

Serial Number 1952/248



THE TENANCY REGULATIONS 1952

C. W. M. NORRIE, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 17th day of
December 1952

Present:

THE HON. K. J. HOLYOAKE PRESIDING IN COUNCIL

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

REGULATIONS

1. These regulations may be cited as the Tenancy Regulations 1952.
2. On the hearing of any application to fix the fair rent of any dwellinghouse or property under the Tenancy Act 1948, the value or cost of the dwellinghouse or property, or any increase in its value, shall not be deemed to be a special circumstance of the case within the meaning of subsection (2) of section 9 of that Act, except as provided in these regulations.

DWELLINGHOUSES

3. On the hearing of any application to fix the fair rent of any dwellinghouse under the Tenancy Act 1948, the following shall be deemed to be special circumstances of the case within the meaning of subsection (2) of section 9 of that Act, namely:—

- (a) In the case of a dwellinghouse built on or before the 1st day of September 1942 (not being a dwellinghouse to which paragraph (c) of this regulation applies), any increase in the value of the dwellinghouse:

Provided that no account shall be taken of so much of any such increase as brings the value to an amount that exceeds by more than 15 per cent the capital value as at the 1st day of September 1942:

- (b) In the case of a dwellinghouse built after the 1st day of September 1942 (not being a dwellinghouse to which paragraph (c) of this regulation applies), the capital cost of the dwellinghouse when built and the cost of any improvements made to the dwellinghouse after it was built:
- (c) In the case of a dwellinghouse purchased after the 22nd day of February 1950 and let to a new tenant on or after the 10th day of December 1951, the capital cost of the dwellinghouse to the landlord:

- (d) Any increase in rates or insurance premiums or other outgoings payable by the landlord in respect of the dwellinghouse:
- (e) Any increase in expenditure which relates to the tenancy and is met by the landlord for the benefit of the tenant.

PROPERTIES

4. On the hearing of any application to fix the fair rent of any property under the Tenancy Act 1948, the following shall be deemed to be special circumstances of the case within the meaning of subsection (2) of section 9 of that Act, namely:—

- (a) Any increase in the value of the property:

Provided that no account shall be taken of so much of any such increase as brings the value to an amount in excess of the capital value as defined in the Valuation of Land Act 1951:

- (b) Any increase in rates or insurance premiums or other outgoings payable by the landlord in respect of the property:
- (c) Any increase in expenditure which relates to the tenancy and is met by the landlord for the benefit of the tenant.

REVOCATIONS

5. The Tenancy Regulations 1951* and the Tenancy Regulations 1951, Amendment No. 1†, are hereby revoked.

* Statutory Regulations 1951, Serial number 1951/270, page 1042.
 † Statutory Regulations 1952, Serial number 1952/194, page 917.

T. J. SHERRARD,
 Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations relate to the fixing of the fair rents of dwellinghouses and business properties under the Tenancy Act 1948.

DWELLINGHOUSES

Where the dwellinghouse was built on or before 1 September 1942, any increase in value (up to 15 per cent in excess of the value on that date) is to be a special circumstance justifying a fair rent in excess of the basic rent.

Where the dwellinghouse has been built after 1 September 1942, the capital cost of the dwellinghouse when built plus the cost of any subsequent improvements is to be a special circumstance.

But if the dwellinghouse (whether built before or after 1 September 1942) has been purchased after 22 February 1950 and let to a new tenant on or after 10 December 1951, then the capital cost to the landlord is to be a special circumstance.

In the case of any dwellinghouse, whenever it was built, any increases in rates, insurance premiums, or other outgoings payable by the landlord are to be special circumstances.

BUSINESS PROPERTIES

In the case of any business property, any increase in value (up to the capital value as defined in section 2 of the Valuation of Land Act 1951) and any increases in rates, insurance premiums, or other outgoings payable by the landlord are to be special circumstances justifying a fair rent in excess of the basic rent.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 December 1952.

These regulations are administered in the Department of Labour and Employment.