



Australian Capital Territory

Residential Tenancies Regulation 1998

SL1998-17

made under the

Residential Tenancies Act 1997

Republication No 3

Effective: 22 December 2005 – 27 February 2006

Republication date: 22 December 2005

Last amendment made by A2005-60

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

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 22 December 2005. It also includes any amendment, repeal or expiry affecting the republished law to 22 December 2005.

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 or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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 *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R3
22/12/05

Residential Tenancies Regulation 1998
Effective: 22/12/05-27/02/06

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Australian Capital Territory

Residential Tenancies Regulation 1998

made under the

Residential Tenancies Act 1997

1 Name of regulation

This regulation is the *Residential Tenancies Regulation 1998*.

U 4A Appropriate action under warrant—Act, s 40

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
 - (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 Act, 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.

6 Application for resolution of dispute

For the Act, section 73 (2) (b) the following particulars are prescribed:

- (a) the name and address of the applicant;
- (b) whether the applicant is the lessor or tenant;
- (c) the address of the premises that are the subject of the residential tenancy agreement;
- (d) the action sought by the applicant to be taken to facilitate the resolution of the dispute;

- (e) the grounds on which the application is made.

7 Beginning and record of mediation

- (1) An approved mediator to whom a tenancy dispute is referred under the Act, section 75 must—
 - (a) begin mediation of the dispute as soon as practicable after the referral; and
 - (b) keep a record of the mediation that contains the following particulars:
 - (i) whether the parties to the dispute participated in mediation;
 - (ii) whether the parties reached agreement;
 - (iii) if the parties reached agreement, with the written consent of the parties—the terms of the agreement.
- (2) At the conclusion of mediation the approved mediator must provide the record mentioned in subsection (1) (b) to the registrar.

Endnotes

1 About the endnotes

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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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 republications.

2 Abbreviation key

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

3 Legislation history

This regulation was originally the *Residential Tenancies Regulations*. It was renamed under the *Legislation Act 2001*.

Residential Tenancies Regulation 1998 No 17

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

as amended by

Legislation (Consequential Amendments) Act 2001 No 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 awaiting commencement (s 2)

Note default commencement under LA s 79: 28 February 2006

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))

4 Amendment history

Name of regulation

s 1 am R1 LA; R2 LA

Commencement

s 2 om Act 2001 No 44 amdt 1.3667

Interpretation

s 3 om Act 2001 No 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

Endnotes

5 Earlier republications

Form of termination notice

s 8 om Act 2001 No 44 amdt 1.3667

Termination notice

sch om Act 2001 No 44 amdt 1.3668

5 Earlier republications

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

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Residential Tenancies Amendment Act 2005 A2005-39 s 28

28 Residential Tenancies Regulation 1998, new section 4A

insert

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.

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