

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, the 26th Day of September 1973

RENT APPEAL BILL

Proposed Amendments

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

Clause 8: To omit subclauses (2) and (3).*Clause 18:* To add the following subclause:

(4) In any proceedings for the recovery of possession of a dwellinghouse or for the ejection of the tenant therefrom in which it is proved that the landlord, within 6 months after the making by the tenant of an application under section 6 of this Act or under regulation 4 of the Rent Review Regulations 1972 or while the rent of the dwellinghouse was fixed by an assessment under this Act, gave to the tenant a notice determining his tenancy or commenced proceedings for the recovery of possession of the dwellinghouse or for the ejection of the tenant therefrom, it shall be for the landlord to prove that he has not acted contrary to subsection (1) of this section.

EXPLANATORY NOTE

Clause 8: It is proposed to omit *subclauses (2) and (3)*. *Subclause (2)* provides that an assessment under the Act fixing the equitable rent of a dwellinghouse ceases to have effect on a Rents Officer certifying in writing that he is satisfied that the tenant of the dwellinghouse to which the assessment relates has vacated the dwellinghouse of his own volition. *Subclause (3)* sets out the circumstances in which a tenant is deemed to have vacated premises of his own volition. The general effect of the omission of these subclauses is that every assessment will remain in force for 12 months (unless the Rent Appeal Board fixes a lesser period in a particular case), and changes of tenant during that period will not affect the assessment.

Clause 18: *Subclause (2)* of this clause provides that in any prosecution for an offence against *subclause (1)* in which it is proved that the landlord, within 6 months after the making by the tenant of an application under *clause 6* or while the rent of the dwellinghouse was fixed by an assessment, gave to the tenant a notice determining his tenancy or commenced proceedings for the recovery of possession of the dwellinghouse or for the ejection of the tenant therefrom or evicted him from the premises, it shall be for the landlord to prove that he has not acted contrary to *subclause (1)*. The purpose of the amendment now proposed is to extend this principle so that it will apply not only in the case of a prosecution but also where the landlord brings proceedings for the recovery of possession of the dwellinghouse or for the ejection of the tenant therefrom.