

Residential Tenancies Amendment Act 1996

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An Act to amend the Residential Tenancies Act 1986**BE IT ENACTED by the Parliament of New Zealand as follows:****1 Short Title and commencement**

- (1) This Act may be cited as the Residential Tenancies Amendment Act 1996, and shall be read together with and deemed part of the Residential Tenancies Act 1986 (hereinafter referred to as the principal Act).
- (2) Except as provided in sections 3, 4, 6, 7, and 17 of this Act, this Act shall come into force on the 1st day of May 1996.

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- (1) This subsection inserted the definition of the term **address for service** in s 2(1) of the principal Act.
- (2) This subsection inserted the definition of the term **contact address** in s 2(1) of the principal Act.
- (3) This subsection amended the definition of the term **Deputy Principal Tenancy Adjudicator** in s 2(1) of the principal Act.
- (4) This subsection amended the definition of the term **key money** in s 2(1) of the principal Act.
- (5) This subsection repealed the definition of the term **protected tenancy** in s 2(1) of the principal Act.
- (6) This subsection amended the definition of the term **Tenancy Mediator** in s 2(1) of the principal Act.

3 Act excluded in certain cases

- (1) This subsection substituted s 5(b) of the principal Act.
- (2) Section 5 of the principal Act is hereby further amended by inserting, after paragraph (b), the following paragraph:
“(ba) Where the premises are let for a fixed-term tenancy of at least 5 years and the tenancy agreement expressly provides that this Act shall not apply:”.
- (3) Subsection (2) of this section shall come into force on the 1st day of December 1996, and shall not apply to any tenancy that commenced before that date.

4 Long fixed-term tenancies

- (1) The principal Act is hereby amended by repealing section 6.
- (2) Section 6 of the principal Act shall, notwithstanding its repeal by subsection (1) of this section, continue to apply to any tenancy that commenced before the 1st day of December 1996.
- (3) This section shall come into force on the 1st day of December 1996.

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- (1) This subsection substituted s 12, and inserted s 12A, of the principal Act.
- (2) This subsection substituted s 44(4) of the principal Act.
- (3) This subsection amended Schedule 2 of the Human Rights Act 1993.

6 New sections relating to tenancy agreements substituted

- (1) The principal Act is hereby amended by repealing section 13, and substituting the following sections:

“13 Form of tenancy agreement

- “(1) Every tenancy agreement shall be in writing and signed by both the landlord and the tenant.
- “(2) The landlord shall, before the tenancy commences, provide the tenant with a copy of the tenancy agreement.

“13A Contents of tenancy agreement

- “(1) Every tenancy agreement shall include the following minimum information:
 - “(a) The full name and contact address of the landlord; and
 - “(b) The full name and contact address (where that is different from the address of the premises to which the agreement relates) of the tenant; and
 - “(c) The address of the premises; and
 - “(d) The date of the tenancy agreement; and
 - “(e) The date of commencement of the tenancy (where that is different from the date of the tenancy agreement); and
 - “(f) The landlord’s address for service; and
 - “(g) The tenant’s address for service; and
 - “(h) Whether the tenant is under the age of 18; and
 - “(i) The amount of any bond; and

- “(j) The rent payable; and
 - “(k) The frequency of the rent payments; and
 - “(l) The place or bank account number where the rent is to be paid; and
 - “(m) A statement (if applicable) that the tenant shall pay any fee or other charge for services rendered by any solicitor or real estate agent relating to the grant or assignment of the tenancy; and
 - “(n) A statement (if applicable) that the tenant shall pay for any metered water provided to the premises; and
 - “(o) A list of any chattels provided by the landlord; and
 - “(p) If the tenancy is a fixed-term tenancy, the date on which the tenancy will terminate.
- “(2) A Post Office box number or other similar postal address shall not be a sufficient address for the purposes of subsection (1) of this section.

“13B Variations and renewals of tenancy agreements

- “(1) Every variation of a tenancy agreement, and every renewal of a tenancy agreement, shall be in writing and signed by both the landlord and the tenant.
- “(2) The landlord shall, before the date on which the variation or renewal of the tenancy is to take effect, provide the tenant with a copy of the variation or renewal.

“13C Tenancy agreements not unenforceable on grounds not in writing

Notwithstanding anything to the contrary in any other enactment, no tenancy agreement, or variation or renewal of a tenancy agreement, shall be unenforceable on the grounds that it is not in writing.

“13D Exceptions to requirements relating to tenancy agreements

Sections 13 to 13B of this Act do not apply to any of the following:

- “(a) A tenancy at will created on or immediately after the determination or expiry of a tenancy:

- “(b) A tenancy agreement that was in force immediately before the date of commencement of this Act:
- “(c) Any variation of a tenancy agreement made by, or at the direction of, the Tribunal.”
- (2) Section 13 of the principal Act (as in force immediately before the commencement of this section) shall, notwithstanding its repeal by subsection (1) of this section, continue to apply, as if this section had not been enacted, to any tenancy that commenced before the 1st day of December 1996 until the termination or renewal of the tenancy.
- (3) Sections 13 to 13D of the principal Act (as substituted by subsection (1) of this section) shall apply to any grant, variation, or renewal of a tenancy on or after the 1st day of December 1996.
- (4) This section shall come into force on the 1st day of December 1996.

7 New sections relating to notification of new particulars

- (1) The principal Act is hereby amended by repealing sections 15 and 16, and substituting the following sections:

“15 Notification of successor to landlord or tenant

- “(1) Where, during the term of any tenancy, the landlord’s or tenant’s interest passes to some other person, that other person shall, within 10 working days thereafter, cause the other party to the tenancy to be notified of—

“(a) The full name and contact address of that person; and

“(b) An address for service, being the address at which notices and other documents relating to the tenancy will be accepted by or on behalf of the person.

- “(2) A Post Office box number or other similar postal address shall not be a sufficient address for the purposes of subsection (1) of this section.

“16 Change of name or address

- “(1) Where the name and contact address, or address for service, of any person has been notified to the other party to the tenancy in accordance with this Act and that name or address subsequently changes (otherwise than in circumstances to which

section 15 of this Act applies), the person shall, within 10 working days thereafter, cause notice of the new particulars to be given to the other party to the tenancy.

“(2) A Post Office box number or other similar postal address shall not be a sufficient address for the purposes of subsection (1) of this section.”

(2) Sections 15 and 16 of the principal Act (as in force immediately before the commencement of this section) shall, notwithstanding their repeal by subsection (1) of this section, continue to apply, as if this section had not been enacted, to any tenancy that commenced before the 1st day of December 1996.

(3) Sections 15 and 16 of the principal Act (as substituted by subsection (1) of this section) shall apply to any tenancy that was granted on or after the 1st day of December 1996.

(4) This section shall come into force on the 1st day of December 1996.

8 Duties of landlord on receipt of bond

(1) This subsection substituted s 19(1)(b) of the principal Act.

(2) Section 3 of the Residential Tenancies Amendment Act 1992 is hereby consequentially repealed.

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This section substituted s 21(2) of the principal Act.

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(1) This subsection inserted s 21A of the principal Act.

(2) This subsection amended ss 57(3)(b) and 58(1)(b) of the principal Act.

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This section substituted s 22(6), inserted s 22(6A) and (6B), and substituted s 22(7) to (9) of the principal Act.

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This section substituted s 24 of the principal Act.

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This section substituted s 29(4)(b) of the principal Act.

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This section substituted s 30(1) of the principal Act.

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This section substituted s 33 of the principal Act.

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This section repealed ss 34 and 35 of the principal Act.

17 Outgoings

(1) The principal Act is hereby amended by repealing section 39, and substituting the following section:

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- (1) Subject to subsection (2) of this section, all outgoings (including rates, insurance premiums, and water charges) from time to time payable in respect of the premises shall, as between the landlord and the tenant, be payable by the landlord.
- “(2) Subject to subsection (3) of this section, the following outgoings incurred during the tenancy shall, as between the landlord and the tenant, be payable by the tenant:
 - “(a) All charges for electricity or gas supplied to the premises:
 - “(b) Water charges in respect of the premises (including the cost of charges for standard meter readings) if—
 - “(i) The premises have a separate water meter; and
 - “(ii) The tenancy agreement stated, at the commencement of the tenancy, that the tenant shall pay for any metered water provided to the premises; and
 - “(iii) The water supplier charges for water provided to the premises on the basis of metered usage:
 - “(c) All charges in respect of any telephone connected to the premises.
- “(3) Subsection (2) of this section does not apply in respect of any outgoing which the parties have agreed in writing (whether in the tenancy agreement or otherwise) shall, as between the landlord and the tenant, be payable by the landlord.

- “(4) In this section **standard meter readings** means all meter readings other than meter readings requested by the landlord.
- “(5) In this section **premises** includes facilities that are exclusively for the use of the tenant.”
- (2) Section 39 of the principal Act (as in force immediately before the commencement of this section) shall, notwithstanding its repeal by subsection (1) of this section, continue to apply, as if this section had not been enacted, to any tenancy that commenced before the 1st day of December 1996 until the termination of the tenancy.
- (3) Section 39 of the principal Act (as substituted by subsection (1) of this section) shall apply to any tenancy that is granted on or after the 1st day of December 1996.
- (4) This section shall come into force on the 1st day of December 1996.
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- This subsection inserted s 40(1)(e)(iv) and (v) of the principal Act.
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- This section amended s 43 of the principal Act.
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- This section inserted s 47(2) of the principal Act.
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- This section amended s 48 of the principal Act.
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- This section amended s 55 of the principal Act.
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- This section inserted s 56(2) of the principal Act.
- 24 Abandoned goods**
- (1) This subsection amended s 62 of the principal Act.
- (2) This subsection amended s 62 of the principal Act.
- (3) This subsection amended s 62 of the principal Act.
- (4) Section 5(2) of the Residential Tenancies Amendment Act 1992 is hereby consequentially repealed.

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- 25** This section substituted s 64(4) of the principal Act.
- 26** This section repealed s 66 of the principal Act.
- 27** This section inserted s 66 of the principal Act.
- 28** This section amended s 67 of the principal Act.
- 29** This section substituted s 68(5) of the principal Act.
- 30** This section amended s 75(3) of the principal Act.
- 31** This section amended s 76 of the principal Act.
- 32** This section inserted s 78(2A) and (2B) of the principal Act.
- 33** This section substituted s 83(2) of the principal Act.
- 34** This section amended s 87(1) and (2) of the principal Act.
- 35** This section inserted s 90(2)(e) of the principal Act.
- 36**
- (1) This subsection amended s 92 of the principal Act.
- (2) This subsection amended s 91(2)(d) of the principal Act.
- 37** This section inserted s 93(7) of the principal Act.
- 38** This subsection substituted s 94(3) of the principal Act.
- 39** This section inserted s 98A of the principal Act.

40 Tenancy Mediator or Tribunal may require valuer's report in certain proceedings

- (1) This subsection substituted s 100 of the principal Act.
- (2) Section 7 of the Residential Tenancies Amendment Act 1992 is hereby consequentially repealed.

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This section amended s 102 of the principal Act.

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This section substituted s 107(2) of the principal Act.

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This section amended s 109 of the principal Act.

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This section substituted s 112 of the principal Act.

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This section substituted s 117(2)(b) and inserted s 117(2)(c) of the principal Act.

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This section amended s 124 of the principal Act.

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This section substituted s 126(2) of the principal Act.

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This section inserted s 128 of the principal Act.

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- (1) This subsection inserted s 134A of the principal Act.
- (2) This subsection inserted s 140(1)(da) of the principal Act.

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This section amended s 136 of the principal Act.

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This section amended s 141 of the principal Act.

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This section amended Schedule 1 to the principal Act.