

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. 50, 1936.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant Act of 1899, the Landlord and Tenant (Amendment) Act, 1932-1935, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1936.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1936." Short title.

Landlord and Tenant (Amendment).

Amendment
of Act No.
18, 1899.

New s. 22A.

Special
provisions
applicable
to Part IV.

2. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

(a) by inserting next after section twenty-two the following new section:—

22A. For the purposes of this Part of this Act and notwithstanding anything in such Part contained—

(a) Proof of the payment by any person of rent in respect of any land shall give rise to a conclusive presumption—

(i) of the existence of a tenancy in respect of such land; and

(ii) that such person holds such land as tenant of the person to whom or to whose agent such rent is paid; and

(iii) that the person to whom or to whose agent such rent is paid is the landlord of whom such tenant holds such land.

(b) Any tenancy the existence of which is so presumed shall, in the absence of proof to the contrary, be deemed to be a tenancy determinable at the will of either of the parties—

(i) by one week's notice in writing in any case in which the rent is paid or payable in respect of weekly intervals;

(ii) by one month's notice in writing in any other case.

(c) A warrant issued under this Part of this Act may be executed not only against the person against whom the information was exhibited but also against every person claiming under him who is in actual occupation of the land or any part thereof.

Landlord and Tenant (Amendment).

A person who became the occupier of the land or any part thereof, under a tenancy held of the person against whom the information was exhibited and whose occupancy is referable to such tenancy, shall be deemed to claim under the person against whom the information was exhibited whether or not such tenancy has expired or otherwise been determined.

- (d) Where a landlord has conveyed to a purchaser the land the subject of a tenancy, a notice in writing of such fact, signed by the landlord or his solicitor, specifying the name of the purchaser and directing the tenant to pay all future rents to such purchaser, served upon the tenant of such land, shall be deemed to operate as an attornment as tenant to such purchaser by such tenant at the rent and subject to the stipulations, agreements and conditions of such tenancy subsisting at the date of service of such notice.

Such notice may be served either personally or by leaving the same for the tenant at any occupied house or building upon the land or by properly addressing, prepaying and posting a letter containing the notice, and where so served by the post the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

- (e) A notice to quit or a notice of intention to quit may expire at any time provided the length of the notice required by law or by the agreement of the parties is given, notwithstanding that the date indicated in the notice as the date upon which

Landlord and Tenant (Amendment).

which possession is to be given, does not coincide with the last day of a period of the tenancy.

Sec. 23 (2).
(Proceedings at the hearing.)

Amendment of Act No. 67, 1932.

New s. 16A.

Further time for determination by court.

(b) by omitting from subsection two of section twenty-three the word "creation" and by inserting in lieu thereof the word "holding."

3. (1) The Landlord and Tenant (Amendment) Act, 1932-1935, is amended—

(a) by inserting next after section sixteen the following new section:—

16A. (1) Any lessee or lessor may apply to the court to have the annual rent of a lease to which this Part of this Act applies (including a lease brought within the operation of this Part of this Act by the amendments made by section two of the Landlord and Tenant (Amendment) Act, 1935) determined for the balance of the term or during the period for which this Part of this Act is in force whichever is the shorter period.

(2) Such application shall be made not later than the thirtieth day of June, one thousand nine hundred and thirty-seven.

(3) Any such application may be so made whether or not an application has been made with respect to the same lease under section sixteen of this Act.

(4) The provisions of subsections three and four of section sixteen of this Act shall apply to and in respect of any application under this section.

(5) Every order made by the court upon any application under this section shall have effect according to its tenor from such date not earlier than the date of the application as may be specified in the order.

(6) Any order which was made by the court upon an application under section sixteen of this Act to determine the annual rent of any lease

Landlord and Tenant (Amendment).

lease and which, either as originally made or as altered or amended under the authority of this Act, is in force immediately before the commencement of subsection one of section three of the Landlord and Tenant (Amendment) Act, 1936, shall continue in force—

- (a) for the balance of the term of such lease or during the period for which this Part of this Act is in force whichever is the shorter period; or
- (b) until an order made with respect to the same lease on an application under this section takes effect.
- (b) by inserting in paragraph (a) of subsection one of section twenty-four after the word “sixteen” the words and figures “or under section 16A”; Sec. 24.
(Consequential.)
- (c) by omitting from section twenty-eight the word “thirty-six” and inserting in lieu thereof the word “thirty-eight.” Sec. 28.
(Duration of Parts II and III.)

(2) The Landlord and Tenant (Amendment) Act, 1932-1935, is further amended by inserting at the end of section twenty the following new subsection:— Further amendment of Act No. 67, 1932.

(3) An application under this section shall not be made after the date upon which the assent of His Majesty to the Landlord and Tenant (Amendment) Act, 1936, is signified. Sec. 20.
(Leases made after 8th October, 1931.)

(3) Subsection one of this section shall commence on the thirty-first day of December, one thousand nine hundred and thirty-six.

By Authority:

DAVID HAROLD PAISLEY, Government Printer, Sydney, 1936.

Lawford and Evans (Amendment)

...and which, either as originally made or as amended, shall be in full force and effect from the date of its passage until the date of its repeal or until the date of its amendment. (Amendment) Act No. 50, 1938 shall continue in force -

(a) for the term of the term of such law or during the period for which that law of this Act is in force whichever is the shorter period; or

(b) until an order made with respect to the same laws on an application under this section takes effect.

...in any paragraph (a) of subsection one of section two of the Lawford and Evans (Amendment) Act No. 50, 1938, the words "and section two" shall be deleted.

(4) by substituting in section twenty-eight the words "and section two" and inserting in their stead the words "and section two" in the following places:

(a) in the Lawford and Evans (Amendment) Act No. 50, 1938, at the end of section two, the following new subsection:

(b) in the Lawford and Evans (Amendment) Act No. 50, 1938, at the end of section two, the following new subsection:

(c) in section one of this section shall commence at the first part of the number one thousand and hundred and thirty six.

By Authority:

...of the Government of the State of New South Wales

1938

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 2 December, 1936.

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. 50, 1936.

All Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant Act of 1899, the Landlord and Tenant (Amendment) Act, 1932-1935, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1936.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Landlord and Tenant Short title.
(Amendment) Act, 1936."

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

Landlord and Tenant (Amendment).

Amendment of Act No. 18, 1899.

New s. 22A.

Special provisions applicable to Part IV.

2. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

(a) by inserting next after section twenty-two the following new section:—

22A. For the purposes of this Part of this Act and notwithstanding anything in such Part contained—

(a) Proof of the payment by any person of rent in respect of any land shall give rise to a conclusive presumption—

(i) of the existence of a tenancy in respect of such land; and

(ii) that such person holds such land as tenant of the person to whom or to whose agent such rent is paid; and

(iii) that the person to whom or to whose agent such rent is paid is the landlord of whom such tenant holds such land.

(b) Any tenancy the existence of which is so presumed shall, in the absence of proof to the contrary, be deemed to be a tenancy determinable at the will of either of the parties—

(i) by one week's notice in writing in any case in which the rent is paid or payable in respect of weekly intervals;

(ii) by one month's notice in writing in any other case.

(c) A warrant issued under this Part of this Act may be executed not only against the person against whom the information was exhibited but also against every person claiming under him who is in actual occupation of the land or any part thereof.

Landlord and Tenant (Amendment).

A person who became the occupier of the land or any part thereof, under a tenancy held of the person against whom the information was exhibited and whose occupancy is referable to such tenancy, shall be deemed to claim under the person against whom the information was exhibited whether or not such tenancy has expired or otherwise been determined.

- (d) Where a landlord has conveyed to a purchaser the land the subject of a tenancy, a notice in writing of such fact, signed by the landlord or his solicitor, specifying the name of the purchaser and directing the tenant to pay all future rents to such purchaser, served upon the tenant of such land, shall be deemed to operate as an attornment as tenant to such purchaser by such tenant at the rent and subject to the stipulations, agreements and conditions of such tenancy subsisting at the date of service of such notice.

Such notice may be served either personally or by leaving the same for the tenant at any occupied house or building upon the land or by properly addressing, prepaying and posting a letter containing the notice, and where so served by the post the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

- (e) A notice to quit or a notice of intention to quit may expire at any time provided the length of the notice required by law or by the agreement of the parties is given, notwithstanding that the date indicated in the notice as the date upon which

Landlord and Tenant (Amendment).

which possession is to be given, does not coincide with the last day of a period of the tenancy.

Sec. 23 (2).
(Proceedings at the hearing.)

(b) by omitting from subsection two of section twenty-three the word "creation" and by inserting in lieu thereof the word "holding."

Amendment of Act No. 67, 1932.

3. (1) The Landlord and Tenant (Amendment) Act, 1932-1935, is amended—

New s. 16A.

(a) by inserting next after section sixteen the following new section:—

Further time for determination by court.

16A. (1) Any lessee or lessor may apply to the court to have the annual rent of a lease to which this Part of this Act applies (including a lease brought within the operation of this Part of this Act by the amendments made by section two of the Landlord and Tenant (Amendment) Act, 1935) determined for the balance of the term or during the period for which this Part of this Act is in force whichever is the shorter period.

(2) Such application shall be made not later than the thirtieth day of June, one thousand nine hundred and thirty-seven.

(3) Any such application may be so made whether or not an application has been made with respect to the same lease under section sixteen of this Act.

(4) The provisions of subsections three and four of section sixteen of this Act shall apply to and in respect of any application under this section.

(5) Every order made by the court upon any application under this section shall have effect according to its tenor from such date not earlier than the date of the application as may be specified in the order.

(6) Any order which was made by the court upon an application under section sixteen of this Act to determine the annual rent of any lease

Landlord and Tenant (Amendment).

lease and which, either as originally made or as altered or amended under the authority of this Act, is in force immediately before the commencement of subsection one of section three of the Landlord and Tenant (Amendment) Act, 1936, shall continue in force—

- (a) for the balance of the term of such lease or during the period for which this Part of this Act is in force whichever is the shorter period; or
- (b) until an order made with respect to the same lease on an application under this section takes effect.
- (b) by inserting in paragraph (a) of subsection one of section twenty-four after the word "sixteen" the words and figures "or under section 16A"; Sec. 24. (Consequential.)
- (c) by omitting from section twenty-eight the word "thirty-six" and inserting in lieu thereof the word "thirty-eight." Sec. 28. (Duration of Parts II and III.)

(2) The Landlord and Tenant (Amendment) Act, 1932-1935, is further amended by inserting at the end of section twenty the following new subsection:— Further amendment of Act No. 67, 1932.

(3) An application under this section shall not be made after the date upon which the assent of His Majesty to the Landlord and Tenant (Amendment) Act, 1936, is signified. Sec. 20. (Leases made after 8th October, 1931.)

(3) Subsection one of this section shall commence on the thirty-first day of December, one thousand nine hundred and thirty-six.

In the name and on behalf of His Majesty I assent to this Act.

P. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 9th December, 1936.*

1930

Memorandum for the Board of Directors

The following information is being furnished to you for your information and guidance in connection with the proposed acquisition of the property located at 1234 Main Street, New York, New York.

The property is owned by the New York Land Company, a corporation organized under the laws of the State of New York. The property is currently being used as a warehouse and is situated in an industrial district.

The proposed acquisition of the property is being made for the purpose of developing the same into a residential project. It is estimated that the cost of acquisition and development of the property will be approximately \$1,000,000.

The Board is requested to consider the proposed acquisition of the property and to take such action as may be deemed appropriate.

Very truly yours,
John Doe, President

Enclosed for the Board are copies of the following documents:

- (1) A copy of the contract of purchase of the property.
- (2) A copy of the title insurance policy covering the property.
- (3) A copy of the preliminary plat of the proposed residential project.

The Board is requested to take such action as may be deemed appropriate.

As the same may be helpful, the following information is being furnished to you:

The property is situated in an industrial district and is currently being used as a warehouse. It is estimated that the cost of acquisition and development of the property will be approximately \$1,000,000.

The Board is requested to consider the proposed acquisition of the property and to take such action as may be deemed appropriate.

1870

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the purchase of
books for the year 1870.

Witness my hand and seal this
10th day of June 1870.

John A. [Name]

Superintendent of Schools

City of New York

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the purchase of
books for the year 1870.

Witness my hand and seal this
10th day of June 1870.

John A. [Name]

Superintendent of Schools

City of New York

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the purchase of
books for the year 1870.

In the presence of [Name] and [Name]

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the purchase of
books for the year 1870.

I certify that the Public Bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

W. R. MCCOURT,
Clerk of the Legislative Assembly,
Legislative Assembly Chamber,
Sydney, 2 December, 1930.

New South Wales



1930

Printed and Published by
the Government Printer,
Sydney.

I, This Act may be cited as the "Lambford and Tennant (Amendment) Act, 1930".

I have examined this Bill, and find it is expressed in all respects with the Bill as finally passed by both Houses.

W. W. HEDDER,
Chairman of Committees of the Legislative Assembly.

LANDLORD AND TENANT (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 1st December, 1936.

No. 1.—Page 3, clause 2. *After line 3 insert—*

A person who became the occupier of the land or any part thereof, under a tenancy held of the person against whom the information was exhibited and whose occupancy is referable to such tenancy, shall be deemed to claim under the person against whom the information was exhibited whether or not such tenancy has expired or otherwise been determined.

No. 2.—Page 3, clause 2, lines 21 and 22. *Omit* “to create a tenancy between such purchaser as landlord and such tenant” *insert* “**to operate as an attornment as tenant to such purchaser by such tenant at the rent and subject to the stipulations, agreements and conditions of such tenancy subsisting at the date of service of such notice.**”

No. 3.—Page 3, clause 2, line 29. *After* “or” *insert* “**by leaving the same for the tenant at any occupied house or building upon the land or**”

No. 4.—Page 4, clause 2, lines 2 and 3. *Omit* “shall not be invalid merely by reason of the fact” *insert* “**may expire at any time provided the length of the notice required by law or by the agreement of the parties is given, notwithstanding**”

No. 5.—Page 4, clause 2, lines 11 to 16, inclusive. *Omit—*

Where the date so indicated is not such last day, the notice shall have and take effect as if for the date so indicated there was substituted the last day of the period of the tenancy current upon such date.

No. 6.—Page 5, clause 3. *After line 13, insert—*

(6) Any order which was made by the court upon an application under section sixteen of this Act to determine the annual rent of any lease and which, either as originally made or as altered or amended under the authority of this Act, is in force immediately before the commencement of subsection one of section three of the Landlord and Tenant (Amendment) Act, 1936, shall continue in force—

(a) for the balance of the term of such lease or during the period for which this Part of this Act is in force whichever is the shorter period; or

(b) until an order made with respect to the same lease on an application under this section takes effect.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
540 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 19 November, 1936.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

C. H. H. CALVERT,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 1st December, 1936.

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. , 1936.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant Act of 1899, the Landlord and Tenant (Amendment) Act, 1932-1935, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1936." Short title.

21829 27—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Landlord and Tenant (Amendment).

2. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

Amendment of Act No. 18, 1899.

(a) by inserting next after section twenty-two the following new section:—

New s. 22A.

5 22A. For the purposes of this Part of this Act and notwithstanding anything in such Part contained—

Special provisions applicable to Part IV.

10 (a) Proof of the payment by any person of rent in respect of any land shall give rise to a conclusive presumption—

(i) of the existence of a tenancy in respect of such land; and

15 (ii) that such person holds such land as tenant of the person to whom or to whose agent such rent is paid; and

20 (iii) that the person to whom or to whose agent such rent is paid is the landlord of whom such tenant holds such land.

25 (b) Any tenancy the existence of which is so presumed shall, in the absence of proof to the contrary, be deemed to be a tenancy determinable at the will of either of the parties—

(i) by one week's notice in writing in any case in which the rent is paid or payable in respect of weekly intervals;

30 (ii) by one month's notice in writing in any other case.

35 (c) A warrant issued under this Part of this Act may be executed not only against the person against whom the information was exhibited but also against every person

Landlord and Tenant (Amendment).

person claiming under him who is in actual occupation of the land or any part thereof.

5 A person who became the occupier of the land or any part thereof, under a tenancy held of the person against whom the information was exhibited and whose occupancy is referable to such tenancy, shall be deemed to claim under the person against whom the information was exhibited whether or not such tenancy has expired or otherwise been determined.

10
15 (d) Where a landlord has conveyed to a purchaser the land the subject of a tenancy, a notice in writing of such fact, signed by the landlord or his solicitor, specifying the name of the purchaser and directing the tenant to pay all future rents to such purchaser, served upon the tenant of such land, shall be deemed to create a tenancy between such purchaser as landlord and such tenant to operate as an attornment as tenant to such purchaser by such tenant at the rent and subject to the stipulations, agreements and conditions of such tenancy subsisting at the date of service of such notice.

20
25
30 Such notice may be served either personally or by leaving the same for the tenant at any occupied house or building upon the land or by properly addressing, prepaying and posting a letter containing the notice, and where so served by post the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(e)

Landlord and Tenant (Amendment).

5 (e) A notice to quit or a notice of intention
 to quit shall not be invalid merely by
 reason of the fact **may expire at any time**
provided the length of the notice required
by law or by the agreement of the parties is
given, notwithstanding that the date indi-
 10 cated in the notice as the date upon
 which possession is to be given, does
 not coincide with the last day of a
 period of the tenancy.

15 Where the date so indicated is not
 such last day, the notice shall have and
 take effect as if for the date so indicated
 there was substituted the last day of
 the period of the tenancy current upon
 such date.

(b) by omitting from subsection two of section Sec. 23 (2).
 twenty-three the word "creation" and by in- (Proceed-
 serting in lieu thereof the word "holding." ings at the
hearing.)

20 **3.** (1) The Landlord and Tenant (Amendment) Act, Amendment
 1932-1935, is amended— of Act No.
67, 1932.

(a) by inserting next after section sixteen the fol- New s. 16A.
 lowing new section:—

25 16A. (1) Any lessee or lessor may apply to
 the court to have the annual rent of a lease Further time
 to which this Part of this Act applies (including for deter-
 a lease brought within the operation of this Part mination by
 of this Act by the amendments made by section court.
 30 Act, 1935) determined for the balance of the
 term or during the period for which this Part
 of this Act is in force whichever is the shorter
 period.

35 (2) Such application shall be made not
 later than the thirtieth day of June, one thousand
 nine hundred and thirty-seven.

(3)

Landlord and Tenant (Amendment).

(3) Any such application may be so made whether or not an application has been made with respect to the same lease under section sixteen of this Act.

5 (4) The provisions of subsections three and four of section sixteen of this Act shall apply to and in respect of any application under this section.

10 (5) Every order made by the court upon any application under this section shall have effect according to its tenor from such date not earlier than the date of the application as may be specified in the order.

15 (6) Any order which was made by the court upon an application under section sixteen of this Act to determine the annual rent of any lease and which, either as originally made or as altered or amended under the authority of this Act, is in force immediately before the commencement of subsection one of section three of the Landlord and Tenant (Amendment) Act, 20 1936, shall continue in force—

25 (a) for the balance of the term of such lease or during the period for which this Part of this Act is in force whichever is the shorter period; or

(b) until an order made with respect to the same lease on an application under this section takes effect.

30 (b) by inserting in paragraph (a) of subsection one of section twenty-four after the word "sixteen" the words and figures "or under section 16A";

Sec. 24. (Consequential.)

(c) by omitting from section twenty-eight the word "thirty-six" and inserting in lieu thereof the word "thirty-eight."

Sec. 28. (Duration of Parts II and III.)

(2)

Landlord and Tenant (Amendment).

(2) The Landlord and Tenant (Amendment) Act, 1932-1935, is further amended by inserting at the end of section twenty the following new subsection:—

Further amendment of Act No. 67, 1932.

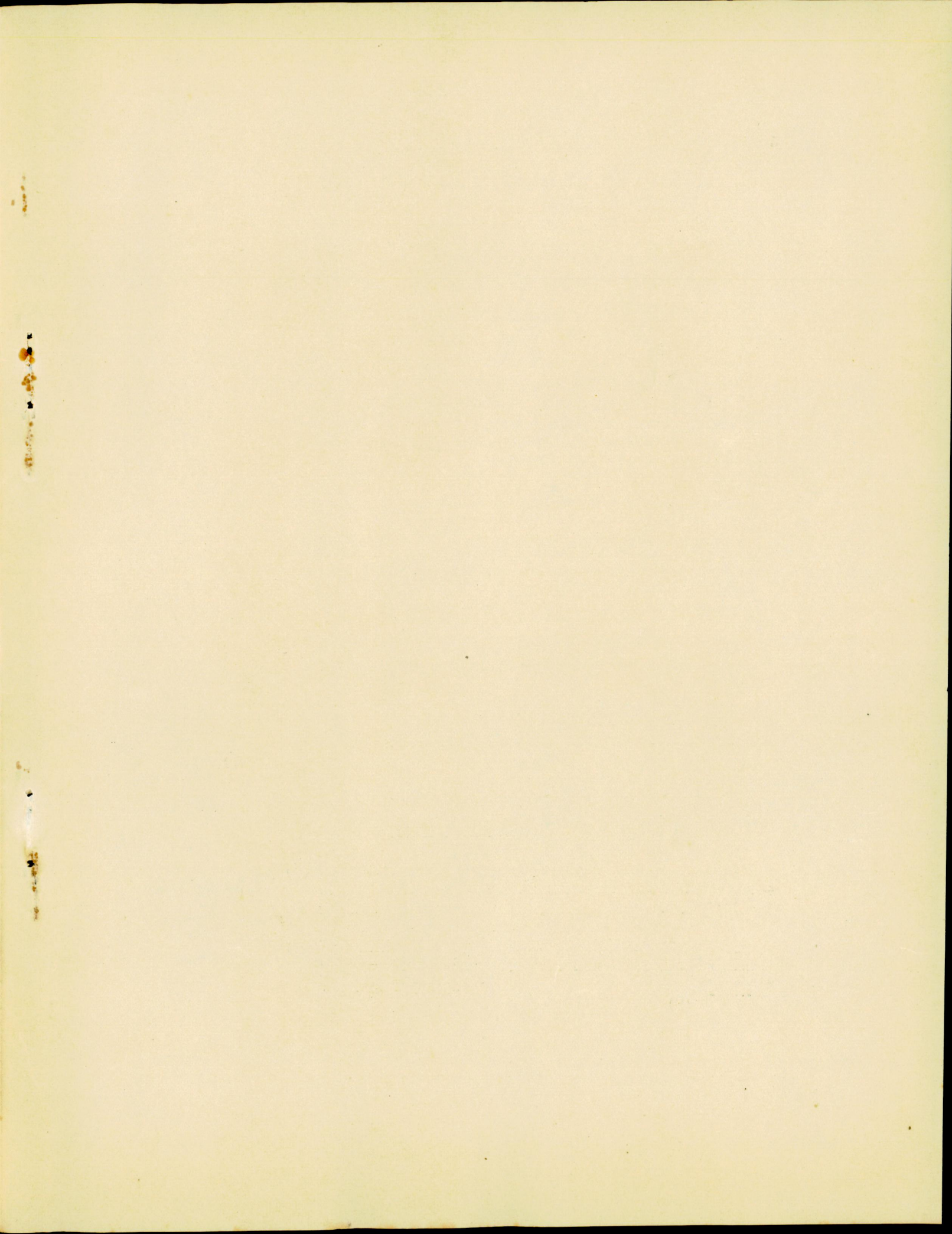
5 (3) An application under this section shall not be made after the date upon which the assent of His Majesty to the Landlord and Tenant (Amendment) Act, 1936, is signified.

Sec. 20. (Leases made after 8th October, 1931.)

(3) Subsection one of this section shall commence on the thirty-first day of December, one thousand nine hundred and thirty-six.

Sydney: David Harold Paisley, Government Printer—1936.

[7d.]



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 19 November, 1936.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, December, 1936.

New South Wales.



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EDWARDI VIII REGIS.

Act No. , 1936.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant Act of 1899, the Landlord and Tenant (Amendment) Act, 1932-1935, and certain other Acts in certain respects; and for purposes connected therewith.

5 **B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1936." Short title.

21829

27—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Landlord and Tenant (Amendment).

2. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended— Amendment of Act No. 18, 1899.

(a) by inserting next after section twenty-two the following new section:— New s. 22A.

5 22A. For the purposes of this Part of this Act and notwithstanding anything in such Part contained— Special provisions applicable to Part IV.

10 (a) Proof of the payment by any person of rent in respect of any land shall give rise to a conclusive presumption—

 (i) of the existence of a tenancy in respect of such land; and

15 (ii) that such person holds such land as tenant of the person to whom or to whose agent such rent is paid; and

20 (iii) that the person to whom or to whose agent such rent is paid is the landlord of whom such tenant holds such land.

25 (b) Any tenancy the existence of which is so presumed shall, in the absence of proof to the contrary, be deemed to be a tenancy determinable at the will of either of the parties—

 (i) by one week's notice in writing in any case in which the rent is paid or payable in respect of weekly intervals;

30 (ii) by one month's notice in writing in any other case.

35 (c) A warrant issued under this Part of this Act may be executed not only against the person against whom the information was exhibited but also against every person

Landlord and Tenant (Amendment).

person claiming under him who is in actual occupation of the land or any part thereof.

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A person who became the occupier of the land or any part thereof, under a tenancy held of the person against whom the information was exhibited and whose occupancy is referable to such tenancy, shall be deemed to claim under the person against whom the information was exhibited whether or not such tenancy has expired or otherwise been determined.

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- (d) Where a landlord has conveyed to a purchaser the land the subject of a tenancy, a notice in writing of such fact, signed by the landlord or his solicitor, specifying the name of the purchaser and directing the tenant to pay all future rents to such purchaser, served upon the tenant of such land, shall be deemed to create a tenancy between such purchaser as landlord and such tenant to operate as an attornment as tenant to such purchaser by such tenant at the rent and subject to the stipulations, agreements and conditions of such tenancy subsisting at the date of service of such notice.

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Such notice may be served either personally or by leaving the same for the tenant at any occupied house or building upon the land or by properly addressing, prepaying and posting a letter containing the notice, and where so served by post the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(e)

Landlord and Tenant (Amendment).

5 (e) A notice to quit or a notice of intention
 to quit shall not be invalid merely by
 reason of the fact **may expire at any time**
provided the length of the notice required
by law or by the agreement of the parties is
given, notwithstanding that the date indi-
 10 cated in the notice as the date upon
 which possession is to be given, does
 not coincide with the last day of a
 period of the tenancy.

15 Where the date so indicated is not
 such last day, the notice shall have and
 take effect as if for the date so indicated
 there was substituted the last day of
 the period of the tenancy current upon
 such date.

(b) by omitting from subsection two of section Sec. 23 (2),
 twenty-three the word "creation" and by in- (Proceed-
 serting in lieu thereof the word "holding." ings at the
hearing.)

20 **3.** (1) The Landlord and Tenant (Amendment) Act, Amendment
 1932-1935, is amended— of Act No.
67, 1932.

(a) by inserting next after section sixteen the fol- New s. 16A.
 lowing new section:—

25 16A. (1) Any lessee or lessor may apply to
 the court to have the annual rent of a lease Further time
 to which this Part of this Act applies (including for deter-
 a lease brought within the operation of this Part mination by
 of this Act by the amendments made by section court.
 30 two of the Landlord and Tenant (Amendment)
 Act, 1935) determined for the balance of the
 term or during the period for which this Part
 of this Act is in force whichever is the shorter
 period.

35 (2) Such application shall be made not
 later than the thirtieth day of June, one thousand
 nine hundred and thirty-seven.

(3)

Landlord and Tenant (Amendment).

(3) Any such application may be so made whether or not an application has been made with respect to the same lease under section sixteen of this Act.

5 (4) The provisions of subsections three and four of section sixteen of this Act shall apply to and in respect of any application under this section.

10 (5) Every order made by the court upon any application under this section shall have effect according to its tenor from such date not earlier than the date of the application as may be specified in the order.

15 (6) Any order which was made by the court upon an application under section sixteen of this Act to determine the annual rent of any lease and which, either as originally made or as altered or amended under the authority of this Act, is in force immediately before the commencement of subsection one of section three of the Landlord and Tenant (Amendment) Act, 20 1936, shall continue in force—

25 (a) for the balance of the term of such lease or during the period for which this Part of this Act is in force whichever is the shorter period; or

(b) until an order made with respect to the same lease on an application under this section takes effect.

30 (b) by inserting in paragraph (a) of subsection one of section twenty-four after the word "sixteen" the words and figures "or under section 16A"; Sec. 24. (Consequential.)

(c) by omitting from section twenty-eight the word "thirty-six" and inserting in lieu thereof the word "thirty-eight." Sec. 28. (Duration of Parts II and III.)

Landlord and Tenant (Amendment).

(2) The Landlord and Tenant (Amendment) Act, 1932-1935, is further amended by inserting at the end of section twenty the following new subsection:—

Further
amendment
of Act No.
67, 1932.

5 (3) An application under this section shall not be made after the date upon which the assent of His Majesty to the Landlord and Tenant (Amendment) Act, 1936, is signified.

Sec. 20.
(Leases
made after
8th October,
1931.)

(3) Subsection one of this section shall commence on the thirty-first day of December, one thousand nine hundred and thirty-six.

Faculty of Law (continued)

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1991-1997

The Public Bill signed in the Legislative Assembly
and hereby the day passed in more than the previous to the
Legislative Council for its consideration

W. R. MORTIMER
Secretary to the Legislative Assembly
Legislative Assembly, Toronto
August 17, 1900

The Legislative Council for the day signed in the Bill
and hereby the day passed in more than the previous to the
Legislative Assembly for its consideration

W. R. MORTIMER

11
The Legislative Council for the day signed in the Bill
and hereby the day passed in more than the previous to the
Legislative Assembly for its consideration

W. R. MORTIMER
Secretary to the Legislative Assembly
Legislative Assembly, Toronto
August 17, 1900

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 19 November, 1936.

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. , 1936.

An Act to amend the law relating to landlord and tenant; for this and other purposes to amend the Landlord and Tenant Act of 1899, the Landlord and Tenant (Amendment) Act, 1932-1935, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act may be cited as the "Landlord and Tenant (Amendment) Act, 1936." Short title.

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2.

Landlord and Tenant (Amendment).

2. The Landlord and Tenant Act of 1899, as amended by subsequent Acts, is amended—

Amendment of Act No. 18, 1899.

(a) by inserting next after section twenty-two the following new section:—

New s. 22A.

5 22A. For the purposes of this Part of this Act and notwithstanding anything in such Part contained—

Special provisions applicable to Part IV.

10 (a) Proof of the payment by any person of rent in respect of any land shall give rise to a conclusive presumption—

(i) of the existence of a tenancy in respect of such land; and

15 (ii) that such person holds such land as tenant of the person to whom or to whose agent such rent is paid; and

20 (iii) that the person to whom or to whose agent such rent is paid is the landlord of whom such tenant holds such land.

25 (b) Any tenancy the existence of which is so presumed shall, in the absence of proof to the contrary, be deemed to be a tenancy determinable at the will of either of the parties—

(i) by one week's notice in writing in any case in which the rent is paid or payable in respect of weekly intervals;

30 (ii) by one month's notice in writing in any other case.

35 (c) A warrant issued under this Part of this Act may be executed not only against the person against whom the information was exhibited but also against every person

Landlord and Tenant (Amendment).

person claiming under him who is in actual occupation of the land or any part thereof.

- 5 (d) Where a landlord has conveyed to a purchaser the land the subject of a tenancy, a notice in writing of such fact, signed by the landlord or his solicitor, specifying the name of the purchaser and directing the tenant to pay all future rents to such purchaser, served upon the tenant of such land, shall be deemed to create a tenancy between such purchaser as landlord and such tenant.

15 Such notice may be served either personally or by properly addressing, prepaying and posting a letter containing the notice, and where so served by post the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

- 20 (e) A notice to quit or a notice of intention to quit shall not be invalid merely by reason of the fact that the date indicated in the notice as the date upon which possession is to be given, does not coincide with the last day of a period of the tenancy.

30 Where the date so indicated is not such last day, the notice shall have and take effect as if for the date so indicated there was substituted the last day of the period of the tenancy current upon such date.

- 35 (b) by omitting from subsection two of section twenty-three the word "creation" and by inserting in lieu thereof the word "holding." Sec. 23 (2). (Proceedings at the hearing.)

Landlord and Tenant (Amendment).

3. (1) The Landlord and Tenant (Amendment) Act, 1932-1935, is amended—

Amendment
of Act No.
67, 1932.

(a) by inserting next after section sixteen the following new section:—

New s. 16A.

5 16A. (1) Any lessee or lessor may apply to the court to have the annual rent of a lease to which this Part of this Act applies (including a lease brought within the operation of this Part of this Act by the amendments made by section 10 two of the Landlord and Tenant (Amendment) Act, 1935) determined for the balance of the term or during the period for which this Part of this Act is in force whichever is the shorter period.

Further time
for deter-
mination by
court.

15 (2) Such application shall be made not later than the thirtieth day of June, one thousand nine hundred and thirty-seven.

20 (3) Any such application may be so made whether or not an application has been made with respect to the same lease under section sixteen of this Act.

25 (4) The provisions of subsections three and four of section sixteen of this Act shall apply to and in respect of any application under this section.

30 (5) Every order made by the court upon any application under this section shall have effect according to its tenor from such date not earlier than the date of the application as may be specified in the order.

(b) by inserting in paragraph (a) of subsection one of section twenty-four after the word "sixteen" the words and figures "or under section 16A";

Sec. 24.
(Consequen-
tial.)

35 (c) by omitting from section twenty-eight the word "thirty-six" and inserting in lieu thereof the word "thirty-eight."

Sec. 28.
(Duration
of Parts II
and III.)

(2)

Landlord and Tenant (Amendment).

(2) The Landlord and Tenant (Amendment) Act, 1932-1935, is further amended by inserting at the end of section twenty the following new subsection:—

Further
amendment
of Act No.
67, 1932.

5 (3) An application under this section shall not be made after the date upon which the assent of His Majesty to the Landlord and Tenant (Amendment) Act, 1936, is signified.

Sec. 20.
(Leases
made after
8th October,
1931.)

(3) Subsection one of this section shall commence on the thirty-first day of December, one thousand nine
10 hundred and thirty-six.

