



Australian Capital Territory

Residential Tenancies Regulation 1998

SL1998-17

made under the

Residential Tenancies Act 1997

Republication No 7

Effective: 27 March 2012 – 10 October 2017

Republication date: 27 March 2012

Last amendment made by [**SL2012-11**](#)

About this republication

The republished law

This is a republication of the *Residential Tenancies Regulation 1998*, made under the *Residential Tenancies Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 March 2012. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 27 March 2012.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Residential Tenancies Regulation 1998

made under the

Residential Tenancies Act 1997

Contents

	Page
1 Name of regulation	2
1A Prescribed agreement not residential tenancy agreement—Act, s 6D (1) (d)	2
2 Prescribed period for depositing bond—Act, s 23 (6)	3
4A Appropriate action under warrant—Act, s 40	3
5 Service of termination notice	3

Endnotes

1 About the endnotes	5
2 Abbreviation key	5
3 Legislation history	6
4 Amendment history	8

Contents

	Page
5 Earlier republications	9

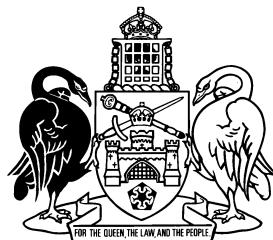
contents 2

Residential Tenancies Regulation 1998

R7

Effective: 27/03/12-10/10/17

27/03/12



Australian Capital Territory

Residential Tenancies Regulation 1998

made under the

Residential Tenancies Act 1997

R7
27/03/12

Residential Tenancies Regulation 1998
Effective: 27/03/12-10/10/17

page 1

1 Name of regulation

This regulation is the *Residential Tenancies Regulation 1998*.

1A Prescribed agreement not residential tenancy agreement—Act, s 6D (1) (d)

- (1) An agreement relating to the occupation of premises is a prescribed agreement if—
- the agreement is between the Territory (the *lessor*) and a person (the *lessee*); and
 - the agreement includes a term that makes the lessor liable to pay the lessee, on the date of effect, an exit payment calculated in accordance with the following formula:

$$\text{sublease consideration} + \left(\frac{\text{market value at exit} - \text{market value at entry}}{2} \right)$$

- (2) In this section:

date of effect means the date of effect stated in the agreement.

market value, of premises, means a valuation of the premises as if—

- the land relating to the premises were subject to a units plan under the *Unit Titles Act 2001*; and
- the rights and obligations mentioned in the agreement were rights and obligations in relation to a unit within a units plan under the *Unit Titles Act 2001*.

market value at entry means the market value of the premises to which the agreement relates on the day the lessee pays the sublease consideration.

market value at exit means the market value of the premises to which the agreement relates on the date of effect.

sublease consideration means the sublease consideration stated in the agreement.

2 Prescribed period for depositing bond—Act, s 23 (6)

The period within which the amount of the bond must be deposited with the Territory is—

- (a) if the tenant pays the bond to the lessor, the period that ends 2 weeks after the later of the following:
 - (i) the day the bond is paid;
 - (ii) the day the tenancy commences; or
- (b) if the tenant pays the bond to the lessor's agent, the period that ends 4 weeks after the later of the days mentioned in paragraph (a).

4A Appropriate action under warrant—Act, s 40

It is appropriate for a police officer to physically remove a person from premises—

- (a) between 8 am and 6 pm from Monday to Thursday, other than on a public holiday; or
- (b) if authorised by the warrant in exceptional circumstances—at any time.

5 Service of termination notice

For the **Act**, section 58 (1) (b) and section 59 (1) (b) a termination notice must be served—

- (a) on an individual—
 - (i) by delivering it to the person personally; or

Section 5

- (ii) by leaving it at, or sending it by prepaid post to, the address of the place of residence or business of the person last known to the person serving the document; or
 - (iii) by leaving it at, or sending it by prepaid post to, the address for service provided by the person under the **Residential Tenancies Act 1997**, schedule 1 (Prescribed terms), clause 98; or
- (b) on a corporation—by leaving it at, or sending it by prepaid post to, the head office, a registered office or a principal office of the corporation.

Endnotes

About the endnotes

1

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier publications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally the *Residential Tenancies Regulations*. It was renamed under the [Legislation Act 2001](#).

Residential Tenancies Regulation 1998 SL1998-17

notified 28 May 1998 ([Gaz 1998 No S146](#))
commenced 25 May 1998 (s 2)

as amended by

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 333

notified 26 July 2001 ([Gaz 2001 No 30](#))
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 333 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

Residential Tenancies Amendment Act 2005 A2005-39 s 28

notified LR 31 August 2005
s 1, s 2 commenced 31 August 2005 (LA s 75 (1))
s 28 commenced 28 February 2006 (s 2 and LA s 79)

Justice and Community Safety Legislation Amendment Act 2005 (No 4) A2005-60 sch 1 pt 1.24

notified LR 1 December 2005
s 1, s 2 taken to have commenced 23 November 2005 (LA s 75 (2))
sch 1 pt 1.24 commenced 22 December 2005 (s 2 (4))

Residential Tenancies Amendment Regulation 2006 (No 1) SL2006-42

notified LR 3 August 2006
s 1, s 2 commenced 3 August 2006 (LA s 75 (1))
remainder commenced 4 August 2006 (s 2)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.45

notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.45 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

Endnotes

Legislation history 3

Residential Tenancies Amendment Regulation 2012 (No 1) SL2012-11

notified LR 26 March 2012

s 1, s 2 commenced 26 March 2012 (LA s 75 (1))

remainder commenced 27 March 2012 (s 2)

R7
27/03/12

Residential Tenancies Regulation 1998
Effective: 27/03/12-10/10/17

page 7

Endnotes

4 Amendment history

4 Amendment history

Name of regulation

s 1 am R1 LA; R2 LA

Prescribed agreement not residential tenancy agreement—Act, s 6D (1) (d)

s 1A ins [SL2012-11](#) s 4

Prescribed period for depositing bond—Act, s 23 (6)

s 2 om [A2001-44](#) amdt 1.3667
ins [SL2006-42](#) s 4

Interpretation

s 3 om [A2001-44](#) amdt 1.3667

Interest

s 4 om [A2005-60](#) amdt 1.131

Appropriate action under warrant—Act, s 40

s 4A ins [A2005-39](#) s 28

Application for resolution of dispute

s 6 om [A2008-36](#) amdt 1.596

Beginning and record of mediation

s 7 om [A2008-36](#) amdt 1.596

Form of termination notice

s 8 om [A2001-44](#) amdt 1.3667

Termination notice

sch om [A2001-44](#) amdt 1.3668

5 **Earlier publications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 27 Jun 2002	27 Jun 2002- 2 Nov 2004	A2001-44	amendments by A2001-44
R2 3 Nov 2004	3 Nov 2004- 21 Dec 2005	A2001-44	editorial amendments under Legislation Act
R3 22 Dec 2005	22 Dec 2005- 27 Feb 2006	A2005-60	amendments by A2005-60
R4 28 Feb 2006	28 Feb 2006- 3 Aug 2006	A2005-60	amendments by A2005-39
R5 4 Aug 2008	4 Aug 2008- 1 Feb 2009	SL2006-42	amendments by SL2006-42
R6 2 Feb 2009	2 Feb 2009— 26 Mar 2012	A2008-36	amendments by A2008-36

© Australian Capital Territory 2012