

SECTION 10—OTHER STATUTES

(a) Tenancy Legislation

(1) During the year the provisions of the Fair Rents Act, 1936, and various amendments, and that part of the Economic Stabilization Emergency Regulations 1942 and amendments dealing with rents, &c., were consolidated and amended under the title of the Tenancy Act, 1948. This Act, which was assented to and became operative on the 3rd December, 1948, gave permanence to legislation which was previously temporary.

(2) There has been insufficient time to report on the modifications and new provisions introduced, but a summary of the more important alterations may be usefully made.

(3) In Part II officers administering the Act are designated Rents Officers, these to include all Inspectors of Factories. "Rent" has been defined as "including any valuable consideration in money or money's worth that is part of or in substitution for any rent." All property is covered except licensed premises or agricultural properties leased for a period of two years or more. These last two classes are subject to the provisions of the Servicemen's Settlement and Land Sales Act, 1943.

(4) The previous provisions prohibiting the payment of a premium on the granting or transferring of a tenancy have been extended to require the consent of the Land Valuation Court to the payment of any sum other than the rent, the value of chattels, or the replacement cost of stock.

(5) Part III, dealing with the recovery of possession, incorporates important alterations. A new provision covers tenancies where the landlord is the employer of the tenant and the contract of employment is terminated. The provision that an owner who desires his dwellinghouse for his own use and occupation is required to provide alternative accommodation or prove greater hardship is relaxed in the case of an owner who has owned the dwelling for a period of five years, and in the case of an age-beneficiary under the Social Security Act who has owned the dwelling for two years. In the latter case the question is decided on the grounds of relative hardship only.

(6) The previous provision that an owner who had regained possession in certain circumstances could not relet or sell within a period of six months has been extended to two years.

(7) Further provisions allow for the recovery of excess land for building purposes and also give the right of access to a landlord to convert a dwelling into self-contained flats, the existing tenant to be granted the tenancy of one of the flats upon completion.

(8) The special protection against eviction afforded ex-servicemen and their dependants terminated on the 31st March, 1949, with the exception of men still serving. In the latter case protection terminates twelve months after the serviceman ceases to render full-time service as such or twelve months after his death on service.

(9) A new section makes it an offence to eject the tenant of a dwellinghouse except pursuant to an order of the Court or with the tenant's consent.

(10) The duty of requisitioning empty dwellings, other than those ordinarily used for holiday purposes, rests with local authorities. A survey undertaken shows that only one house has been compulsorily let under this Part of the Act, but it is the opinion of departmental officers that the existence of these provisions has induced owners to keep their dwellings occupied, either by selling or relettings.

(11) Part IV covers miscellaneous provisions, the more important of these being the power taken to require a landlord to effect repairs to a dwellinghouse; a provision making it an offence for a landlord to deny to a tenant of a dwelling any of the amenities of the tenancy; a provision making it an offence to "squat" in a dwelling; and provisions facilitating the ejectment of "squatters."