

Supplementary Order Paper.

HOUSE OF REPRESENTATIVES.

Monday, the 11th Day of October, 1915

RESERVES AND OTHER LANDS DISPOSAL AND PUBLIC BODIES EMPOWERING BILL.

NEW CLAUSE proposed by His Excellency the Governor:—

Postponing
date of
valuations in
respect of
certain leases
granted by
Wellington
City Council.

140. Whereas by section one hundred and thirty-seven of the Municipal Corporations Act, 1908, it is provided that valuations under paragraph (b) of section one hundred and thirty-six of the said Act (relating to valuations for the purpose of fixing the rent to be paid under renewed leases) shall be made in the manner prescribed by the said section one hundred and thirty-seven: And whereas the system of arbitration prescribed by the said section one hundred and thirty-seven is now under the consideration of the Government with a view to amending legislation proposed to be passed during the next session of Parliament: And whereas valuations are now pending in the case of certain leases granted by the Corporation of the City of Wellington, and valuations in respect of certain other such leases will shortly be pending: And whereas, in the event of legislation as aforesaid being passed during the next session of Parliament, it is inexpedient that such valuations should be made in the manner prescribed by the said section one hundred and thirty-seven: Be it therefore enacted as follows:—

(1.) Notwithstanding anything to the contrary in the Municipal Corporations Act, 1908, or in any of the leases to which this section relates, no valuations shall be made under section one hundred and thirty-six of the Municipal Corporations Act, 1908, in the manner prescribed by section one hundred and thirty-seven of the said Act, after the passing of this Act and before the first day of January, nineteen hundred and seventeen, in the case of any lease heretofore granted by the Corporation of the City of Wellington, and where any steps have heretofore been taken with respect to any such valuation no further steps shall be taken before the said date.

(2.) Where any lease to which this section relates has expired before the passing of this Act and the lessee is holding over, the lessee shall, subject to the provisions of subsection five hereof, be entitled to continue to hold over on the terms and conditions of the expired lease until the completion of a valuation in the manner to be prescribed by the proposed legislation hereinbefore referred to, or, if no such legislation is passed, until a valuation is made after the first day of January, nineteen hundred and seventeen.

(3.) Where any lease to which this section relates expires after the passing of this Act and before the said first day of January, nineteen hundred and seventeen, the lessee shall, subject to the provisions of subsection five hereof, be entitled to hold over on the terms and conditions of the existing lease, until the completion of a valuation in the manner to be prescribed by the proposed legislation hereinbefore referred to, or, if no such legislation is passed, until a valuation is made after the first day of January, nineteen hundred and seventeen.

(4.) On the completion of such valuation the lessee shall be entitled to a new lease as from the date of expiry of the existing lease at a rent to be fixed by the said valuation.

(5.) (a.) On the issue of any such lease the lessee shall pay to the Council, and the Council shall have the right to sue for and recover any rent payable under the new lease in respect of the period between the expiry of the existing lease and the grant of such new lease, in excess of the rent (if any) paid in respect of that period under the existing lease.

(b.) If the rent determined by any valuation is less than the rent reserved by the existing lease, the Council shall refund to the lessee, and the lessee shall have the right to sue for and recover, the rent (if any) paid in excess, in respect of the period between the expiry of the existing lease and the grant of a new lease.

(6.) Every valuation under the legislation proposed to be passed, as hereinbefore recited, shall be deemed to be made, and every lease granted subsequent to such valuation and in accordance with the terms thereof shall be deemed to be granted pursuant to the provisions of the existing lease.

(7.) The right of any person to continue his tenancy under any lease, or his right to receive a new lease, shall not be affected by reason of his inability, arising out of this section, to comply with the provisions of the existing lease as to the time when or the times within which any act or thing is to be done, and the time limited by any existing lease for giving any notice or for doing any other act or thing is hereby extended until the first day of October, nineteen hundred and seventeen.