

Supplementary Order Paper

LEGISLATIVE COUNCIL

Friday, the 25th Day of August, 1950

TENANCY AMENDMENT BILL

Hon. Mr. POLSON, in Committee, to move the following amendments:—

Clause 4: To omit the new section 48B, and substitute the following new section:—

“ 48B. Where an agreement is entered into at any time after the commencement of this section for the letting of any dwellinghouse or urban property forming part of the estate of any person who is a patient under the Mental Defectives Act, 1911, and who at the time when he became a patient or became mentally defective was occupying the premises, Part III and sections forty-one, forty-two, and forty-three of this Act shall cease to apply to the premises or to any part thereof in respect of that tenancy when—

See Reprint
of Statutes,
Vol. V, p. 743

“ (a) The premises are required by the patient for his own occupation; and

“ (b) The landlord has served on the tenant notice that the premises are so required.”

Clause 7: To add the words “ and by omitting from paragraph (a) of subsection two the words ‘ or on the occasion of ’ ”.

EXPLANATORY NOTE

Clause 4: The new section 48B is extended so as to apply where the mental patient ceased to occupy the premises before he became detained but after he became mentally defective.

The new section also makes it clear that Part III of the Act will apply to the tenancy unless and until notice is given to the tenant that the premises are required by the patient for his own occupation.

Clause 7: The effect of the amendment is to make it lawful under section 19 of the Tenancy Act, 1948, for a landlord to demand or accept a payment other than the rent *on the occasion* of the grant, renewal, termination, or continuance of a tenancy so long as it is not *in consideration* thereof. This will enable a separate contract to be made for the sale of a business or for any other collateral matter.
