

1984/17



THE RENT LIMITATIONS REGULATIONS 1984

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 1st day
of February 1984

Present:

THE HON. G. F. GAIR PRESIDING IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. **Title**—These regulations may be cited as the Rent Limitations Regulations 1984.

2. Commencement and expiry—(1) These regulations shall come into force on the 1st day of April 1984.

(2) These regulations shall continue in force until the 28th day of February 1985, and, subject to subclauses (2) and (3) of regulation 25 of these regulations, shall then expire.

3. Interpretation—In these regulations, unless the context otherwise requires,—

“Controlled dwellinghouse” means—

(a) A dwellinghouse that was let on the 22nd day of June 1982:

(b) A dwellinghouse that was not let on that date but was let on the 13th day of June 1983:

“Controlled property” means—

(a) A property that was let on the 22nd day of June 1982:

(b) A property that was not let on that date but was let on the 13th day of June 1983:

“Currency of these regulations” means the period commencing with the 1st day of April 1984 and ending with the close of the 28th day of February 1985:

“Director-General” means the Director-General (as defined in section 2 of the Housing Corporation Act 1974); and includes—

(a) Any Assistant Director-General of the Housing Corporation; and

(b) In relation to any power conferred on the Director-General by these regulations, includes any person to whom the Director-General (as defined in section 2 of the Housing Corporation Act 1974) has, with the authority of the Minister, delegated that power by writing under the hand of the Director-General (as defined in section 2 of the Housing Corporation Act 1974):

“Dwellinghouse” has the meaning given to it by section 2 of the Rent Appeal Act 1973:

“Housing Corporation” means the Housing Corporation of New Zealand established by section 3 of the Housing Corporation of New Zealand Act 1974:

“Property” means any land or interest in land or any building or part of a building let for any purposes under a separate tenancy; and includes any chattels that may be let therewith; but does not include any dwellinghouse:

“Review”, in relation to the rent of a controlled property or a controlled dwellinghouse, includes the fixing of a rent on the commencement of a new lease or agreement, and the rent so fixed shall be deemed to have fallen due for review:

“Year” means a period of 12 consecutive months.

4. Consumer Price Index—(1) In these regulations,—

“Consumer Price Index” means the index published under that designation by the Government Statistician at quarterly intervals:

“Last appropriate quarterly date”, in relation to any material date, means the 31st day of March, the 30th day of June, the 30th day of September or the 31st day of December, whichever of those dates immediately precedes the material date.

(2) Where, for the purposes of any of these regulations, the maximum permitted percentage increase in the rent for any controlled dwellinghouse

or any controlled property is to be calculated by reference to the percentage increase in the Consumer Price Index in any year, that increase shall be calculated in accordance with the following formula:

$$\frac{y - x}{x} \times \frac{100}{1} = \text{the maximum permitted percentage increase}$$

where x is the figure at which the index stood at the commencement of that year; and

y is the figure at which the index stood at the close of that year.

5. General limitations on increases in rent for controlled dwellinghouses and controlled properties—(1) Notwithstanding anything in any other enactment or in any lease or agreement, no rent for any controlled dwellinghouse or controlled property shall be increased during the currency of these regulations, otherwise than in accordance with any of the provisions of these regulations.

(2) Subclause (1) of this regulation applies whether or not the tenant occupying the dwellinghouse or property at the commencement of these regulations is the same as the tenant occupying the dwellinghouse or property at any other time during the currency of these regulations.

(3) Where the rent for any controlled dwellinghouse is increased in accordance with regulation 6 or regulation 7 or regulation 8 or regulation 9 of these regulations, it shall not be further increased within 12 months after the date on which the increased rent first becomes payable, except in accordance with regulation 10 or regulation 11 or regulation 12 of these regulations.

(4) Where the rent for any controlled property is increased in accordance with regulation 13 or regulation 14 or regulation 15 or regulation 16 of these regulations, it shall not be further increased within 12 months after the date on which the increased rent first becomes payable, except in accordance with regulation 17 or regulation 18 of these regulations.

(5) Without limiting subclauses (3) and (4) of this regulation, where the rent for any controlled dwellinghouse or controlled property is increased in accordance with these regulations more than once during the currency of these regulations, it shall not be further increased within 12 months after the date on which the last such increase first becomes payable.

Rent for Controlled Dwellinghouses

6. Power to increase rent where no increase since 31 March 1926—

(i) This regulation applies to every case where—

(a) The rent for any controlled dwellinghouse has not been increased at any time after the 31st day of March 1926; and

(b) The rent for the dwellinghouse—

(i) Fell due for review under any Act or in accordance with the terms of any lease or agreement at any time during the period commencing with the 22nd day of June 1982 and ending with the close of the 31st day of March 1984; or

(ii) Falls due for review under any Act or in accordance with the terms of any lease or agreement at any time during the currency of these regulations.

(2) If in any case to which this regulation applies the result of the review was or is to increase the rent, the rent may be increased accordingly.

(3) The increase shall become payable on the later of the following dates:

(a) The 1st day of April 1984; or

(b) The date fixed by the Act or lease or agreement (as the case may require).

7. Power to increase rent where no increase since 1 April 1981—

(1) This regulation applies to every case (not being a case to which regulation 6 of these regulations applies) where—

(a) The rent for any controlled dwellinghouse has not been increased at any time on or after the 1st day of April 1981; and

(b) The rent for the dwellinghouse—

(i) Fell due for review under any Act or in accordance with the terms of any lease or agreement at any time during the period commencing with the 22nd day of June 1982 and ending with the close of the 31st day of March 1984; or

(ii) Falls due for review under any Act or in accordance with the terms of any lease or agreement at any time during the currency of these regulations.

(2) If in any case to which this regulation applies the result of the review was or is to increase the rent, the rent may be increased accordingly, but, for the first 12 months, the amount of the increase, expressed as a percentage of the present rent, shall not exceed the maximum permitted percentage calculated in accordance with subclause (3) of this regulation.

(3) In any case to which subclause (1) of this regulation applies, the maximum permitted percentage increase in the rent for any controlled dwellinghouse shall be calculated as follows:

(a) By determining the number of complete years commencing with the last appropriate quarterly date preceding the date on which the present rent first became payable and calculated consecutively therefrom, and ending with the last appropriate quarterly date preceding the date on which the increased rent will become payable:

(b) By determining in respect of each of those complete years the maximum permitted percentage increase, being the smaller of the following amounts:

(i) Ten percent of the present rent; or

(ii) The percentage increase in the Consumer Price Index for that year:

(c) By adding the maximum permitted increases (as so determined) for each of those complete years.

(4) The increase shall become payable on the later of the following dates:

(a) The 1st day of April 1984; or

(b) The date fixed by the Act or lease or agreement (as the case may require).

8. Power to increase rent where rent has been increased since 1 April 1981—(1) This regulation applies to every case where the rent for any controlled dwellinghouse has been increased at any time on or after the 1st day of April 1981.

(2) In any case to which this regulation applies, the rent for the dwellinghouse may be altered—

(a) By agreement in writing between the landlord and the tenant of the dwellinghouse; or

- (b) Failing such agreement, in accordance with the Tenancy Act 1955 (if that Act applies to the dwellinghouse) or the Rent Appeal Act 1973 (in any other case),—

but in no such case shall the altered rent exceed the present rent by more than 3 percent of the present rent.

- (3) The increase shall become payable on the later of the following dates:

- (a) The 1st day of April 1984; or
 (b) The date fixed by agreement between the landlord and the tenant or (as the case may require) the date fixed in accordance with the Tenancy Act 1955 or the Rent Appeal Act 1973.

9. Power to increase rent where tenancy at will or of no fixed duration—(1) This regulation applies in every case (not being a case to which any of regulations 6, 7, and 8 of these regulations apply) where there is a tenancy at will or a tenancy of no fixed duration of a controlled dwellinghouse.

(2) In any case to which this regulation applies the rent for the controlled dwellinghouse may be altered—

- (a) By agreement in writing between the landlord and the tenant of the dwellinghouse; or
 (b) Failing such agreement, in accordance with the Tenancy Act 1955 (if that Act applies to the dwellinghouse) or the Rent Appeal Act 1973 (in any other case),—

but in no such case shall the altered rent for the first 12 months exceed the present rent by more than 3 percent of the present rent.

- (3) The increase shall become payable on the later of the following dates:

- (a) The 1st day of April 1984; or
 (b) The date fixed by agreement between the landlord and the tenant or (as the case may require) the date fixed in accordance with the Tenancy Act 1955 or the Rent Appeal Act 1973.

10. Power to increase rent where rent unreasonably low—The rent for any controlled dwellinghouse may be increased to a rent not exceeding the equitable rent fixed under the Rent Appeal Act 1973 in respect of that dwellinghouse, if a Rent Appeal Board is satisfied,—

- (a) In the case of a dwellinghouse that was let on the 22nd day of June 1982,—

(i) That the rent payable by the tenant in occupation of the dwellinghouse on the 22nd day of June 1982 was unreasonably low because of the personal circumstances of that tenant; and

(ii) That that tenant has voluntarily vacated the dwellinghouse;
 or

- (b) In the case of a dwellinghouse that was not let on the 22nd day of June 1982 but that was let on the 13th day of June 1983,—

(i) That the rent payable by the tenant in occupation of the dwellinghouse on the 13th day of June 1983 was unreasonably low because of the personal circumstances of that tenant; and

(ii) That that tenant has voluntarily vacated the dwellinghouse.

11. Power to increase rent on ground of severe hardship—(1) This regulation applies to every case where—

- (a) A controlled dwellinghouse was let on the 22nd day of June 1982;
 and

- (b) The rent for the dwellinghouse was not increased at any time during the period commencing with the 22nd day of June 1982 and ending with the close of the 31st day of March 1984.
- (2) Where the Director-General is satisfied by the landlord or landlords of a controlled dwellinghouse—
- (a) That the case is one to which this regulation applies; and
- (b) That the only landlord of the dwellinghouse is a natural person or that the only landlords of the dwellinghouse are natural persons; and
- (c) That, by reason only of the restrictions imposed by the Rent Freeze Regulations 1982 or by the Rent Freeze Regulations 1983 or by these regulations or by all of them, the financial situation of the person who is the landlord or of each of the persons who are the landlords has seriously deteriorated to the extent that that person or each of those persons is suffering or will suffer severe hardship,—
- the rent for the dwellinghouse may be increased to the smaller of—
- (d) A sum fixed by the Director-General as the rent payable in respect of the dwellinghouse; or
- (e) The equitable rent fixed under the Rent Appeal Act 1973 in respect of the dwellinghouse.
- (3) Where the Director-General is satisfied by the landlord or landlords of a controlled dwellinghouse—
- (a) That the case is one to which this regulation applies; and
- (b) That either—
- (i) A natural person is the only person entitled to the benefit of the rent; or
- (ii) Two or more natural persons are the only persons entitled to the benefit of the rent; and
- (c) That, by reason only of the restrictions imposed by the Rent Freeze Regulations 1982 or by the Rent Freeze Regulations 1983 or by these regulations or by all of them, the financial situation of the person so entitled or of each of the persons so entitled has seriously deteriorated to the extent that the person so entitled or each of the persons so entitled is suffering or will suffer severe hardship,—
- the rent for the dwellinghouse may be increased to the smaller of—
- (d) A sum fixed by the Director-General as the rent payable in respect of the dwellinghouse; or
- (e) The equitable rent fixed under the Rent Appeal Act 1973 in respect of the dwellinghouse.
- (4) Where the Director-General is satisfied by the landlord of a controlled dwellinghouse—
- (a) That the case is one to which this regulation applies; and
- (b) That the only landlord of the dwellinghouse is a limited liability company; and
- (c) That each of the shareholders of the company is a natural person; and
- (d) That, by reason only of the restrictions imposed by the Rent Freeze Regulations 1982 or by the Rent Freeze Regulations 1983 or by these regulations or by all of them, the financial situation of each of the shareholders of the company has seriously deteriorated to the extent that each of them is suffering or will suffer severe hardship,—
- the rent for the dwellinghouse may be increased to the smaller of—

- (e) A sum fixed by the Director-General as the rent payable in respect of the dwellinghouse; or
- (f) The equitable rent fixed under the Rent Appeal Act 1973 in respect of the dwellinghouse.

12. Power to increase rent on account of improvements—(1) This regulation applies to every case where—

- (a) The landlord of a controlled dwellinghouse has, at any time after the 22nd day of June 1982, made any improvements to the dwellinghouse that significantly increase the services or amenities available to the tenant of the dwellinghouse; and
- (b) The tenant has, by notice in writing to the landlord, agreed on an amount by which the rent for the dwellinghouse may be increased by reason of those improvements.

(2) Subject to subclause (3) of this regulation, in any case to which this regulation applies the rent for the dwellinghouse may be increased by the amount so agreed upon by the tenant.

(3) No such increase shall take effect earlier than 7 days after the date on which a notice in writing specifying the amount of the increase has been served on the tenant by the landlord.

(4) Any notice given under subclause (3) of this regulation may be served by delivering it in an envelope addressed to the tenant at the dwellinghouse.

(5) In this regulation “improvements” includes structural alterations, extensions, or additions, and the provision of additional fixtures or fittings; but does not include anything done by way of decoration or repair.

Rent for Controlled Properties

13. Power to increase rent where lease in force for 21 years and no increase for that period—(1) This regulation applies to every case where—

- (a) A controlled property has been let under a lease or agreement (including any renewal) for a period of at least 21 years; and
- (b) The rent for the property under the lease or agreement has not been increased within the preceding period of 21 years; and
- (c) Either—

- (i) The controlled property is not used principally for residential purposes; or

- (ii) The rent for the property under the lease or agreement has not been increased at any time after the 31st day of March 1926.

(2) If in any case to which this regulation applies the rent for any controlled property—

- (a) Fell due for review under any Act or in accordance with the terms of any lease or agreement at any time during the period commencing with the 22nd day of June 1982 and ending with the close of the 31st day of March 1984; or

- (b) Falls due for review under any Act or in accordance with the terms of any lease or agreement at any time during the currency of these regulations,—

and, in either case, the result of the review was or is to increase the rent, the rent may be increased accordingly.

(3) The increase shall become payable on the later of the following dates:

- (a) The 1st day of April 1984; or

- (b) The date fixed by the Act or lease or agreement (as the case may require).

14. Power to increase rent where rent reviewed during period of freeze—(1) This regulation applies to every case (not being a case to which regulation 13 of these regulations applies) where—

- (a) The rent for any controlled property fell due for review under any Act or in accordance with the terms of any lease or agreement at any time during the period commencing with the 22nd day of June 1982 and ending with the 31st day of March 1984; and
 - (b) The result of the review was to increase the rent for that property.
- (2) In any case to which this regulation applies, the rent for the property may be increased accordingly, but, for the first 12 months, the amount of the increase, expressed as a percentage of the present rent, shall not exceed the maximum permitted percentage calculated in accordance with subclause (3) of this regulation.

(3) In any case to which subclause (1) of this regulation applies, the maximum permitted percentage increase in the rent for any controlled property shall be calculated as follows:

- (a) By determining the number of complete years commencing with the last appropriate quarterly date preceding the date on which the present rent first became payable and calculated consecutively therefrom, and ending with the last appropriate quarterly date preceding the date on which the increased rent will become payable:
- (b) By determining in respect of each of those complete years the maximum permitted percentage increase, being the smaller of the following amounts:
 - (i) Ten percent of the present rent; or
 - (ii) The percentage increase in the Consumer Price Index for that year:
- (c) By adding the maximum permitted increases (as so determined) for each of those complete years.
- (4) The increase shall become payable on the later of the following dates:
 - (a) The 1st day of April 1984; or
 - (b) The date fixed by the Act or lease or agreement (as the case may require); or
 - (c) The date 3 years after the date on which the present rent first became payable.

15. Power to increase rent where rent reviewed during currency of these regulations—(1) This regulation applies to every case where—

- (a) The rent for any controlled property falls due for review under any Act or in accordance with the terms of any lease or agreement at any time during the currency of these regulations; and
 - (b) The result of the review is to increase the rent for the property.
- (2) In any case to which this regulation applies, the rent for the property may be increased accordingly, but, for the first 12 months, the amount of the increase, expressed as a percentage of the present rent, shall not exceed the maximum permitted percentage increase calculated in accordance with subclause (3) of this regulation.

(3) In any case to which subclause (1) of this regulation applies, the maximum permitted percentage increase in the rent for any controlled property shall be calculated as follows:

- (a) By determining the number of complete years commencing with the last appropriate quarterly date preceding the date on which the present rent first became payable and calculated consecutively

- therefrom, and ending with the last appropriate quarterly date preceding the date on which the increased rent will become payable:
- (b) By determining in respect of each of those complete years the maximum permitted percentage increase, being the smaller of the following amounts:
 - (i) Ten percent of the present rent; or
 - (ii) The percentage increase in the Consumer Price Index for that year:
 - (c) By adding the maximum permitted increases (as so determined) for each of those complete years.
- (4) The increase shall become payable on the later of the following dates:
- (a) The 1st day of April 1984; or
 - (b) The date fixed by the Act or lease or agreement (as the case may require); or
 - (c) The date 3 years after the date on which the present rent first became payable.

16. Power to increase rent where tenancy at will or of no fixed duration—(1) This regulation applies in every case (not being a case to which any of regulations 13, 14, and 15 of these regulations apply) where there is a tenancy at will or a tenancy of no fixed duration of a controlled property.

(2) In any case to which this regulation applies, the rent for the property may be increased, but, for the first 12 months, the amount of the increase, expressed as a percentage of the present rent, shall not exceed the maximum permitted percentage increase calculated in accordance with subclause (3) of this regulation.

(3) In any case to which subclause (1) of this regulation applies, the maximum permitted percentage increase in the rent of any controlled property shall be calculated as follows:

- (a) By determining the number of complete years commencing with the last appropriate quarterly date preceding the date on which the present rent first became payable and calculated consecutively therefrom, and ending with the last appropriate quarterly date preceding the date on which the increased rent will become payable:
 - (b) By determining in respect of each of those complete years the maximum permitted percentage increase, being the smaller of the following amounts:
 - (i) Ten percent of the present rent; or
 - (ii) The percentage increase in the Consumer Price Index for that year:
 - (c) By adding the maximum permitted increases (as so determined) for each of those complete years.
- (4) Subject to subclause (5) of this regulation, the increase shall become payable on the later of the following dates:
- (a) The 1st day of April 1984; or
 - (b) The date 3 years after the date on which the present rent first became payable.
- (5) No such increase shall take effect earlier than 7 days after the date on which a notice in writing specifying the amount of the increase has been served on the tenant by the landlord.

(6) Any notice given under subclause (5) of this regulation may be served by delivering it in an envelope addressed to the tenant at the property.

17. Power to increase rent on ground of severe hardship—(1) This regulation applies to every case where—

- (a) A controlled property was let on the 22nd day of June 1982; and
- (b) The rent for that property was not increased at any time during the period commencing with the 22nd day of June 1982 and ending with the 31st day of March 1984; and
- (c) The lease or the agreement to lease (whether or not it has been renewed since the 21st day of June 1982) of the property—
 - (i) Is the lease or the agreement to lease that was in force in respect of that property on the 22nd day of June 1982; and
 - (ii) Specifically provides that the rent payable under it shall or may, on the renewal of that lease or agreement to lease or otherwise, be reviewed or be reviewable at any time during the period commencing with the 22nd day of June 1982 and ending with the close of the 28th day of February 1985.

(2) Where the Director-General is satisfied by the landlord or landlords of a controlled property—

- (a) That the case is one to which this regulation applies; and
- (b) That the only landlord of the property is a natural person or that the only landlords of the property are natural persons; and
- (c) That, by reason only of the restrictions imposed by the Rent Freeze Regulations 1982 or by the Rent Freeze Regulations 1983 or by these regulations or by all of them, the financial situation of the person who is the landlord or of each of the persons who are the landlords has seriously deteriorated to the extent that that person or each of those persons is suffering or will suffer severe hardship,—

the rent for the property may be increased to a sum approved by the Director-General.

(3) Where the Director-General is satisfied by the landlord or landlords of a controlled property—

- (a) That the case is one to which this regulation applies; and
- (b) That either—
 - (i) A natural person is the only person entitled to the benefit of the rent; or
 - (ii) Two or more natural persons are the only persons entitled to the benefit of the rent; and
- (c) That, by reason only of the restrictions imposed by the Rent Freeze Regulations 1982 or by the Rent Freeze Regulations 1983 or by these regulations or by all of them, the financial situation of the persons so entitled or of each of the persons so entitled is suffering or will suffer severe hardship,—

the rent for the property may be increased to a sum approved by the Director-General.

(4) Where the Director-General is satisfied by the landlord of a controlled property—

- (a) That the case is one to which this regulation applies; and
- (b) That the only landlord of the property is a limited liability company; and
- (c) That each of the shareholders of the company is a natural person; and

- (d) That, by reason only of the restrictions imposed by the Rent Freeze Regulations 1982 or by the Rent Freeze Regulations 1983 or by these regulations or by all of them, the financial situation of each of the shareholders of the company has seriously deteriorated to the extent that each of them is suffering or will suffer severe hardship,—

the rent for the property may be increased to an amount approved by the Director-General.

18. Power to increase rent on account of improvements—(1) This regulation applies in every case where—

- (a) The landlord of a controlled property has, at any time after the 22nd day of June 1982, made any improvements to the property that significantly increase the services or amenities available to the tenant of the property; and
- (b) The tenant has, by notice in writing to the landlord, agreed on an amount by which the rent for the property may be increased by reason of those improvements.

(2) Subject to subclause (3) of this regulation, in any case to which this regulation applies the rent for the property may be increased by the amount so agreed upon by the tenant.

(3) No such increase shall take effect earlier than 7 days after the date on which a notice in writing specifying the amount of the increase has been served on the tenant by the landlord.

(4) Any notice given under subclause (3) of this regulation may be served by delivering it in an envelope addressed to the tenant at the property.

(5) In this regulation “improvements” includes structural alterations, extensions, or additions, and the provision of additional fixtures or fittings; but does not include anything done by way of decoration or repair.

General Provisions

19. Financial situation of married person—(1) In determining, for the purposes of regulation 11 or regulation 17 of these regulations, whether any natural person is suffering or will suffer severe hardship, the Director-General shall, if that person is married, take account of the financial situation of that person’s spouse unless that person establishes, to the satisfaction of the Director-General, that the parties to the marriage are living apart.

(2) In this regulation, “marriage” includes a relationship in the nature of marriage although the two parties to the relationship are not legally married.

20. Excess rent not payable or recoverable—No rent for any controlled dwellinghouse or controlled property shall be recoverable or lawfully payable in excess of the amount lawfully payable for that dwellinghouse or property immediately before the commencement of these regulations, except to the extent that that amount is lawfully increased in accordance with any of the provisions of these regulations.

21. Offence in respect of money that is irrecoverable—Every person commits an offence against these regulations who, for himself or for any other person, stipulates for, or demands or accepts, on account of any controlled dwellinghouse or controlled property, any sum of money which, by virtue of these regulations, is irrecoverable.

22. Recovery by tenant of excess rent—Where any sum of money that, by virtue of these regulations, is not lawfully recoverable has been paid on account of the rent of any controlled dwellinghouse or controlled property, the sum so paid may at any time within the period of 12 months after the date of payment be recovered by or on behalf of the person who paid it as a debt due to him from the person who received it; and, without prejudice to any other mode of recovery, where the person who made the payment is the tenant of the person who received it, the sum so paid may, within that period of 12 months, be deducted from any rent payable by the tenant to the landlord.

23. Offence to determine tenancy—(1) Every landlord commits an offence against these regulations who, by reason only of the restrictions imposed by these regulations, gives to any tenant a notice determining his tenancy or commences proceedings for the recovery of the possession of any controlled dwellinghouse or controlled property from the tenant or the ejection of the tenant therefrom or evicts the tenant from the dwellinghouse or property.

(2) In any prosecution for an offence against subclause (1) of this regulation in which it is proved that the landlord, during the currency of these regulations, gave to the tenant a notice determining his tenancy or commenced proceedings for the recovery of the possession of any controlled dwellinghouse or controlled property from the tenant or for the ejection of the tenant therefrom or evicted the tenant from the dwellinghouse or property, it shall be for the landlord to prove that he has not acted contrary to subclause (1) of this regulation.

(3) Any notice given contrary to subclause (1) of this regulation, and every ejection or eviction that takes place contrary to that subclause, shall be unlawful.

(4) In any proceedings for the recovery of the possession of any controlled dwellinghouse or controlled property or for the ejection of the tenant therefrom in which it is proved that the landlord, during the currency of these regulations, gave to the tenant a notice determining his tenancy or commenced proceedings for the recovery of the possession of the dwellinghouse or property or for the ejection of the tenant therefrom, it shall be for the landlord to prove that he has not acted contrary to subclause (1) of this regulation.

24. Prohibited transactions—No person shall enter into any transaction, or make any contract or arrangement, purporting to do, whether presently or at some future time or upon the happening of any event or contingency, anything that contravenes or will contravene the provisions of these regulations.

25. Revocation and savings—(1) The Rent Freeze Regulations 1983* are hereby revoked.

(2) Notwithstanding the expiry of these regulations, subclauses (3) to (5) of regulation 5 of these regulations shall be deemed to remain in force for the purposes of prohibiting the further increases of the rent for any controlled dwellinghouse or controlled property within 12 months after the date on which the increased rent or (as the case may require) the last increase first became payable during the currency of these regulations.

(3) Notwithstanding the revocation of the Rent Freeze Regulations 1983† or the revocation of the Rent Freeze Regulations 1983* or the expiry of

these regulations, the Rent Freeze Regulations 1982† and the Rent Freeze Regulations 1983* and these regulations respectively shall be deemed to remain in force for the purposes of enabling any sum of money to be recovered or deducted under regulation 7 of the Rent Freeze Regulations 1982† or regulation 14 of the Rent Freeze Regulations 1983* or regulation 22 of these regulations.

P. G. MILLEN,
Clerk of the Executive Council.

*S.R. 1983/98

†S.R. 1982/139

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations establish a new regime that is to apply, during the period from 1 April 1984 to 28 February 1985, in respect of rents for those dwellinghouses and other properties that were covered by the rent freeze. They replace the Rent Freeze Regulations 1983, which are revoked.

In general, if the rent of a dwellinghouse has not been increased since 1 April 1981, it may be increased up to a maximum calculated in accordance with regulation 7 (3) of these regulations. If the rent has been increased since that date, it may be further increased during the currency of these regulations up to a maximum of 3 percent of the present rent.

For other property, where the rent has been reviewed during the freeze or is reviewed during the currency of these regulations, it may be increased up to a maximum calculated in accordance with regulation 14 (3) or regulation 15 (3) of these regulations.

In general, increases are limited to 10 percent of the present rent in respect of each year since the present rent first became payable. Where in any such year the inflation rate (as measured by the Consumer Price Index) was less than 10 percent, the lower figure applies.

Regulations 9 and 16 of these regulations provide separately for tenancies at will and other tenancies of no fixed duration.

Certain exemptions are included for longstanding tenancies where the rent has not been increased for many years: regulations 6 and 13. The date of 31 March 1926 prescribed in those regulations is based on the fact that, prior to that date, full quarterly figures for the Consumer Price Index are not available. Accordingly, the formula set out in regulations 7 (3), 14 (3), 15 (3), and 16 (3) of these regulations could not be applied in respect of a full year before that date.

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