

No. 67 of 1976

AN ORDINANCE

To amend the *Landlord and Tenant Ordinance 1949*.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this ninth day of December, 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

LANDLORD AND TENANT (AMENDMENT) ORDINANCE 1976

1. This Ordinance may be cited as the *Landlord and Tenant (Amendment) Ordinance 1976*.^{*} Short title.

2. In this Ordinance, "Principal Ordinance" means the *Landlord and Tenant Ordinance 1949*.[†] Principal Ordinance.

3. (1) Subject to sub-sections (2) and (3), this Ordinance shall come into operation on the date on which it is notified in the *Gazette*. Commence-
ment.

(2) Sections 9 and 26 shall come into operation on a date 90 days after the date on which this Ordinance is notified in the *Gazette*.

(3) Section 48 shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.

4. Sections 2, 3 and 4 of the Principal Ordinance are repealed. Repeal of
sections 2, 3
and 4.

5. Section 7 of the Principal Ordinance is repealed. Repeal of
section 7.

^{*} Notified in the *Australian Government Gazette* on 16 December 1976.

[†] Ordinance No. 6, 1949 as amended by No. 10, 1952; No. 3, 1957; No. 19, 1966; No. 36, 1972; and Nos. 18, 33 and 51, 1973.

Inter-
pretation.

6. Section 8 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1), after the definition of “authorized officer”, the following definition:—

“‘bond’ means a sum of money paid by, or on behalf of, a person, being a person who has entered into, or intends to enter into, a lease of prescribed premises as lessee, in pursuance of an agreement that the sum of money will be repaid on or after the termination of the tenancy without any deduction, other than a deduction of an amount equal to the sum of the amounts (if any)—

- (a) owed by the person by way of unpaid rent in respect of the premises or of the premises and goods leased with the premises; and
 - (b) necessarily expended in repairing or restoring the premises, or in replacing, repairing or restoring goods leased with the premises, as a result of loss, damage or deterioration, other than fair wear and tear, occurring during the term of the tenancy and attributable to the act or default of the person or of any other person upon the premises, or using the goods, with the consent of that first-mentioned person;”;
- (b) by omitting from the definition of “determination” in sub-section (1) the words “or continued in force”;
- (c) by omitting the definition of “holiday premises” in sub-section (1);
- (d) by omitting from the definition of “lease” in sub-section (1) the word “premise” and substituting the word “premises”;
- (e) by omitting paragraphs (aa) and (b) of the definition of “prescribed premises” in sub-section (1) and substituting the following paragraph:—
- “ (b) business premises; and ”;
- and
- (f) by omitting the definitions of “the prescribed date” and “the repealed Regulations” in sub-section (1).

7. (1) After section 13 of the Principal Ordinance the following Division is inserted:—

“ Division 1A—Cessation of Application of Determinations

Cessation of
application of deter-
minations.

“ 13A. (1) A determination made before, and having effect immediately before, the commencement of section 7 of the *Landlord and Tenant (Amendment) Ordinance 1976* shall be deemed to have ceased to have effect at that commencement.

“(2) A determination other than a determination referred to in sub-section (1) shall cease to have effect on the expiration of the period of 12 months commencing on the date on and from which the determination has effect or is to be deemed to have had effect.”.

(2) Where a determination ceases to have effect by virtue of the operation of sub-section 13A (1) of the Principal Ordinance as amended by sub-section (1), the rent payable in respect of the premises, or the premises and goods leased with the premises, at any time during the period of 90 days commencing on the date on which this Ordinance is notified in the *Gazette*, shall, notwithstanding any provision of the Principal Ordinance as amended and in force at any time during that period or of any agreement, be the rent that would have been payable in respect of the premises, or of the premises and goods, if the determination had not ceased to have effect.

(3) In sub-section (2), a word or phrase defined for the purposes of the Principal Ordinance has the same meaning as if used in that Ordinance.

8. Section 14 of the Principal Ordinance is repealed.

Repeal of
section 14.

9. Section 15 of the Principal Ordinance is amended—

Lessor to
furnish
information
regarding
rent to
lessee.

(a) by omitting sub-sections (1) and (1A) and substituting the following sub-sections:—

“(1) The lessor of prescribed premises shall, within 28 days after a person becomes the lessee of the premises, give to the person a notice in writing stating whether a determination has effect in relation to the premises and, where a determination has effect in relation to the premises, stating—

- (a) the date on and from which the determination had effect or is to be deemed to have had effect;
- (b) the fair rent applicable to the premises on the date of the notice; and
- (c) where the fair rent of the premises has been varied with effect from a date later than the date of the notice, the fair rent as so varied and the date on which that variation is to have effect.

“(1A) Where the terms and conditions of the lease of prescribed premises are set out, in whole or in part, in a document, the lessor of those premises shall, within 28 days after a person becomes the lessee of those premises under that lease, give to the person a copy of that document.”; and

(b) by omitting from sub-section (2) the words “declaration which that lessor is required to furnish under the last preceding sub-section shall be made” and substituting the words “notice or copy of a document which the lessor is required to give to a person under sub-section (1) or (1A) shall be given to that person”.

Notice of
application.

10. Section 18 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the word “seven” and substituting the figures “14”;
- (b) by omitting from sub-section (2) the word “seven” and substituting the figures “14”;
- (c) by omitting from sub-section (2) all words after the word “made” (last occurring);
- (d) by omitting from sub-section (3) the word “seven” and substituting the figures “14”;
- (e) by omitting from sub-section (3) all words after the word “person”; and
- (f) by omitting sub-section (4) and substituting the following sub-section:—

“ (4) Where—

- (a) prescribed premises in respect of which an application has been made under section 17 are subject to a mortgage; and
- (b) the Controller has given notice to the lessor or the owner of the premises in accordance with sub-section (1),

the lessor or owner shall, within 7 days after the notice is given to him, give to the mortgagee a notice in writing—

- (c) stating that the application has been made; and
- (d) inviting the mortgagee to make submissions to the Controller within 7 days after the last-mentioned notice is given.”.

11. After section 18 of the Principal Ordinance the following section is inserted:—

“ 18A. Any person whose rights may be affected by a determination made in pursuance of an application under section 17 may be a party to the application.”.

Parties to
application
under
section 17.

Matters to be
considered.

12. Section 20 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) all words after the word “premises” (first occurring);
- (b) by omitting paragraph (f);
- (c) by omitting from paragraph (h) the word “and”;
- (d) by inserting after paragraph (h) the following paragraph:—
 - “ (i) the justice and merits of the case; and ”;
 and
- (e) by omitting from paragraph (j) all words after the word “premises” (first occurring).

13. Section 21 of the Principal Ordinance is amended—

- (a) by omitting sub-sections (2), (3) and (4) and substituting the following sub-section:—

Date of
operation
and notice
of deter-
mination.

“(2) Where a determination has effect in relation to prescribed premises and an application is made for the making of a further determination in relation to those premises, a determination made pursuant to that application shall not have effect, or be deemed to have had effect, on and from a date earlier than the date immediately succeeding the date on which the first-mentioned determination ceases to have effect in relation to those premises.”; and

- (b) by adding at the end thereof the following sub-section:—

“(7) Where—

- (a) prescribed premises are subject to a mortgage; and
(b) the Controller has made a determination of the fair rent of those premises,

the lessor of those premises or, where the prescribed premises are vacant, the owner of those premises shall, within 7 days after being given notice of the determination in accordance with sub-section (5), give to the mortgagee notice in writing of the determination, of the date on and from which the determination has effect or is to be deemed to have had effect and of the fair rent of the premises so determined.”.

14. Section 22 of the Principal Ordinance is amended by omitting the word “Where” and substituting the words “Subject to section 13A, where”.

Effect of
deter-
mination.

15. Section 23 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) all words before the word “notice” (first occurring) and substituting the words “The Controller shall, not less than 14 days before he intends to determine the fair rent of prescribed premises under this section, give to the lessor of those premises or, where the prescribed premises are vacant, the owner of those premises and to any lessee, mesne lessee or sub-lessee of the premises”;
- (b) by inserting in sub-section (2), after the word “lessor” (last occurring), the words “or owner”; and

Controller
may
determine
fair rents
of his own
motion.

- (c) by inserting, after sub-section (2), the following sub-section:—

“(2A) Where the lessor or owner of prescribed premises has been given notice by the Controller under sub-section (2) and the premises are subject to a mortgage, the lessor or owner shall, within 7 days after being given that notice, give to the mortgagee notice in writing—

- (a) stating the intention of the Controller to determine the fair rent of the premises; and
- (b) inviting the mortgagee to make submissions to the Controller within 7 days after the last-mentioned notice is given.”.

Premises
proposed to
be leased.

16. Section 24 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) the words “the last preceding sub-section” and substituting the word and figure “sub-section (1)”; and
- (b) by omitting sub-section (3) and substituting the following sub-sections:—

“(3) The Controller shall, not less than 14 days before he intends to determine the fair rent of prescribed premises and goods under this section, give to the lessor of those premises notice in writing—

- (a) stating his intention to determine the fair rent of the premises and goods; and
- (b) inviting the lessor to make submissions to him within 14 days after the notice is given.

“(4) A notice given by the Controller to the lessor of prescribed premises under sub-section (3) shall specify the name of the lessee of those premises who gave notice in relation to those premises in pursuance of sub-section (1).

“(5) Where the lessor of prescribed premises has been given notice by the Controller under sub-section (3), the lessor shall, within 7 days after being given that notice, give to any lessee (other than the lessee referred to in sub-section (4)), mesne lessee or sub-lessee of the premises, and, where the premises are subject to a mortgage, to the mortgagee, notice in writing—

- (a) stating the intention of the Controller to determine the fair rent of the premises and of goods; and
- (b) inviting the person to whom the notice is given to make submissions to the Controller within 7 days after the last-mentioned notice is given.”.

17. Section 25 of the Principal Ordinance is amended by omitting from sub-section (2) the word "fix" (wherever occurring) and substituting the word "determine".

Lease of prescribed premises together with goods.

18. Section 25A of the Principal Ordinance is repealed.

Repeal of section 25A.

19. Section 27 of the Principal Ordinance is amended—

Determination of fair rent of shared accommodation.

(a) by omitting from sub-section (4) the word "seven" and substituting the figures "14";

(b) by inserting after sub-section (8) the following sub-section:—

"(8A) The Controller shall, in a notice given under sub-section (8), state whether, in making the determination to which the notice relates, he had regard to hardship referred to in paragraph 20 (j)."; and

(c) by omitting from sub-section (9) the word "Where" and substituting the words "Subject to section 13A, where".

20. Section 28 of the Principal Ordinance is amended by omitting the words "after the fair rent of any shared accommodation has been determined (whether in pursuance of the repealed Regulations or of this Ordinance)" and substituting the words "a determination of the fair rent of shared accommodation has effect under this Ordinance and".

Variation in arrangement of shared accommodation to be notified.

21. Section 31 of the Principal Ordinance is amended by omitting from sub-section (5) the word "Where" and substituting the words "Subject to section 13A, where".

Procedure on appeal.

22. After section 31 of the Principal Ordinance the following section is inserted:—

"31A. Nothing in this Ordinance shall be read as preventing a person applying, at a time at which a determination has effect in relation to prescribed premises, to the Controller for the making of a further determination in relation to those premises."

Applications for determinations may be made during the currency of previous determinations.

23. Section 32 of the Principal Ordinance is amended—

Variation of determinations.

(a) by omitting from sub-section (1) the words "A determination may" and substituting the words "Subject to sub-section (2), a determination may";

(b) by omitting from sub-section (2) all words before the word "except" and substituting the words "The Controller shall not vary a determination relating to prescribed premises or to prescribed premises and goods leased with the premises";

(c) by adding at the end of paragraph (2) (d) the word "or";

- (d) by omitting from paragraph (2) (e) the words "alterations or additions have been made to" and substituting the words "changes have occurred in";
- (e) by omitting from paragraph (2)(e) the word "to" (second and last occurring) and substituting the word "in";
- (f) by omitting from paragraph (2)(e) the word "or" (last occurring);
- (g) by omitting paragraph (2) (f); and
- (h) by omitting from sub-section (2A) the words "(5) of section 21 of this Ordinance" and substituting the figures and word "21 (5) or 27 (8)".

Lessor to notify change in services supplied or in nature of occupancy.

24. Section 34 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) all words before the words "the lessor" and substituting the words "Where a determination has effect in relation to prescribed premises,";
- (b) by inserting before paragraph (1) (a) the following paragraph:—
 " (aa) the nature and extent of any services, supplied at the date of the determination, which he ceases to supply to any lessee and of the date on which he ceases so to supply those services,";
- (c) by inserting in paragraph (1) (a), after the word "lessee", the words "and of the date on which he commences so to supply those services"; and
- (d) by omitting from paragraph (1)(b) the words ", or the shared accommodation ceases,".

Premises not to be let at rent exceeding fair rent.

25. Section 35 of the Principal Ordinance is amended by omitting from sub-section (1) the word "not" and substituting the words "not, whether as principal or agent, or in any other capacity".

Certain payments prohibited.

26. Section 36 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (1) (a), after the word "rent", the words "or a bond";
- (b) by omitting from paragraph (1) (a) all words after the words "(including any dwelling-house)";
- (c) by inserting, after paragraph (1)(a), the following paragraphs:—
 " (aa) require, pay, give, receive or deposit, or offer, promise or agree to pay, give, receive or deposit, a bond in respect of prescribed premises, being a bond exceeding an amount equal to 4 times the

weekly rent applicable to those premises at the time at which the person who pays the bond, or any person on whose behalf that person acts, enters into occupation of those premises;

“(ab) where a bond has been paid in respect of a tenancy of prescribed premises, fail for a period exceeding 28 days after the lessee under that tenancy ceases to occupy the premises to repay the bond to the person who paid it without any deduction, other than a deduction of an amount equal to the sum of the amounts (if any)—

(i) owed by the lessee under the tenancy by way of rent; and

(ii) necessarily expended in repairing or restoring the premises, or in replacing, repairing or restoring goods leased with the premises, as a result of loss, damage or deterioration, other than fair wear and tear, occurring during the term of the tenancy and attributable to the act or default of the lessee or of any other person upon the premises, or using the goods, with the consent of the lessee;” and

(d) by adding at the end thereof the following sub-sections:—

“(4) For the purposes of this section, where the rent payable in respect of prescribed premises is calculated in respect of a period other than a week, the rent applicable to those premises in respect of a week shall be deemed to be an amount calculated in accordance with the formula—

$$(A \div B) \times 7$$

where—

A is the rent payable at that time in respect of those premises in respect of that first-mentioned period; and

B is the number of days in that first-mentioned period.

“(5) Nothing in this section applies to or in relation to the payment of commission to, or receipt of commission by, a real estate agent in the course of his business as a real estate agent.

“(6) In this section—

‘real estate agent’ means a licensed real estate agent, or a registered real estate agent, within the meaning of the *Agents Ordinance* 1968;

‘weekly rent’, in respect of prescribed premises, means whichever is the lesser of—

(a) the rent; or

(b) the fair rent (if any),

applicable to those premises in respect of a week.”.

27. Section 41 of the Principal Ordinance is repealed and the following section substituted:—

Repayment
of excess
bond
moneys.

“41. (1) Where, at any time after a bond has been paid in respect of a tenancy of prescribed premises—

- (a) an amount equal to 4 times the weekly rent applicable to those premises is less than an amount equal to 4 times the weekly rent that was applicable to those premises at the time at which the person who paid the bond, or any person on whose behalf that person acted, entered into occupation of those premises; and
- (b) the amount of the bond exceeds that first-mentioned amount,

the person who paid the bond may, by notice in writing, require the lessor of those premises to repay so much of the bond as is equal to whichever is the lesser of—

- (c) the difference between the first and second-mentioned amount; and
- (d) the difference between the first and third-mentioned amount.

“ (2) Where the lessor of prescribed premises has been given notice in accordance with sub-section (1) and has failed within 28 days after being given that notice to repay to the person who gave that notice the amount which he has been required to repay in accordance with that notice, that amount, or so much of that amount as has not been repaid in accordance with that notice, may be recovered by the second-mentioned person in a court of competent jurisdiction or, where he is the lessee of those premises, may, without prejudice to any other method of recovery, be deducted from any rent payable by him to the lessor within 6 months after the first date on which that notice could have been given.

“ (3) For the purposes of this section, the weekly rent applicable to prescribed premises at any time shall be the weekly rent applicable to those premises at that time for the purposes of section 36.”

Represent-
ation by
agent.

28. Section 55 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-sections:—

“ (2) A party to proceedings before a Board or the Controller shall not be represented by an agent who is—

- (a) a barrister and solicitor, or a clerk of a barrister and solicitor, unless —
 - (i) all parties consent; or
 - (ii) one of the parties is a barrister and solicitor, a clerk of a barrister and solicitor, or a person who, having been entitled to practise as a barrister and solicitor, is no longer so entitled; or

- (b) a person who, having been entitled to practise as a barrister and solicitor, is no longer so entitled.

“(2A) In sub-section (2), ‘barrister and solicitor’ has the same meaning as in the *Legal Practitioners Ordinance 1970*.”.

29. Section 56 of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:—

Records of payments by way of a bond or of rent.

“(1) The lessor of prescribed premises shall keep or cause to be kept a record showing payments made to him or to any other person on his behalf by way of a bond or of rent in respect of those premises or, where those premises are leased together with goods, in respect of those premises and goods.”;

- (b) by inserting in sub-section (2), after the word “record” (first occurring), the words “kept in accordance with sub-section (1)”;
 (c) by omitting from sub-section (2) the words “, relating to a period not earlier than the prescribed date,”; and
 (d) by omitting from sub-section (4) the words “A lessor or agent” and substituting the words “A person who keeps a record of payments in accordance with sub-section (1)”.

30. Section 57 of the Principal Ordinance is amended—

- (a) by omitting all words before the words “prescribed premises” (first occurring) and substituting the words “A person who receives any payment by way of a bond or of rent in respect of”; and
 (b) by adding at the end thereof the words “and stating whether the payment was made in respect of a bond or of rent”.

Receipts to be given for payments by way of a bond or of rent.

31. Section 58 of the Principal Ordinance is amended by omitting sub-sections (2) and (3).

Lessor to ascertain fair rent.

32. Section 59 of the Principal Ordinance is amended by inserting in sub-section (1), after the word “thereof,” the words “or that, in respect of that period, the fair rent of those premises was not so fixed”.

Certificate as to fair rent.

33. Sections 60 and 61 of the Principal Ordinance are repealed.

Repeal of sections 60 and 61.

34. After section 62 of the Principal Ordinance the following Part is inserted:—

“ PART IIA—RENT INCREASES WHERE NO DETERMINATION IS IN FORCE

Rent increases in relation to prescribed premises where no determination is in force.

“ 62A. (1) Where the lessor of prescribed premises desires to charge in respect of those premises a rent higher than the rent payable by the lessee in respect of those premises, the lessor may give the lessee notice in writing—

- (a) specifying the higher rent the lessor desires to charge in respect of those premises;
- (b) specifying a date, being a date not earlier than 90 days after the notice is given; and
- (c) informing the lessee that, at any time on or after that date and until the rent payable in respect of those premises is further varied, being a time at which a determination does not have effect in respect of those premises, the rent payable in respect of those premises shall be the higher rent referred to in paragraph (a).

“ (2) A lessor of prescribed premises who has given notice to the lessee of prescribed premises under sub-section (1) may, by notice in writing given to the lessee at any time before the prescribed day, withdraw that notice.

“ (3) Where—

- (a) the lessor of prescribed premises has given notice to the lessee of those premises under sub-section (1) and has not withdrawn that notice before the prescribed day; and
- (b) the tenancy in respect of which the notice was given is not terminated by virtue of sub-section (6) and has not otherwise been terminated,

the tenancy shall, by virtue of this sub-section, be terminated at the commencement of the prescribed day and shall, for all purposes, be deemed to be immediately replaced by a new tenancy between the lessor and lessee under which the rent payable in respect of the premises shall be the higher rent specified in the notice in accordance with paragraph (1) (a) but which shall, in all other respects, be subject to the same terms and conditions as the tenancy terminated by virtue of this sub-section.

“ (4) Where the lessor of prescribed premises has given notice to the lessee of those premises under sub-section (1) and has not withdrawn that notice in accordance with sub-section (2), the lessee may, by notice in writing given to the lessor not less than 14 days before the prescribed day, indicate that he wishes the tenancy to which the first-mentioned notice relates to be terminated at the commencement of the prescribed day in relation to the first-mentioned notice.

“(5) A lessee of prescribed premises who has given notice under sub-section (4) may, with the consent in writing of the lessor of those premises, withdraw that notice by notice in writing given to the lessor at any time before the prescribed day in relation to the notice given by the lessor to the lessee under sub-section (1).

“(6) Where the lessee of prescribed premises has given notice to the lessor of those premises under sub-section (4) and has not withdrawn that notice in accordance with sub-section (5), the tenancy to which that notice relates shall, by virtue of this sub-section, be terminated at the commencement of the prescribed day in relation to the notice given by the lessor to the lessee under sub-section (1).

“(7) Notwithstanding any agreement between the lessor and lessee of prescribed premises, the lessee is not, where the tenancy is terminated by virtue of sub-section (6), liable to pay to the lessor any sum by way of damages or compensation for the early termination of the tenancy.

“(8) An agreement between the lessor and lessee of prescribed premises to the effect that the rent payable in respect of those premises may be increased otherwise than by a determination or in accordance with this section shall be void and of no effect.

“(9) Where the lessee of prescribed premises has been required, in pursuance of an agreement referred to in sub-section (8), to pay, and has paid, a higher rent in respect of those premises than the rent applicable to those premises in respect of the period in respect of which the payment was made, the lessee may recover from the lessor of those premises in a court of competent jurisdiction an amount equal to the difference between the higher rent paid and the rent applicable to those premises in respect of that period or may, without prejudice to any other method of recovery, deduct that amount from any rent payable by him to the lessor within 6 months after the date of the payment of the higher rent.

“(10) In this section, ‘prescribed day’, in relation to a notice given under sub-section (1) in respect of prescribed premises, means—

- (a) the day specified in the notice in accordance with paragraph (1) (b);
- (b) where a determination has effect in respect of those premises, the first day after the day referred to in paragraph (a) on which no determination has effect in respect of those premises; or
- (c) where a tenancy of those premises has, by virtue of sub-section (3), been terminated within the immediately preceding period of 6 months, the day immediately succeeding the expiration of that period,

whichever is the later day.”.

35. Section 63 of the Principal Ordinance is amended—

- (a) by omitting sub-paragraph (7) (a) (i); and
- (b) by omitting sub-section (8).

**Restriction
on eviction.**

Notice to quit not to be given within 6 months after determination.

36. Section 65 of the Principal Ordinance is amended by omitting sub-section (2).

37. Section 66 of the Principal Ordinance is repealed and the following section substituted:—

Submissions to be considered by Controller before consent is given under sub-section 65 (1).

“ 66. Where the lessor of prescribed premises applies to the Controller for his consent in accordance with sub-section 65 (1), the Controller, before giving that consent, shall give to the lessee of those premises notice in writing—

- (a) stating that the application has been made; and
- (b) inviting the lessee to make submissions to him in relation to the application within 14 days after the notice is given, and shall consider any submission in relation to the application so made by the lessee.”.

Notice to quit to terminate lease.

38. Section 68 of the Principal Ordinance is amended by omitting the words “ of this Ordinance or of the corresponding provisions of regulation 58 of the repealed Regulations ”.

Notice to quit after failure of eviction proceedings.

39. Section 69 of the Principal Ordinance is amended by omitting from sub-section (1) the words “ (whether before or after the commencement of this section) ”.

Court to consider hardship.

40. Section 71 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the words “ (whether the proceedings were commenced before or after the commencement of this Ordinance) ”;
- (b) by omitting from paragraph (1) (c) the words “ (g), (h), (i), (j), (k), (l) and (m) of sub-section (5) of section 63 of this Ordinance or on any one or more of the grounds specified in paragraphs (g), (h), (i), (ia), (j), (k) and (l) of sub-regulation (5) of regulation 58 of the repealed Regulations ” and substituting the figures and letters “ 63 (5) (g), (h), (i), (j), (k), (l) and (m) ”;
- (c) by omitting from sub-section (2) the words “ (n) and (o) of sub-section (5) of section 63 of this Ordinance or on either of the grounds specified in paragraphs (m) and (n) of sub-regulation (5) of regulation 58 of the repealed Regulations ” and substituting the figures and letters “ 63 (5) (n) and (o) ”; and
- (d) by omitting from paragraph (2) (b) the words “ (o) of sub-section (5) of section 63 of this Ordinance or in paragraph (n) of sub-regulation (5) of regulation 58 of the repealed Regulations ” and substituting the figures and letter “ 63 (5) (o) ”.

- 41.** Section 76 of the Principal Ordinance is amended by omitting the words “ or under the repealed Regulations ”.
- Ejectment orders not enforceable unless made under this Ordinance.
- 42.** Section 78 of the Principal Ordinance is amended by omitting sub-section (3).
- Premises not to be sold or re-let in certain cases.
- 43.** Section 81 of the Principal Ordinance is amended by omitting the words “, whether before or after the commencement of this Ordinance ”.
- Acceptance of rent not to waive notice to quit.
- 44.** Section 83 of the Principal Ordinance is amended—
- Protection of sub-lessees.
- (a) by omitting from sub-paragraph (1) (b) (i) the words “(a) to (f) of sub-section (5) of section 63 of this Ordinance or upon any of the grounds specified in paragraphs (a) to (f) of sub-regulation (5) of regulation 58 of the repealed Regulations” and substituting the figures and letters “63 (5) (a), (b), (c), (d), (e) and (f)”; and
- (b) by omitting from sub-section (3) the words “(5) of section 63 of this Ordinance or in sub-regulation (5) of regulation 58 of the repealed Regulations” and substituting the figures “63 (5) ”.
- 45.** Section 84 of the Principal Ordinance is amended by omitting from paragraph (a) the words “ or of the repealed Regulations ”.
- Protection of certain persons in possession of premises.
- 46.** Section 87 of the Principal Ordinance is amended—
- Exclusion of premises let for a short term from operation of Part.
- (a) by omitting sub-section (4); and
- (b) by omitting from sub-section (5) the words “ or continued in force ”.
- 47.** Section 88 of the Principal Ordinance is amended—
- Exclusion of certain premises from operation of Part.
- (a) by omitting from sub-section (4) the words “ being any part of a dwelling-house or of a residential unit in any building ”;
- (b) by omitting from sub-section (4) all words after the word “lessee” and substituting the words “ of the premises ”;
- (c) by omitting sub-section (5);
- (d) by omitting from sub-section (6) the words “ or continued in force ”;
- (e) by omitting from paragraph (7) (b) the words “ two or three, but not more,” and substituting the words “ 2 or more ”; and
- (f) by omitting from sub-section (7) all words after paragraph (e).

48. After section 88 of the Principal Ordinance the following sections are inserted in Part III:—

Notice of application under sub-section 87 (1) to be given to lessee.

“ 88AA. Where the lessor or former lessor under a lease, or the proposed lessor under a proposed lease, of any prescribed premises makes application to the Controller under sub-section 87 (1) to exclude the premises from the operation of this Part, the Controller, before issuing a certificate under section 87 in respect of those premises, shall give to the lessee, former lessee or proposed lessee of those premises a notice in writing—

- (a) stating that the application has been made; and
- (b) inviting the lessee, former lessee or proposed lessee to make submissions to him in relation to the application within 14 days after the notice is given,

and shall consider any submissions in relation to the application so made by the lessee, former lessee or proposed lessee.

Copy of certificate issued under section 87 or 88 to be furnished to lessee.

“ 88AB. (1) Where the Controller issues a certificate under section 87 in respect of prescribed premises or under section 88 in respect of prescribed premises or a part of prescribed premises, he shall, as soon as practicable after issuing that certificate, give or cause to be given to the lessee, former lessee or proposed lessee of those premises or of that part of those premises, as the case requires, a copy of that certificate.

“ (2) Where the Controller varies a certificate issued under section 87 or 88 in respect of prescribed premises or a part of prescribed premises, he shall, as soon as practicable after so varying that certificate, give or cause to be given to the lessee, former lessee or proposed lessee of those premises or of that part of those premises, as the case requires, a copy of that certificate as so varied.

Copy of certificate in force under section 88 or notice to be furnished to new lessee.

“ 88AC. (1) Subject to sub-section (2), where—

- (a) a certificate under section 88 is in force in relation to prescribed premises or any part of prescribed premises; and
- (b) a person, other than a person who, immediately prior to the issue of the certificate, was the lessee of those premises or of that part of those premises, becomes the lessee of those premises or of that part of those premises,

the owner of those premises shall, within 28 days after the person becomes the lessee of those premises or of that part of those premises, give to the person a copy of the certificate as in force at that time or a notice in writing stating that such a certificate is in force and specifying—

- (c) the date of effect of the certificate;
- (d) the date of effect of any variation of the certificate; and
- (e) the effect of the certificate as so in force.

“ (2) Sub-section (1) does not apply so as to require the owner of prescribed premises to give a copy of, or a notice giving details of, a certificate under section 88, or of such a certificate as varied, to a person to whom the Controller is required under section 88AB to give a copy of that certificate or of that certificate as so varied.”

49. Section 88B of the Principal Ordinance is amended by omitting paragraph (3) (a).

Modification of laws relating to recovery of possession of premises, &c.

50. Section 89 of the Principal Ordinance is amended—

Threats and boycotts prohibited.

- (a) by omitting from sub-section (2) the words “or the repealed Regulations”;
- (b) by omitting from sub-section (4) the words “or the repealed Regulations” (first occurring); and
- (c) by omitting from sub-section (4) the words “or the repealed Regulations applied”.

51. Section 90 of the Principal Ordinance is amended by omitting the words “(whether entered into before or after the commencement of this Ordinance)”.

Contracting out prohibited.

52. Section 93 of the Principal Ordinance is amended—

Information to be furnished on request.

- (a) by omitting from sub-section (1) the words “or the repealed Regulations”; and
- (b) by omitting sub-section (5).

53. Section 94 of the Principal Ordinance is amended by omitting the words “or the repealed Regulations”.

Powers of entry and inspection.

54. Section 95 of the Principal Ordinance is amended—

Proof of instruments.

- (a) by omitting the words “, or the Commonwealth Rent Controller or his delegate,”;
- (b) by omitting the words “or of the repealed Regulations”; and
- (c) by omitting the words “or by the Commonwealth Rent Controller or his delegate, as the case may be”.

55. After section 95 of the Principal Ordinance the following sections are inserted:—

“95A. (1) Subject to any specific requirement of this Ordinance, any notice or other document required or permitted by this Ordinance

Service of notices, &c.

to be given to, or served upon, any person may be given to, or served upon, him by—

- (a) delivering the notice or other document to him personally; or
- (b) forwarding the notice or other document in a pre-paid letter addressed to him at his usual or last known place of residence or business or at any address notified to the Board or the Controller as the address at which notices may be given to, or served upon, him.

“(2) Any notice or other document required or permitted to be given to, or served upon, the Controller may be given to, or served upon, him by—

- (a) leaving the notice or other document at the office of the Controller with a person apparently employed in that office; or
- (b) forwarding the notice or other document in a pre-paid letter addressed to the Controller.

“(3) Where any notice or other document is required or permitted by this Ordinance to be given to, or served upon, a person in relation to prescribed premises, being a person whose address is unknown, the notice or other document shall be deemed to have been duly given to, or served upon, that person if a copy of it is published in a daily newspaper circulating in the district in which the prescribed premises are situated.

Service on
agent.

“95B. (1) Any notice or other document required or permitted by this Ordinance to be given to, or served upon, the lessor of prescribed premises shall be deemed to have been duly given to, or served upon, the lessor if it is given to, or served upon, the person to whom the rent in respect of the premises is ordinarily paid.

“(2) Any notice or other document required or permitted by this Ordinance to be given to, or served upon, the lessee of prescribed premises shall be deemed to have been duly given to, or served upon, the lessee if it is given to, or served upon, the person by whom the rent in respect of the premises is ordinarily paid.

“(3) If 2 or more persons are the lessors or lessees of prescribed premises, it shall be sufficient compliance with any provision of this Ordinance requiring or permitting any notice or other document to be given to, or served upon, the lessors or lessees of those premises if the notice is given to, or served upon, any one of the lessors or lessees of those premises, as the case requires.

Notices not
to be false or
misleading.

“95C. A person shall not knowingly, in any notice or other document which he is required to give to, or serve upon, any other person under this Ordinance, furnish any information that is false or misleading in any material particular.”

56. The Principal Ordinance is amended as set out in the following table:—

Further
amendments
of the
Landlord
and Tenant
Ordinance.

Provision	Amendment
Sub-section 6 (1)	Omit “(b) of sub-section (1) of section 12”, substitute “12 (1) (b)”. Omit “of this Ordinance” (last occurring).
Section 17	Omit “twenty-eight”, substitute “28”.
Sub-section 18 (3)	Omit “the last preceding sub-section”, substitute “sub-section (2)”.
Sub-section 21 (5)	Omit “of this Ordinance”.
Sub-section 21 (6)	Omit “the last preceding sub-section”, substitute “sub-section (5)”.
	Omit “(j) of the last preceding section”, substitute “20 (j)”.
Sub-section 27 (1)	Omit “seven”, substitute “7”.
Sub-section 27 (5)	Omit “of this section”.
Sub-section 27 (6)	Omit “of this section”.
Sub-section 27 (7)	Omit “of this Ordinance”.
Section 28	Omit “seven”, substitute “7”.
Sub-section 32 (2A)	Omit “The last preceding sub-section”, substitute “Sub-section (2)”.
	Omit “(j) of section 20 of this Ordinance”, substitute “20 (j)”.
Sub-section 32 (3)	Omit “of this Ordinance”.
Sub-section 34 (2)	Omit “seven”, substitute “7”.
Sub-section 35 (4)	Omit “the last preceding sub-section”, substitute “sub-section (3)”.
	Omit “six”, substitute “6”.
Sub-section 36 (2)	Omit “six”, substitute “6”.
Sub-section 38 (2)	Omit “the last preceding sub-section”, substitute “sub-section (1)”.
Sub-section 38 (5)	Omit “the last preceding sub-section”, substitute “sub-section (4)”.
Sub-section 56 (2)	Omit “fourteen”, substitute “14”.
Sub-section 62 (3)	Omit “of this section”.
Sub-section 63 (3)	Omit “the next succeeding section”, substitute “section 64”.
Sub-section 63 (4)	Omit from paragraph (a) “sixteen”, substitute “16”.
Sub-section 63 (5)	Omit from sub-paragraph (a) (i) “six”, substitute “6”.
	Omit from sub-paragraph (a) (i) “seven”, substitute “7”.
	Omit from sub-paragraph (a) (ii) “six”, substitute “6”.
	Omit from sub-paragraph (a) (ii) “twelve”, substitute “12”.
	Omit from sub-paragraph (a) (ii) “fourteen”, substitute “14”.
	Omit from sub-paragraph (a) (iii) “twenty-eight”, substitute “28”.
	Omit from paragraph (1) “twelve”, substitute “12”.

Provision	Amendment
Sub-section 63 (6)	Omit " the last preceding sub-section ", substitute " sub-section (5) ".
Sub-section 63 (7)	Omit " (n) or (o) of sub-section (5) of this section ", substitute " (5) (n) or (o) ".
Sub-section 64 (1)	Omit " seven " (wherever occurring), substitute " 7 ".
	Omit " six ", substitute " 6 ".
Sub-section 64 (2)	Omit " the last preceding sub-section ", substitute " sub-section (1) ".
	Omit from sub-paragraph (a) (i) " fourteen ", substitute " 14 ".
	Omit from sub-paragraph (a) (i) " (c), (d), (e) or (f) of sub-section (5) of the last preceding section ", substitute " 63 (5) (c), (d), (e) or (f) ".
	Omit from sub-paragraph (a) (ii) " thirty ", substitute " 30 ".
	Omit from sub-paragraph (a) (iii) " fourteen ", substitute " 14 ".
Sub-section 65 (1)	Omit " (f), (g), (h), (i), (j), (k) or (l) of sub-section (5) of section 63 of this Ordinance ", substitute " 63 (5) (f), (g), (h), (i), (j), (k) or (l) ".
	Omit " six " (wherever occurring), substitute " 6 ".
Sub-section 69 (1)	Omit " six ", substitute " 6 ".
Section 70	Omit " Part III ", substitute " this Part ".
Sub-section 71 (2)	Omit " the last preceding sub-section ", substitute " sub-section (1) ".
	Omit from paragraph (b) " the last preceding paragraph ", substitute " paragraph (a) ".
Sub-section 71 (3)	Omit " the last preceding sub-section ", substitute " sub-section (2) ".
Section 72	Omit " the last preceding section ", substitute " section 71 ".
	Omit from paragraph (a) " or " (last occurring).
	Omit from sub-paragraph (c) (ii) " seven ", substitute " 7 ".
Sub-section 73 (1)	Omit " the last preceding section ", substitute " section 72 ".
Sub-section 73 (2)	Omit " (c) of the last preceding section ", substitute " 72 (c) ".
Sub-section 73 (3)	Omit " of this Ordinance ".
	Omit " of this section ".
Sub-section 75 (2)	Omit " -1972 ".
	Omit " (h) of sub-section (1) of section 208 ", substitute " 208 (1) (h) ".
Sub-section 78 (1)	Omit " (g), (h), (i), (j) or (k) of sub-section (5) of section 63 of this Ordinance ", substitute " 63 (5) (g), (h), (i), (j) or (k) ".
	Omit " twelve ", substitute " 12 ".
Sub-section 78 (2)	Omit " the last preceding sub-section ", substitute " sub-section (1) ".
	Insert in paragraph (b), after " paragraph ", " 63 (5) ".
Section 81	Omit from paragraph (a) " six ", substitute " 6 ".
Sub-section 82 (2)	Omit " the last preceding sub-section ", substitute " sub-section (1) ".
Sub-section 83 (2)	Omit " (i) of paragraph (b) of the last preceding sub-section ", substitute " (1) (b) (i) ".
Sub-section 87 (1)	Omit " six ", substitute " 6 ".

Provision	Amendment
Section 88A	<p>Omit from the definition of "discharged member of the Forces" the word "four" (wherever occurring), substitute "4".</p> <p>Omit from sub-paragraph (b) (i) of the definition of "discharged member of the Forces" the figures "-1951".</p> <p>Omit from paragraph (a) of the definition of "female dependant of a discharged member" the word "four", substitute "4".</p> <p>Omit from paragraph (a) of the definition of "parent of a discharged member" the word "four", substitute "4".</p> <p>Omit from paragraph (b) of the definition of "parent of a discharged member" the figures "-1951".</p> <p>Omit from paragraph (aa) of the definition of "premises" the words "(1) of section eight of this Ordinance", substitute "8 (1)".</p> <p>Omit from the definition of "war" the words "the third day of September 1939", substitute "3 September 1939".</p> <p>Omit from the definition of "war service" the figures "-1952".</p>
Sub-section 88a (1)	<p>Omit from sub-paragraph (a) (ii) "twelve", substitute "12".</p> <p>Omit from sub-paragraph (b) (ii) "three", substitute "3".</p> <p>Omit from sub-paragraph (b) (ii) "six", substitute "6".</p> <p>Omit from sub-paragraph (b) (iii) "twelve", substitute "12".</p> <p>Omit from sub-paragraph (c) (ii) "twelve", substitute "12".</p> <p>Omit from sub-paragraph (d) (ii) "six", substitute "6".</p> <p>Omit from sub-paragraph (d) (iii) "twelve", substitute "12".</p>
Sub-section 88a (2)	Omit from paragraph (a) "fifty-six", substitute "56".
Sub-section 88a (3)	Omit "(k) or (l) of the last preceding sub-section", substitute "(2) (k) or (l)".
Sub-section 88a (4)	Omit from paragraph (a) "fifty-six", substitute "56".
Sub-section 88a (5)	Omit "(a), (b), (c), (d), (e), (j), (k) or (l) of sub-section (2) of this section", substitute "(2) (a), (b), (c), (d), (e), (j), (k) or (l)".
Sub-section 88a (6)	Omit "(a), (b), (c), (d) or (e) of sub-section (4) of this section", substitute "(4) (a), (b), (c), (d) or (e)".
Sub-section 88a (7)	Omit "the last two preceding sub-sections", substitute "sub-sections (5) and (6)".
Sub-section 88a (8)	Omit "of this section".
Sub-section 88c (1)	Omit "fourteen", substitute "14".
Sub-section 88c (2)	Omit "the last preceding sub-section", substitute "sub-section (1)".
Sub-section 88c (3)	<p>Omit "of this section" (wherever occurring).</p> <p>Omit "three", substitute "3".</p>
Sub-section 88c (4)	Omit "the last preceding sub-section", substitute "sub-section (3)".
Sub-section 88c (6)	Omit "the last preceding sub-section", substitute "sub-section (5)".
Sub-section 89 (3)	Omit "the last preceding sub-section", substitute "sub-section (2)".
Sub-section 92 (2)	Omit "of this Ordinance" (first occurring).
Sub-section 93 (4)	<p>Omit from paragraph (a) "fourteen", substitute "14".</p> <p>Omit from paragraph (b) "fourteen", substitute "14".</p>
Section 96	<p>Omit "Five hundred dollars", substitute "\$500".</p> <p>Omit "six", substitute "6".</p>