

LEGISLATIVE ASSEMBLY

ROOMING HOUSE OPERATORS BILL 2015

(Amendments and New Clauses to be moved by Ms GARRETT)

1. Clause 3, page 5, after line 25 insert—

**"notice to vacate** means a notice to vacate under Part 6 of the **Residential Tenancies Act 1997**;"
2. Clause 29, lines 17 to 19, omit "the room occupied by the resident by a date that is 120 days after the date on which the notice is given" and insert "under section 268B or section 290B of the **Residential Tenancies Act 1997** (as the case requires)".
3. Clause 29, page 38, lines 3 to 6, omit "the room occupied by the resident by a date that is 120 days after the date on which the notice is given" and insert "under section 268B or section 290B of the **Residential Tenancies Act 1997** (as the case requires)".
4. Clause 29, page 38, line 15, omit "under" and insert "in accordance with".
5. Clause 29, page 38, after line 20 insert—

**"Note**

A notice to vacate under section 268B of the **Residential Tenancies Act 1997** terminates any fixed term tenancy agreement under that Act between the rooming house owner and the resident of the rooming house: see section 219(2) of that Act."
6. Clause 34, lines 33 and 34, omit "the room occupied by the resident" and insert "under section 268A or section 290A of the **Residential Tenancies Act 1997** (as the case requires)".
7. Clause 34, page 46, after line 7 insert—

**"Note**

A notice to vacate under section 268A of the **Residential Tenancies Act 1997** terminates any fixed term tenancy agreement under that Act between the rooming house owner and the resident of the rooming house: see section 219(2) of that Act."
8. Clause 82, page 80, lines 11 to 14, omit "the room occupied by the resident by a date that is 120 days after the date on which the notice is given" and insert "under section 268B or section 290B of the **Residential Tenancies Act 1997** (as the case requires)".
9. Clause 82, page 80, lines 31 to 34, omit "the room occupied by the resident by a date that is 120 days after the date on which the notice is given" and insert "under section 268B or section 290B of the **Residential Tenancies Act 1997** (as the case requires)".
10. Clause 82, page 82, lines 7 to 10, omit "the room occupied by the resident by a date that is 120 days after the day on which the notice is given" and insert "under section

263, 268B, 288 or 290B of the **Residential Tenancies Act 1997** (as the case requires)".

11. Clause 82, page 82, after line 11 insert—

**"Note**

A notice to vacate under section 268B of the **Residential Tenancies Act 1997** terminates any fixed term tenancy agreement under that Act between the rooming house owner and the resident of the rooming house: see section 219(2) of that Act."

12. Clause 82, page 82, line 14, omit "under" and insert "in accordance with".
13. Clause 83, page 83, lines 28 and 29, omit "the room occupied by the resident" and insert "under section 268A or 290A of the **Residential Tenancies Act 1997** (as the case requires)".
14. Clause 83, page 83, after line 36 insert—

**"Note**

A notice to vacate under section 268A of the **Residential Tenancies Act 1997** terminates any fixed term tenancy agreement under that Act between the rooming house owner and the resident of the rooming house: see section 219(2) of that Act."

15. Heading to clause 88, omit "**section 268A**" and insert "**sections 268A and 268B**".
16. Clause 88, line 25, after "**given**" insert "**by Tribunal order**".
17. Clause 88, line 27, omit "A" and insert "(1) A".
18. Clause 88, line 32, omit "34(3)(c)(ii)" insert "33(1)(b), 34(3)(c)(ii) or 83(3)(c)(iii)".
19. Clause 88, line 34, omit 'owner.'" and insert "owner."
20. Clause 88, after line 34 insert—

- (2) The notice must specify a termination date that is the date specified by the Tribunal as the termination date.

**268B Notice to vacate—refusal of licence under Rooming House Operators Act 2015**

- (1) A rooming house owner who has entered into a tenancy agreement with a rooming house resident in accordance with section 94 may give the resident a notice to vacate the room or rented premises occupied by the resident under that tenancy agreement if—
- (a) the rooming house owner's application for renewal of a licence under the **Rooming House Operators Act 2015** is refused by the Business Licensing Authority and section 29(1) or 29(2) of that Act apply; or
  - (b) the rooming house owner's application for a licence under the **Rooming House Operators Act 2015** is refused by the Business Licensing Authority and section 82(2) of that Act applies.
- (2) The notice must specify a termination date that is 120 days after the date on which the notice is given."

21. Heading to clause 90, omit "**section 290A**" and insert "**sections 290A and 290B**".
22. Clause 90, line 25, after "**given**" insert "**by Tribunal order**".
23. Clause 90, line 27, omit "A" and insert "(1) A".
24. Clause 90, line 30, omit "34(3)(c)(ii)" insert "33(1)(b), 34(3)(c)(ii) or 83(3)(c)(iii)".
25. Clause 90, line 32, omit 'owner.'" and insert "owner."
26. Clause 90, after line 32 insert—

(2) The notice must specify a termination date that is the date specified by the Tribunal as the termination date.

**290B Notice to vacate—refusal of licence under Rooming House Operators Act 2015**

- (1) A rooming house owner may give a resident a notice to vacate the room occupied by the resident if—
  - (a) the rooming house owner's application for renewal of a licence under the **Rooming House Operators Act 2015** is refused by the Business Licensing Authority and section 29(1) or 29(2) of that Act apply; or
  - (b) the rooming house owner's application for a licence under the **Rooming House Operators Act 2015** is refused by the Business Licensing Authority and section 82(2) of that Act applies.
- (2) The notice must specify a termination date that is 120 days after the date on which the notice is given.".'

NEW CLAUSES

27. After clause 86 insert—

**'AA Residential Tenancies Act 1997—Termination after notice to vacate**

At the end of section 219 of the **Residential Tenancies Act 1997** insert—

- "(2) If a notice to vacate under section 268A or 268B or a notice of intention to vacate under section 235(3) is given in respect of a fixed term tenancy agreement between a rooming house owner and a resident of the rooming house, unless it terminates earlier in accordance with this Part, the fixed term tenancy agreement terminates on whichever is the earlier of—
- (a) the termination date specified in the notice to vacate under section 268A or 268B; or
  - (b) if a notice of intention to vacate has been given under section 235(3), the termination date specified in that notice of intention to vacate.

**Example**

Earlier termination may occur by a notice to vacate given under section 243 or 250.".'.

28. After clause 87 insert—

**'BB Residential Tenancies Act 1997—Notice of intention to vacate**

- (1) In section 235(2) of the **Residential Tenancies Act 1997**, after "The notice" **insert** "under subsection (1)".
- (2) After section 235(2) of the **Residential Tenancies Act 1997 insert—**
  - "(3) A resident of a rooming house who has entered into a tenancy agreement with a rooming house owner which is a fixed term tenancy agreement may give the rooming house owner a notice of intention to vacate the room or rented premises if the resident has been given a notice to vacate under section 268A or 268B.
  - (4) The notice of intention to vacate under subsection (3) must specify a termination date that is not less than 28 days after the date on which that notice of intention to vacate is given."

**CC Residential Tenancies Act 1997—Notice to have no effect in certain circumstances**

At the end of section 236 of the **Residential Tenancies Act 1997 insert—**

- "(2) This section does not apply to a notice of intention to vacate given under section 235(3).".'.