



Australian Capital Territory

# Residential Tenancies Amendment Regulation 2012 (No 1)

Subordinate Law SL2012-11

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The Australian Capital Territory Executive makes the following regulation under the *Residential Tenancies Act 1997*.

Dated 21 March 2012.

SIMON CORBELL  
Minister

ANDREW BARR  
Minister

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# Residential Tenancies Amendment Regulation 2012 (No 1)

Subordinate Law SL2012-11

made under the

**Residential Tenancies Act 1997**

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## 1 Name of regulation

This regulation is the *Residential Tenancies Amendment Regulation 2012 (No 1)*.

## 2 Commencement

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

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J2011-796

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**3 Legislation amended**

This regulation amends the *Residential Tenancies Regulation 1998*.

**4 New section 1A**

*insert*

**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—
- (a) the agreement is between the Territory (the *lessor*) and a person (the *lessee*); and
  - (b) 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—

- (a) the land relating to the premises were subject to a units plan under the *Unit Titles Act 2001*; and
- (b) 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.

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## Endnotes

### 1 Notification

Notified under the Legislation Act on 26 March 2012.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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