

LANDLORD AND TENANT (CONTROL OF RENTS) ORDINANCE 1969

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No. 21 of 1969

An Ordinance to amend the *Landlord and Tenant (Control of Rents) Ordinance 1949-1968*

[Reserved 26 June, 1969]

[Assented to 22 August, 1969]*

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Landlord and Tenant (Control of Rents) Ordinance 1969*. Short title and citation

(2.) The *Landlord and Tenant (Control of Rents) Ordinance 1949-1968* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Landlord and Tenant (Control of Rents) Ordinance 1949-1969*.

2. Section 19 of the Principal Ordinance is amended by inserting in sub-section (3.) after the word "section" (first occurring) the words "and to the provisions of section twenty A of this Ordinance". Determination of application

3. Section 20 of the Principal Ordinance is amended by omitting from paragraph (a) the words "on the date on which the erection of the premises was completed" and inserting in its stead the words "on the date of the application". Matters to be considered

4. After section 20 of the Principal Ordinance the following section is inserted:—

"20A.—(1.) This section applies to and in relation to prescribed premises— Application of section 20 to certain premises

(a) that were not in existence on the prescribed date;

(b) that were leased immediately before the date of commencement of this section; and

(c) that have not ceased, on or after that date, to be prescribed premises to which this section applies.

"(2.) Prescribed premises that were not in existence on the the prescribed date but were leased immediately before the date

* Notified in the *Northern Territory Government Gazette* No. 36 of 3 September, 1969, page 265.

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referred to in paragraph (b) of the last preceding sub-section cease to be prescribed premises to which this section applies—

- (a) upon the re-entry of the lessor into possession of the premises if the re-entry is—
 - (i) with the consent, whether express or implied, of the lessee; or
 - (ii) in pursuance of an order for the recovery of the possession of the premises or the ejection of the lessee made under Part III. of this Ordinance; or
- (b) if the lessor grants a lease of the premises to a person after the commencement of this section— upon the granting of that lease or that person entering into occupation of the premises under that lease, whichever last occurs.

“(3.) Where—

- (a) the lease of premises, being premises that constitute the whole or a part of prescribed premises, is determined;
 - (b) a person other than the lessee of those premises is in possession of those premises or a part of those premises by virtue of a sub-lease that was granted with the consent or approval of the lessor of the premises; and
 - (c) that sub-lease has not been determined in accordance with this Ordinance,
- the determination of the lease does not operate to cause the premises or the part of the premises held under that sub-lease to cease to be prescribed premises.

“(4.) Where premises—

- (a) are held under a lease from the Commonwealth; and
 - (b) are sub-let by the lessee,
- this section operates as if that sub-lease were the lease of the premises and as if references in this section to the lessor of the premises were read as references to the lessee from the Commonwealth.

“(5.) The last preceding section applies to and in relation to prescribed premises to which this section applies as if the reference in paragraph (a) to the date of the application were read as a reference to the date on which the erection of the premises was completed.

“(6.) Notwithstanding the last preceding sub-section, where application is made to the Controller by the lessor of prescribed premises to which this section applies to determine the fair rent of the prescribed premises for the purpose of a lease that the lessor proposes to enter into, the Controller may determine the fair rent having regard to the matters specified in the last preceding section and, where the Controller does so, the determination shall come into force on the day on which the premises cease to be prescribed premises to which this section applies and that date shall be taken to be the date fixed by the Controller for the purpose of sub-section (1.) of the next succeeding section.

“(7.) Where the Controller makes a determination under this section, it is not necessary for the Controller to give notice of the determination under sub-section (2.) of the next succeeding section to any person other than the lessor of the premises and the person (if any) to whom the lessor proposes to lease the premises.”.

5. Section 27 of the Principal Ordinance is amended by adding at the end of sub-section (7.) the words “and to the provisions of section twenty A of this Ordinance.”.

Determination of
rent of shared
accommodation
