



ANALYSIS

Title.
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1953, No. 8

AN ACT to amend the Tenancy Act 1948.

Title.

[30 April 1953

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Tenancy Amendment Act 1953, and shall be read together with and deemed part of the Tenancy Act 1948 (hereinafter referred to as the principal Act).

Short Title.

1948, No. 76

2. (1) Section nine of the principal Act (as amended by paragraph (c) of section sixteen of the Tenancy Amendment Act 1950) is hereby further amended by inserting, after subsection two, the following subsections:

Special circumstances to be taken into account in fixing fair rents.

1950, No. 28

“(3) On the hearing of any application to fix the fair rent of any dwellinghouse under this section, the following shall be deemed to be special circumstances of the case within the meaning of subsection two of this section, namely:

“(a) In the case of a dwellinghouse built on or before the first day of September, nineteen hundred and forty-two (not being a dwellinghouse to which paragraph (c) of this subsection applies), any increase in the value of the dwellinghouse:

“ Provided that no account shall be taken of so much of any such increase as brings the value to an amount that exceeds by more than fifteen per cent the capital value as at the first day of September, nineteen hundred and forty-two:

“(b) In the case of a dwellinghouse built after the first day of September, nineteen hundred and forty-two (not being a dwellinghouse to which paragraph (c) of this subsection applies), the capital cost of the dwellinghouse when built and the cost of any improvements made to the dwellinghouse after it was built:

“(c) In the case of a dwellinghouse purchased after the twenty-second day of February, nineteen hundred and fifty, and let to a new tenant on or after the tenth day of December, nineteen hundred and fifty-one, and after that purchase, the capital cost of the dwellinghouse to the landlord:

“(d) Any increase in rates or insurance premiums or other outgoings payable by the landlord in respect of the dwellinghouse:

“(e) Any increase in expenditure which relates to the tenancy and is met by the landlord for the benefit of the tenant.

“(3A) On the hearing of any application to fix the fair rent of any property under this section, the following shall be deemed to be special circumstances of the case within the meaning of subsection two of this section, namely:

“(a) Any increase in the value of the property:

“ Provided that no account shall be taken of so much of any such increase as brings the value to an amount in excess of the capital value as defined in the Valuation of Land Act 1951:

“(b) Any increase in rates or insurance premiums or other outgoings payable by the landlord in respect of the property:

“(c) Any increase in expenditure which relates to the tenancy and is met by the landlord for the benefit of the tenant.”

(2) This section shall apply to every application heard after the passing of this Act, notwithstanding that the proceedings may have been commenced before the passing of this Act.

(3) Every fair rent fixed by any Court before the passing of this Act shall be deemed to have been validly fixed.

3. The Tenancy Regulations 1952 are hereby revoked.

Revocation of
regulations.
Serial number
1952/248