

# LANDLORD AND TENANT (CONTROL OF RENTS) ORDINANCE 1968

317

No. 45 of 1968

An Ordinance to amend the *Landlord and Tenant (Control of Rents) Ordinance 1949-1965*

[Assented to 24 June, 1968]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1968*, as follows:—

1.—(1.) This Ordinance may be cited as the *Landlord and Tenant (Control of Rents) Ordinance 1968*. Short title and citation

(2.) The *Landlord and Tenant (Control of Rents) Ordinance 1949-1965*, as amended by this Ordinance, may be cited as the *Landlord and Tenant (Control of Rents) Ordinance 1949-1968*.

2. Section 3 of the *Landlord and Tenant (Control of Rents) Ordinance 1949-1965* is amended by inserting after the words and figure— Parts

“Division 4.—Rent of Shared Accommodation.”,  
the words and figure—

“Division 4A.—Rent of Land for Caravans.”.

3. Section 8 of the *Landlord and Tenant (Control of Rents) Ordinance 1949-1965* is amended— Definitions

(a) by inserting after the definition of “authorized officer”, the following definition:—

“‘caravan’ means a vehicle without motive power constructed or adapted for the purposes of habitation, and includes any such vehicle which is not fitted with wheels but which is so constructed that it is capable of being fitted with wheels;”:

(b) by omitting from paragraph (a) of the definition of “dwelling-house”, the word “and”;

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(c) by inserting after paragraph (b) of the definition of “dwelling-house”, the following word and paragraph:—

“; and

(c) a caravan, not being a caravan situated in a place set aside or leased for the purposes of a caravan park;”;

(d) by inserting after the definition of “let”, the following definition:—

“‘premises’ includes a caravan;”;

(e) by omitting the definition of “prescribed premises” and inserting in its stead the following definition:—

“‘prescribed premises’ means any premises, other than—

(a) holiday premises;

(b) premises licensed for the sale of spiritous or fermented liquors; and

(c) hostels, motels and boarding houses, being premises which are occupied as a residence or leased for the purposes of residence and includes any part of any such premises and any land and appurtenances leased with any such premises;”.

4. After Division 4 of Part II. of the *Landlord and Tenant (Control of Rents) Ordinance 1949-1965* the following Division is inserted:—

“Division 4A.—*Rent of Land for Caravans.*

Interpretation

“29A. In this Division, unless the contrary intention appears—  
‘owner’, in relation to land, means the person by whom, whether as owner, lessee, occupier or otherwise, a charge is made for the use of any land upon which a caravan is placed for the purpose of habitation;

‘rent’, in relation to land, means any amount payable to the owner of the land by a person under any arrangement by which a person is authorized to use, place or keep placed a caravan upon that land for the purpose of the habitation of the caravan (whether by the person authorized or any other person), and includes—

(a) any amount payable to the owner of the land for the use of a dwelling-house, build-

ing or part of a dwelling-house or building or for the use of any goods or land other than the land upon which the caravan is placed;

- (b) any amount payable to the owner of the land for the use of sanitary, laundry or washing facilities or facilities of a like nature; and
- (c) any amount payable to the owner of the land in respect of the supply of electricity, gas, water or fuel.

“29B.—(1.) The Controller may, from time to time, by notice in the *Gazette*, declare that the maximum rents in relation to land within such part or parts of the Territory as are specified in the notice, shall not, from a day or days to be specified in the notice, exceed the rents set out in the notice.

Fixation of rents for use of land for caravans

“(2.) The Controller shall cause a copy of the notice to be published in a newspaper printed and circulating in the Territory.

“(3.) The notice may—

- (a) fix different maximum rents for different parts of the Territory; and
- (b) fix different amounts as the maximum amounts payable in respect of the different items included in rent as defined for the purposes of this Division.

“(4.) The Controller may, by notice in the *Gazette*, revoke or vary a declaration made under this section.

“29C.—(1.) Notwithstanding any term or condition of any contract or arrangement, the rent payable in relation to any land in respect of any period after the coming into operation of a declaration under the last preceding section shall not, except as provided by the next succeeding section, exceed the rent so fixed by the declaration for that land.

Payment of rent in relation to land

“(2.) Any rent in excess of the rent provided to be paid under sub-section (1.) of this section shall, notwithstanding any agreement to the contrary, be irrecoverable.

“29D.—(1.) The owner of any land, the maximum rent of which has been fixed by a declaration under section twenty-nine B of this Ordinance, may from time to time, apply in writing to the Controller for a determination of the maximum rent in relation to that land.

Application for special determination of rent

“(2.) The owner shall furnish such information in relation to the application as the Controller requires.

“(3.) The Controller may determine the maximum rent payable in relation to that land and may fix a day as the day when the rent as so determined by him shall come into operation.

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“(4.) The rent so determined shall, from the day so fixed, be the maximum rent payable in relation to that land and any rent in excess of that maximum rent shall, notwithstanding any agreement to the contrary, be irrecoverable.

Display of  
maximum rent

“29E.—(1.) Where rent is determined pursuant to the last preceding section, the Controller shall forward to the owner of the land, a notice setting out the maximum rent payable pursuant to this Division.

“(2.) The owner of the land shall, within a time to be specified by the Controller, cause the notice to be displayed on the land in a manner directed by the Controller.

“(3.) A person who wilfully destroys, defaces or removes a notice displayed in pursuance of this section is guilty of an offence against this Ordinance.

Recovery of  
overpaid rent

“29F. Where a sum has been paid to an owner on account of rent, being a sum which by virtue of this Division would have been irrecoverable by the owner, the sum so paid shall, at any time within six months after the date of payment, be recoverable from the owner who received the payment by the person by whom it was paid, and may, without prejudice to any other method of recovery, be deducted by that person from any rent payable within six months by him to that owner.

Caravan parks  
exempted

“29G. This Division does not apply to land used principally for the purposes of a caravan park.”

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