



New South Wales

Residential Tenancies Amendment (Reasons for Termination) Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Residential Tenancies Act 2010* (*the Act*) to remove the right of landlords to terminate residential tenancy agreements without grounds and to specify additional reasons for which landlords may terminate residential tenancy agreements.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 **Amendment of Residential Tenancies Act 2010** **No 42**

Schedule 1[4] and [7] substitute sections 84(1) and 85(1) of the Act to remove the right of a landlord to terminate a fixed term agreement or a periodic agreement without grounds. The substituted provisions permit a landlord to terminate a fixed term agreement or a periodic agreement—

- (a) if the landlord, or a person with a close family relationship to the landlord, intends to occupy the residential premises, or
- (b) if the landlord intends to repair, renovate or reconstruct the premises in a way that reasonably requires the tenant to vacate the premises, or

- (c) if the tenant, or another occupier of the premises, has endangered the safety of an occupier of neighbouring premises, or
- (d) for another reason prescribed by the regulations.

The reasons mentioned in the substituted provisions apply in addition to the reasons for termination of an agreement by a landlord set out in other provisions of Part 5, Division 2 of the Act. **Schedule 1[1]–[3], [5], [6] and [8]** make consequential amendments.

Schedule 1[9] inserts a transitional provision to exclude the application of the proposed amendments to residential tenancy agreements entered into before the commencement of the amendments.



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Residential Tenancies Amendment (Reasons for Termination) Bill 2021

No. , 2021

A Bill for

An Act to amend the *Residential Tenancies Act 2010* to remove the right of landlords to terminate residential tenancy agreements without grounds; to specify additional reasons for which landlords may terminate residential tenancy agreements; and for other purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

2

This Act is the *Residential Tenancies Amendment (Reasons for Termination) Act 2021*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Residential Tenancies Act 2010	1
	No 42	2
[1] Section 82 Termination notices		3
	Omit “84, 85,” from section 82(1)(c).	4
[2] Section 83A		5
	Insert before section 84—	6
83A Definitions		7
	In this Division—	8
	<i>neighbouring premises</i> , in relation to residential premises, means premises adjoining or adjacent to the residential premises.	9 10
	<i>person associated</i> with a landlord who is an individual means 1 of the following—	11 12
	(a) a spouse, de facto partner, child or parent of the landlord,	13
	(b) a parent of the spouse or de facto partner of the landlord,	14
	(c) another individual who normally lives with the landlord and is wholly or substantially dependent on the landlord.	15 16
[3] Section 84, heading		17
	Omit “ End of residential tenancy agreement ”. Insert instead “ Termination ”.	18
[4] Section 84(1)		19
	Omit the subsection. Insert instead—	20
	(1) In addition to any other provision of this Division, a landlord may give a termination notice for a fixed term agreement if the notice—	21 22
	(a) is given before the end of the fixed term, and	23
	(b) is to take effect on or after the end of the fixed term, and	24
	(c) is given for, and specifies, 1 or more of the following reasons—	25
	(i) for a landlord who is an individual—the landlord, or a person associated with the landlord, intends to occupy the residential premises immediately after the notice takes effect,	26 27 28
	(ii) the landlord intends to repair, renovate or reconstruct the residential premises, in a way that reasonably requires the tenant to vacate the residential premises, and has obtained all necessary permits and consents to carry out the repair, renovation or reconstruction,	29 30 31 32 33
	(iii) an act or omission of the tenant, or of any person who although not a tenant is occupying or jointly occupying the residential premises, has endangered the safety of an occupier of neighbouring premises,	34 35 36 37
	(iv) another reason prescribed by the regulations for the purposes of this subsection.	38 39
[5] Section 84(3)		40
	Omit the subsection. Insert instead—	41
	(3) The Tribunal must, on application by a landlord, make a termination order if it is satisfied—	42 43

(a)	the termination notice was given in accordance with this section, and	1
(b)	the reason specified in the notice has been established, and	2
(c)	the tenant has not vacated the premises as required by the notice.	3
[6]	Section 85, heading	4
	Omit “—no grounds required to be given”.	5
[7]	Section 85(1)	6
	Omit the subsection. Insert instead—	7
(1)	In addition to any other provision of this Division, a landlord may give a termination notice for a periodic agreement if the notice is given for, and specifies, 1 or more of the following reasons—	8 9 10
(a)	for a landlord who is an individual—the landlord, or a person associated with the landlord, intends to occupy the residential premises immediately after the notice takes effect,	11 12 13
(b)	the landlord intends to repair, renovate or reconstruct the residential premises, in a way that reasonably requires the tenant to vacate the residential premises, and has obtained all necessary permits and consents to carry out the repair, renovation or reconstruction,	14 15 16 17
(c)	an act or omission of the tenant, or of any person who although not a tenant is occupying or jointly occupying the residential premises, has endangered the safety of an occupier of neighbouring premises,	18 19 20
(d)	another reason prescribed by the regulations for the purposes of this subsection.	21 22
[8]	Section 85(3)	23
	Omit the subsection. Insert instead—	24
(3)	The Tribunal must, on application by a landlord, make a termination order if it is satisfied—	25 26
(a)	the termination notice was given in accordance with this section, and	27
(b)	the reason specified in the notice has been established, and	28
(c)	the tenant has not vacated the premises as required by the notice.	29

[9] Schedule 2 Savings, transitional and other provisions	1
Insert at the end of the Schedule, with appropriate Part and clause numbering—	2
Part Provision consequent on enactment of Residential Tenancies Amendment (Reasons for Termination) Act 2021	3
	4
	5
Application of removal of landlord’s right to terminate residential tenancy agreement for no reason	6
	7
The amendments made to this Act by the <i>Residential Tenancies Amendment (Reasons for Termination) Act 2021</i> do not apply to residential tenancy agreements entered into before the commencement of the amendments.	8
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