunal may, on application made in any such proceedings, rescind the order if satisfied that the order is wrong or, because of a change in circumstances, no longer applicable.”

59 New section 83A inserted

The following section is inserted after section 83:

“83A Referral of complaints to Health and Disability Commissioner

If a dispute or part of a dispute raises a question as to the landlord’s conduct in the landlord’s capacity as a provider of health or disability services and the conduct is of a kind about which a complaint may be made under the Health and Disability Commissioner Act 1994, the Tribunal may—

- “(a) consult with the Health and Disability Commissioner about the appropriateness of referring the dispute to the Health and Disability Commissioner; and
- “(b) following that consultation, refer the dispute in whole or in part to the Health and Disability Commissioner for his or her consideration.”

60 New sections 86 and 87 substituted

Sections 86 and 87 are repealed and the following sections substituted:

“86 Filing of applications

- “(1) Proceedings before the Tribunal are commenced by filing an application in the approved form, with any prescribed fee, at the appropriate office of the Tribunal.
- “(2) Before the chief executive approves a proposed form for the purposes of subsection (1), the chief executive must consult with the Principal Tenancy Adjudicator about the proposed form.
- “(3) The chief executive must determine the appropriate office of the Tribunal for the purposes of subsection (1) by specifying geographical areas for which each office is responsible.
- “(4) The chief executive may from time to time vary or replace a determination described in subsection (3).
- “(5) The chief executive must publish every determination under subsection (3) and every variation or replacement under subsection (4) in the *Gazette* and on the Internet.

“87 Duties of chief executive on receipt of application

- “(1) When an application is filed in accordance with section 86, the chief executive may refer it to a Tenancy Mediator unless, in terms of any regulations made under this Act or of any directions given by the Principal Tenancy Adjudicator, the application is of a class that is to be referred directly to the Tribunal, in which case the chief executive must refer the application to the Registrar.
- “(2) Despite subsection (1), if either party informs the chief executive that that party refuses to have the matter considered by a Tenancy Mediator, the chief executive must refer the application to the Registrar.”

61 Functions of Tenancy Mediators

- (1) Section 88(3) and (4) are amended by omitting “Tenancy Officer” in each place where it appears and substituting in each case “chief executive”.

- (2) Section 88(5) is amended by omitting “any party may file in the appropriate office of the Tribunal a copy of the order with a request that it be sealed” and substituting “a copy of the order may be filed in the appropriate office of the Tribunal”.
- (3) Section 88(6) is amended by repealing paragraph (a) and substituting the following paragraph:
- “(a) decline to seal the order, and direct the chief executive to refer the matter to a Tenancy Mediator for further consideration in accordance with any directions given by the Tenancy Adjudicator; or”.

62 Tenancy Mediator to observe confidentiality

Section 90(1) is amended by omitting “\$500” and substituting “\$1,000”.

63 New sections 91A and 91B inserted

The following sections are inserted after section 91:

“91A Service on tenants following application

- “(1) If a landlord files an application within 2 months after the termination of the tenancy to which it relates, any notice or other document required to be served on the tenant in connection with the application is deemed to have been properly served on the tenant if—
- “(a) it is sent by post addressed to the tenant at the address or the Post Office box given by the tenant as an address for service in accordance with this Act or to a contact address that the tenant has supplied to the landlord in writing within the 2 months before the application; or
- “(b) it is delivered to the premises to which any address for service relates or to that contact address and either placed in the mailbox or attached to the door in a prominent position; or
- “(c) it is given to or served on the tenant personally; or
- “(d) it is given to or served on the tenant in accordance with section 136(2); or
- “(e) it is transmitted to the email address or facsimile number given by the tenant as an address for service.

- “(2) If the landlord files an application more than 2 months after the termination of the tenancy to which it relates, any notice or other document required to be served on the tenant relating to the application must be given to or served on the tenant—
- “(a) personally; or
 - “(b) by posting it to a contact address that the tenant has supplied to the landlord in writing within the 2 months before the application; or
 - “(c) by delivering it to the place where the tenant now lives and giving it to any person appearing to be aged 16 years or older who appears to be residing at that place and who confirms that the tenant resides there; or
 - “(d) by giving it to any solicitor or other agent of the tenant duly authorised by the tenant to receive service on his or her behalf.
- “(3) This section overrides section 136(1) and (2).

“91B Hearing may proceed even if party not served

If a notice or other document that is required to be served on a party is not served in accordance with this Act, the Tribunal may nonetheless hear and determine, or dismiss or adjourn, the matter if it is satisfied that—

- “(a) all reasonable efforts have been made to serve the party as required by this Act; and
- “(b) the failure to serve the party as required is not due to any fault or unreasonable delay by the applicant.”

64 Non-attendance at hearing after due notice

Section 92 is amended by adding the following subsection as subsection (2):

- “(2) Where subsection (1) applies and neither the applicant nor the other party attends the hearing, the Tribunal may determine the matter only if it is satisfied that it has before it all the written information that it needs to make a proper determination.”

65 Right of audience

Section 93(2)(b) is amended by omitting “\$3,000” and substituting “\$6,000”.

66 Proceedings usually to be in public

Section 95(2) and (3) are amended by inserting “or on its own initiative” after “party to the proceedings” in each place where it appears.

67 Tribunal may require inquiry and report by Tenancy Mediator

- (1) The heading to section 99 is amended by adding “or suitable person”.
- (2) Section 99(2) is amended by omitting “Tenancy Officer” and substituting “chief executive”.
- (3) Section 99 is amended by adding the following subsection:
 - “(3) The Tribunal may, instead of appointing a Tenancy Mediator under subsection (1), appoint a person who, in the opinion of the Tribunal, is suitably qualified or experienced, and on such an appointment—
 - “(a) the person appointed is deemed to be a Tenancy Mediator for the purpose of the appointment; and
 - “(b) has, for that purpose, all the functions, duties, and powers of a Tenancy Mediator.”

68 Costs

- (1) Section 102(1) is amended by omitting “subsection (2) applies” and substituting “any of subsections (2), (4), or (5) apply”.
- (2) Section 102 is amended by adding the following subsections:
 - “(4) If the applicant—
 - “(a) has been wholly successful in his or her claim, the Tribunal must order that the respondent pay the applicant the filing fee paid for the application:
 - “(b) has been partly successful in his or her claim, the Tribunal may order that the respondent pay the applicant the filing fee paid for the application.
 - “(5) The Tribunal may make an order to give effect, in whole or in part, to a provision in a tenancy agreement requiring one party (the **debtor**) to reimburse the other party (the **creditor**) for any reasonable expenses or commissions paid or incurred by the creditor in recovering, or attempting to recover, any overdue

payment that the debtor owes to the creditor under an order of the Tribunal.”

69 Enforcement of orders other than possession orders and work orders

Section 107(3) is amended by omitting “in the prescribed form”.

70 Enforcement of work orders

Section 108 is amended by inserting the following subsection after subsection (2):

“(2A) A person who intentionally breaches a work order commits an unlawful act.”

71 Unlawful acts

Section 109 is amended by repealing subsection (4) and substituting the following subsections:

“(4) The maximum amount that a person may be ordered to pay under this section for any unlawful act referred to in any section shown in the first column of Schedule 1A is the amount shown opposite that section in the second column of that schedule.

“(4A) The Tribunal may make an order against a person on the ground that the person committed an unlawful act even though the conduct that formed part of that act also formed part of an offence or an alleged offence against section 109A(4) in respect of which the person has been charged, convicted, or acquitted.”

72 New section 109A inserted

The following section is inserted after section 109:

“109A Tribunal may restrain further commissions of unlawful acts

“(1) If the Tribunal makes an order against a person under section 109 on the ground that the person has committed an unlawful act, the Tribunal may, if satisfied that it is in the public interest to do so, make an order restraining the person from committing a further act of the same kind.

- “(2) The Tribunal may make an order under subsection (1) on its own initiative or on the application of the applicant who applied for the order, under section 109, against the person sought to be restrained.
- “(3) The Tribunal must specify the term of the order, which may not exceed 6 years.
- “(4) Every person commits an offence who, being subject to an order under this section, intentionally contravenes the order.
- “(5) A person who commits an offence against subsection (4) is liable on summary conviction to a fine not exceeding \$2,000.”

73 Failing to answer witness summons

Section 110(1) is amended by omitting “\$1,000” and substituting “\$2,000”.

74 Contempt

Section 112 is amended by omitting “\$1,000” and substituting “\$2,000”.

75 New heading and sections 112A to 112F inserted

The following heading and sections are inserted after section 112:

“Contact information for enforcement purposes

“112A Interpretation

In this section and in sections 112B to 112F,—

“**contact information** means information that is—

- “(a) held or supplied by a specified agency; and
- “(b) about a judgment debtor named in a Tribunal order; and
- “(c) of a type that the Secretary for Justice has, by notice in the *Gazette*, identified as being information that is likely to assist in locating judgment debtors for the purpose of enforcing Tribunal orders

“**judgment debtor** means a person who is required under a Tribunal order to pay money to the **judgment creditor** named in the order

“**specified agency** means any of the following:

- “(a) the Department:

“(b) the Ministry of Social Development:

“(c) the Ministry of Justice

“**specified database** means a database operated by a specified agency and prescribed by regulation as a specified database for the purposes of section 112C(2).”

“112B Application for contact information

“(1) The judgment creditor named in a Tribunal order may apply to the chief executive for contact information about a judgment debtor named in the order to be made available to the court in which enforcement proceedings against the judgment debtor have been, or may be, commenced.

“(2) The application must—

“(a) be on a form approved for the purpose by the chief executive; and

“(b) be accompanied by any prescribed fee; and

“(c) have a copy of the relevant Tribunal order attached.

“(3) The applicant must supply the following information in the application:

“(a) the full name of the judgment debtor:

“(b) the number of the Tribunal order:

“(c) the judgment debtor’s last known address, to the best of the applicant’s knowledge:

“(d) the date on which the applicant believes the judgment debtor last lived at the last known address:

“(e) any other information known to the applicant that is likely to assist in a search by a specified agency for contact information about the judgment debtor, such as date of birth and any other names by which the judgment debtor is known:

“(f) the steps taken by the applicant to find any contact information about the judgment debtor.

“(4) If a judgment creditor is entitled under an enactment to recover any costs relating to the enforcement of an order, then the prescribed fee paid by an applicant under this section is to be treated as a cost that is recoverable, unless the judgment debtor proves that the information was publicly available at the time the applicant applied for the information.

“112C Application referred to specified agency

- “(1) The chief executive must refer an application under section 112B to a specified agency if—
- “(a) the application is properly completed, any prescribed fee is paid, and a copy of the relevant order is attached; and
 - “(b) the chief executive is satisfied that the applicant has, before making the application, made reasonable efforts to find contact information about the judgment debtor; and
 - “(c) the chief executive believes on reasonable grounds that a search by a specified agency may find contact information about the judgment debtor that may assist in the enforcement of the Tribunal order.
- “(2) A specified agency that receives an application forwarded by the chief executive must search its specified databases in order to find contact information that relates to the judgment debtor identified in the application.
- “(3) After searching its specified databases, the specified agency must,—
- “(a) if it finds contact information about the judgment debtor, forward it to the chief executive; or
 - “(b) if it does not find contact information about the judgment debtor, or if it believes that the judgment debtor is dead, advise the chief executive of that fact.

“112D Response to applicant

- “(1) If the chief executive receives contact information from a specified agency in response to an application, the chief executive must—
- “(a) forward the contact information to the Secretary for Justice; and
 - “(b) advise the applicant that information has been forwarded to the Secretary for Justice.
- “(2) If the chief executive receives advice that the specified agency has not found contact information about the judgment debtor, the chief executive must—
- “(a) advise the applicant accordingly; or

- “(b) if the chief executive believes on reasonable grounds that another specified agency may hold contact information about the judgment debtor, forward the application to that specified agency, in which case section 112C(2) and (3) and this section apply again.
- “(3) If the chief executive receives advice that the specified agency believes the judgment debtor is dead, the chief executive must advise the applicant accordingly.
- “(4) If the chief executive does not advise the applicant under any of subsections (1) to (3) within 30 days of receipt of the application, the chief executive must write to the applicant explaining the reason for the delay.

“112E Specified information sent to District Court

When the Secretary for Justice receives contact information from the chief executive, he or she must—

- “(a) determine in which District Court enforcement proceedings should be commenced; and
- “(b) send the contact information to the Registrar of that District Court; and
- “(c) advise the applicant—
 - “(i) that the information has been sent to the Registrar of that District Court; and
 - “(ii) that enforcement proceedings may be commenced in that District Court or, if they have already been commenced in that or any other District Court, that enforcement proceedings may now continue in, or be transferred to, that District Court.

“112F Non-disclosure of contact information

- “(1) If contact information has been sent to the Registrar of a District Court in connection with enforcement proceedings relating to a Tribunal order, neither the Registrar nor the Court staff may disclose the contact information unless the disclosure is necessary for the purpose of enforcing the order or for determining any proceedings associated with enforcement of the order.

- “(2) No person may search, inspect, or copy any court file that contains contact information, unless a Judge directs otherwise.
- “(3) A Judge may make a direction under subsection (2) only if satisfied that the contact information contained on the file is—
- “(a) already known to the person seeking to search, inspect, or copy the record; or
 - “(b) no longer current.”

76 New section 113 substituted

Section 113 is repealed and the following section substituted:

“113 Chief executive to provide assistance

The chief executive must ensure that assistance is reasonably available from his or her staff to any person who seeks it in completing any forms required by this Act or any rules made under section 116, or in doing anything in relation to the filing of an application or an appeal against an order of the Tribunal, or the enforcement of an order of the Tribunal.”

77 Powers of entry of Tenancy Mediators

- (1) Section 114 is amended by repealing subsection (6) and substituting the following subsection:
- “(6) A Tenancy Mediator who enters any premises under this section must,—
- “(a) on initial entry, produce evidence of his or her identity; and
 - “(b) while subsequently on the premises, produce that evidence to any person who reasonably requests to see it.”
- (2) Section 114(7) is amended by omitting “\$1,000” and substituting “\$2,000”.

78 Rules of procedure

Section 116(2)(d) and (g) are amended by omitting “Tenancy Officers” in each place where it appears and substituting in each case “chief executive”.

79 Appeal to District Court

- (1) Section 117 is amended by inserting the following subsection after subsection (1):

“(1A) A decision referred to in subsection (1) includes the decision to grant, or refuse to grant, an application under section 105 for a rehearing.”

(2) Section 117(5) is amended by omitting “, in the prescribed form,”.

80 General functions and powers of chief executive

Section 123(1) is amended by inserting the following paragraph after paragraph (d):

“(da) to supervise the operations of the office of the Tribunal and to work in close co-operation with the Registrar to ensure that disputes arising within the jurisdiction of the Tribunal are dealt with efficiently and expeditiously:”.

81 Annual report

Section 126(1) is amended by omitting “Ministry of Housing” and substituting “department”.

82 Residential Tenancies Trust Account

(1) Section 127(4) is amended by omitting “section 22” and substituting “sections 22 to 22D”.

(2) Section 127 is amended by inserting the following subsections after subsection (7):

“(7A) All money paid into the Residential Tenancies Trust Account as bond money belongs to the Crown and must be paid into a Crown Bank Account if the money—

“(a) is not claimed within 6 years of the end of the tenancy to which the bond relates; or

“(b) is to be refunded under an approval given by the chief executive, but has not been collected within 6 years of the date of that approval.

“(7B) Despite subsection (7A), during the first year after the commencement of this section, payment of money into a Crown Bank Account may be delayed to enable the chief executive to exercise the powers under section 22D.”

83 Tribunal or chief executive may require terms of tenancy agreement

Section 133(2) is amended by omitting “\$200” and substituting “\$400”.

84 Service of documents

(1) Section 136(1) is amended by repealing paragraphs (b) to (d) and substituting the following paragraphs:

“(b) it may be sent by post addressed to the landlord or the tenant at the address or the Post Office box given by the landlord or the tenant as an address for service in accordance with this Act:

“(c) it may be delivered to the premises to which any address for service relates, and either placed in the mailbox or attached to the door in a prominent position:

“(d) it may be transmitted to the email address or facsimile number given by the landlord or the tenant as an address for service.”

(2) Section 136(2) is amended by repealing paragraph (c) and substituting the following paragraph:

“(c) at the premises to which any address for service given by the tenant relates, by giving it to any person appearing to have attained the age of 16 years and to be residing at those premises; or”.

(3) Section 136 is amended by inserting the following subsection after subsection (2):

“(2A) Section 91A overrides subsections (1) and (2) in relation to service on tenants in the circumstances set out in that section.”

85 New section 136A inserted

The following section is inserted after section 136:

“136A Calculation of periods

Where this Act requires notice to be given of any thing and prescribes a following period within which, or on the expiry of which, a thing is required or permitted to be done, or a change in the parties’ rights, obligations, interests, or status is to take effect, the period—

- “(a) commences on the first day after the notice is given or deemed to be given under section 136; and
- “(b) ends with the close of the last day of the period.”

86 Regulations relating to other matters

Section 140(1) is amended by inserting the following paragraph after paragraph (e):

- “(ea) prescribing specified databases for the purposes of section 112C(2).”.

87 Section 141 repealed

Section 141 is repealed.

88 New Schedules 1 and 1A substituted

Schedule 1 is repealed and the Schedules 1 and 1A set out in the Schedule of this Act are substituted.

Part 2

Transitional provisions

89 Existing tenancies

(1) In this Part,—

boarding house tenancy has the same meaning as in section 66B of the principal Act

existing tenancy, in relation to a provision of the principal Act amended, substituted, or inserted by this Act, means a tenancy (including a boarding house tenancy) that—

- (a) was granted before the commencement of the provision of this Act that made the amendment, substitution, or insertion; and
- (b) subsisted immediately before that commencement.

(2) A provision of the principal Act as amended, substituted, or inserted by this Act, so far as it is applicable to any tenancy, applies to the tenancy even if the tenancy is an existing tenancy.

90 Existing tenancies not affected by certain amendments

- (1) A provision of the principal Act that is listed in subsection (2), so far as it is applicable to an existing tenancy, applies to the tenancy in the way the provision read immediately before the amendment or substitution of the provision by this Act came into force.
- (2) The provisions are as follows:
 - (a) the definition of **service tenancy** in section 2(1) of the principal Act:
 - (b) section 7 of the principal Act (which relates to short fixed-term tenancies):
 - (c) section 25 of the principal Act (which relates to market rent):
 - (d) section 39 of the principal Act (which relates to out-goings):
 - (e) section 48 of the principal Act (which relates to the landlord's right of entry):
 - (f) section 51 of the principal Act (which relates to termination by notice):
 - (g) section 53 of the principal Act (which relates to the termination of service tenancies):
 - (h) section 58 of the principal Act (which relates to a mortgagee or other person becoming entitled to possession):
 - (i) section 66 of the principal Act (which relates to the reduction of fixed-term tenancies).
- (3) The following sections of the principal Act as inserted by this Act do not apply to existing tenancies:
 - (a) section 16B (which deems body corporate rules to be part of tenancy agreements):
 - (b) section 18A (which prohibits the requiring of certain securities):
 - (c) section 53A (which relates to the termination of certain student tenancies).
- (4) This section overrides section 89.

91 Application of certain provisions to existing tenancies deferred

- (1) During the period of 6 months after the commencement of section 13 of this Act, section 16A of the principal Act (which

requires a landlord to have an agent if out of New Zealand for longer than 21 consecutive days) does not apply to existing tenancies, but applies to those tenancies after the expiry of that period.

- (2) During the period of 12 months after the commencement of section 42 of this Act, sections 60A to 60C of the principal Act (which relate to the circumstances in which fixed-term tenancies become periodic tenancies) do not apply to existing tenancies, but apply to those tenancies after the expiry of that period.
- (3) This section overrides section 89.

92 Goods abandoned in case of tenancies terminated before relevant commencement

- (1) This section applies to goods left on the premises by a tenant under a tenancy that is terminated before the commencement of section 44 of this Act.
- (2) The principal Act applies to the goods as if sections 24 and 44 of this Act had not been enacted.

93 Boarding house tenancies

- (1) This section applies to boarding house tenancies.
- (2) If, on the commencement of Part 2A of the principal Act, a landlord, or any person on behalf of the landlord, holds a bond paid in respect of an existing tenancy, the following provisions apply:
 - (a) in the case of a bond of more than 1 week's rent, section 19(1) of the principal Act must be complied with within 23 working days of the commencement of Part 2A of the principal Act:
 - (b) in the case of a bond of 1 week's rent or less, section 66D(1)(b) of the principal Act must be complied with within 5 working days of the commencement of Part 2A of the principal Act.
- (3) Sections 13, 13A, and 66C of the principal Act (which relate to the form and content of boarding house tenancy agreements) do not apply to existing tenancies.

- (4) Section 66E of the principal Act (which relates to outgoings) does not apply to existing tenancies.
- (5) Section 9(2) and (3) of the principal Act (which are transitional provisions) apply to existing tenancies as if the references in those provisions to the commencement of this Act were references to the commencement of Part 2A of the principal Act.

94 References to Part 2A to be disregarded before its commencement

- (1) Until the commencement of Part 2A of the principal Act, section 50(ab) of the principal Act must be read as if it did not refer to a sole tenant under a boarding house tenancy agreement or to section 66W of the principal Act.
- (2) Until the commencement of Part 2A of the principal Act, Schedule 1A of the principal Act must be read as if it did not contain the items that relate to sections located in Part 2A of the principal Act.

95 References to Unit Titles Act 2010 before operation of that Act

- (1) Until the commencement of the Unit Titles Act 2010, the references in sections 16B(1), 25(2A), and 66(4) of the principal Act to a stratum estate under the Unit Titles Act 2010 must be read as references to a stratum estate under the Unit Titles Act 1972.
- (2) Until section 37 of the Unit Titles Act 1972 ceases, by operation of sections 218, 220, and 221 of the Unit Titles Act 2010, to be in force in respect of any premises held in a stratum estate, the references in sections 16B(2), 25(2A), and 66(4) of the principal Act to body corporate operational rules must be read as references to rules prescribed by or under section 37 of the Unit Titles Act 1972.

96 Bond refund applications

If an application for payment of a bond under section 22 of the principal Act (as in force before the commencement of this section) is received by the chief executive and appears to have been posted or lodged before that commencement, then the

application must be dealt with under the principal Act as in force before that commencement.

97 Proceedings before Tribunal

- (1) Every application filed with the Tribunal under section 86 of the principal Act before the commencement of this section must be dealt with under the principal Act as in force before that commencement.
- (2) The Tribunal may not determine or otherwise deal with any dispute that arose before the commencement of this Act unless the Tribunal could have determined or otherwise dealt with that dispute at the time it arose.
- (3) The Tribunal may not make any order in respect of a matter that arose before the commencement of this Act unless the Tribunal could have made that order at the time the matter arose.

98 Unlawful acts

Whenever a question arises whether an act or omission constitutes an unlawful act under the principal Act, the question must be determined in accordance with the principal Act as it read at the time of the act or the omission.

Schedule

s 88

New Schedules 1 and 1A substituted**Schedule 1**

s 24(1A)

**Clauses for rent increases in fixed-term
tenancy agreements**

Select one of the following:

Provision A

The landlord may review the rent from time to time and may increase the rent in accordance with section 24 of the Residential Tenancies Act 1986. No increase will take effect within 180 days after the date of the commencement of the tenancy or within 180 days after the date on which the last increase took effect.

Provision B

The rent will be reviewed from time to time and may be increased once in each year to take effect on [date] if prior notice of the increase has been given in accordance with section 24(1)(a) to (c) of the Residential Tenancies Act 1986.

Provision C

The rent will increase by \$[amount] on [date], being a date that is at least 180 days after the commencement of the tenancy, and will then increase by the same amount on [date/dates], being [a date that is] [dates that in each case are] at least 180 days after the previous rent increase.

Schedule 1A
Amounts for unlawful acts

s 109(4)

Section		Amount (\$)
12	(Unlawful discrimination)	4,000
16A(6)	(Landlord failing to appoint agent when outside New Zealand for longer than 21 consecutive days)	1,000
17	(Requiring key money)	1,000
18	(Landlord requiring bond greater than amount permitted)	1,000
18A	(Requiring unauthorised form of security)	1,000
19(2)	(Breach of duties of landlord on receipt of bond)	1,000
23	(Landlord requiring rent more than 2 weeks in advance or before rent already paid expires)	1,000
27(2)	(Landlord requiring rent in excess of market rent order)	200
29	(Failure by landlord to give receipts for rent)	200
33	(Landlord seizing or disposing of tenant's goods)	2,000
38(3)	(Interference with privacy of tenant)	2,000
40(2)(ab)	(Interference, etc, with means of escape from fire)	3,000
40(3A)(a)	(Failing to observe, without reasonable excuse, the tenant's duties upon termination)	1,000
40(3A)(c)	(Using or permitting premises to be used for unlawful purpose)	1,000
40(3A)(d)	(Harassment of tenant or neighbour)	2,000
40(3A)(e)	(Tenant failing to ensure number of residents does not exceed maximum allowed)	1,000
44(2A)	(Assigning or subletting a tenancy when prohibited to do so or without the landlord's written consent)	1,000
45(1A)	(Landlord's failure to meet obligations in respect of cleanliness, maintenance, or building, or health and safety requirements)	3,000
45(2A)	(Landlord interfering with supply of services to premises)	1,000
46(3)	(Altering locks without consent of other party)	1,000
48(4)(a)	(Unlawful entry by landlord)	1,000
61(5)	(Abandonment of premises without reasonable excuse)	1,000
66G(4)	(Harassment of tenant in boarding house)	2,000

Schedule 1A—*continued*

Section		Amount (\$)
66I(4)	(Landlord of boarding house failing to meet obligations in respect of cleanliness, maintenance, or building, or health and safety requirements)	3,000
66J(4)	(Landlord of boarding house interfering with services or failing to advise that premises on the market)	1,000
66K(2)(b)	(Interference, etc, with means of escape from fire)	3,000
66K(4)(b)	(Using or permitting premises to be used for unlawful purposes)	1,000
66K(4)(c)	(Harassment of neighbour)	2,000
66P(4)	(Landlord of boarding house failing to comply with order relating to house rules)	2,000
66T(1)	(Contraventions relating to entry, or attempted entry, of tenant's room in boarding house)	1,000
66X(5)	(Abandonment of premises without reasonable excuse)	1,000
108(2A)	(Intentional breach of work order)	3,000
137(2)	(Contracting to contravene or evade the provisions of this Act)	1,000

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Residential Tenancies Amendment Act 2010. The reprint incorporates all the amendments to the Act as at 1 October 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Residential Tenancies Amendment Act 2010 Commencement Order 2010 (SR 2010/258)
