

LEGISLATIVE ASSEMBLY

RESIDENTIAL TENANCIES AMENDMENT BILL 2010

(Amendments and New Clauses to be moved by Mr Robinson)

1. Clause 79, line 3 after "**building**" insert "**or other person who is not rooming house owner**".
2. Clause 79, after line 3 insert—
 - "(1) This section applies if a person who is not a rooming house owner leases a building to another person and the building is being used, whether by that lessee or another person, to operate a rooming house and—
 - (a) notice terminating the lease of the building is given by a party to that lease; or
 - (b) if the person operating the rooming house is not the lessee, the person operating the rooming house or any other party to any lease or other agreement under which that person occupies the building gives notice terminating that lease or other agreement; or
 - (c) the lease, or if the person operating the rooming house is not the lessee any lease or other agreement under which that person occupies the building, is terminated by consent or by agreement; or
 - (d) the lessee or other person operating the rooming house abandons the building."
3. Clause 79, lines 4 to 15, omit all the words and expression on these lines and insert—
 - "(2) If this section applies, notice to vacate may be given to each resident of the rooming house by—
 - (a) a lessee of the building who is not the rooming house owner, or that person's agent, if—
 - (i) that person's lease is not terminated as set out in subsection (1)(a), (b) or (c); or
 - (ii) that person has not abandoned the building; or
 - (b) the owner of the building or the owner's agent.
 - (3) A notice to vacate given to a resident under subsection (2) must specify a date for vacating the building which is the later of—
 - (a) 45 days after the date on which that notice to vacate is given; or
 - (b) in a case referred to in subsection (1)(a) or (b), the date which is the end of the period specified in the notice referred to in subsection (1)(a) or (b), as the case requires."

4. Clause 79, line 16 omit "(3) The owner of the building, or the owner's" and insert "(4) A person entitled to give notice to vacate to a resident under this section, or that person's".
5. Clause 79, line 20 omit "(1)" and insert "(2)".
6. Clause 79, line 21 omit "(4)" and insert "(5)".
7. Clause 79, line 25 omit "(5)" and insert "(6)".
8. Clause 79, line 28 omit "as" and insert "and in the same state of repair or general condition that".
9. Clause 79, lines 31 and 32 omit "the lessee of the building who was".
10. Clause 79, page 94, line 5 omit "lessee of the building" and insert "rooming house owner".
11. Clause 79, page 94, line 6 omit "(6) Nothing" and insert "(7) Subject to subsection (9), nothing".
12. Clause 79, page 94, lines 6 and 7 omit "the owner of the building" and insert "a person entitled to give notice to vacate to a resident under this section".
13. Clause 79, page 94, lines 8 and 9, omit "under Part 3".
14. Clause 79, page 94, after line 9 insert—
 - "(8) Nothing in this section prevents a rooming house owner giving, in accordance with this Act, a notice to vacate to a resident with an earlier termination date than that referred to in subsection (3) for a notice to vacate under this section and such a notice to vacate given by the rooming house owner—
 - (a) prevails over any notice to vacate given to a resident under this section; and
 - (b) must be complied with by the resident in accordance with this Act."
15. Clause 79, page 94, line 10, omit "(7) If the owner of a building, or the owner's" and insert "(9) If a person entitled to give notice to vacate to a resident under this section, or that person's".
16. Clause 79, page 94, line 12 omit "(1)" and insert "(2)".
17. Clause 79, page 94, line 12 after "right," insert "Part 3 (except sections 93, 94, 94A, 94B, 94C, 94D, 95, 96, 97, 98, 109, 124 and Division 8 of that Part),".
18. Clause 79, page 94, line 13 omit "and Part 7" and insert ", sections 278, 279, 280, 281 and 284, Part 7 and Part 9".

19. Clause 79, page 94, line 15, omit "owner of the building" and insert "person entitled to give notice to vacate to a resident under this section".
20. Clause 79, page 94, line 16 omit "(8)" and insert "(10)".
21. Clause 79, page 94, line 16 omit "(5)" and insert "(6)".
22. Clause 79, page 94, lines 18 and 19 omit "owner of the building, or the owner's" and insert "person entitled to give notice to vacate to a resident under this section, or that person's".
23. Clause 165, line 4, omit "(which" and insert ", or if a greater amount is prescribed for the purposes of this section, that prescribed amount, (which".
24. Clause 165, line 8, omit "(which" and insert ", or if a greater amount is prescribed for the purposes of this section, that prescribed amount, (which".
25. Clause 166, line 14, omit "(which" and insert ", or if a greater amount is prescribed for the purposes of this section, that prescribed amount, (which".
26. Clause 166, line 18, omit "(which" and insert ", or if a greater amount is prescribed for the purposes of this section, that prescribed amount, (which".
27. Clause 167, line 24, omit "(which" and insert ", or if a greater amount is prescribed for the purposes of this section, that prescribed amount, (which".
28. Clause 167, line 28, omit "(which" and insert ", or if a greater amount is prescribed for the purposes of this section, that prescribed amount, (which".

NEW CLAUSES

29. Insert the following new clauses to follow clause 79—

'AA New section 323A inserted

After section 323 of the Principal Act **insert**—

"323A Application for possession order by person entitled to give notice to vacate under section 289A

A person entitled to give notice to vacate under section 289A may apply to the Tribunal for a possession order for the building if—

- (a) the person has given a resident a notice to vacate under section 289A; and
- (b) the resident fails to vacate the building by the date specified in that notice to vacate."

BB Consequential amendments—regaining possession

In the Principal Act—

- (a) in section 326(2) after "322(3)" **insert** ", 323A";
- (b) in section 330(1)—

- (i) after "and rooming house" **insert** "or a building";
- (ii) in paragraph (a) for "or mortgagee" **substitute** ", person entitled to give a notice to vacate under section 289A or mortgagee";
- (iii) in paragraph (c) for "or mortgagee" **substitute** ", person entitled to give a notice to vacate under section 289A or mortgagee";
- (iv) in paragraph (d) after "room," **insert** "building,";
- (c) in section 330(2) after "323(b)" **insert** ", 323A";
- (d) after section 333(1)(a)(ii) **insert**—
 - "(iia) in the case of a building in respect of which notice under section 289A was given, the resident must vacate that building: and";
- (e) in section 333—
 - (i) in subsection (1)(b) after "rooming house," **insert** "building,";
 - (ii) in subsection (2) after "a rooming house" **insert** "or a building";
 - (iii) in subsection (2) after "and rooming house" **insert** "or the building";
- (f) in section 355—
 - (i) in subsection (2)(a) after "rooming house," **insert** "building,";
 - (ii) in subsection (2)(b) after "shared room)," **insert** "building,";
 - (iii) in subsection (3) after "rooming house" **insert** ", building,";
- (g) in section 358(1)—
 - (i) after "a rooming house" **insert** " or in the case of a building in respect of which notice under section 289A was given, a building,";
 - (ii) after "the rooming house" **insert** "or that building".!