

REASONS FOR THE ORDER OF THE COMMISSIONER OF TENANCIES

INQUIRY – 7th March 2002

This is the determination of an application by the Landlord, for an order of possession under section 104 and compensation under sections 121 & 122 of the *Residential Tenancies Act (1999)* (“the Act”), in respect of premises being 44 Narrows Road The Narrows 0820, in the Northern Territory.

A Notice of Inquiry dated 28th February 2002 was posted to each of the parties and the hearing was conducted on 7th March 2002 when evidence was taken from the Landlord agent. There was no appearance by the tenant.

On the basis of the evidence before the Inquiry, I find that there is a tenancy agreement within the meaning of and subject to the provisions of the Act on the following terms:

Premises:	44 Narrows Road The Narrows NT 0820
Commencement Date:	13 th January 02
Period:	Periodic
Rent:	\$270 per week
Security Deposit:	\$1080

I find that the rental payment to the Landlord was more than fourteen (14) days in arrears at the time that the Agent served a Notice to remedy Unpaid Rental/Notice of Termination (“the Notice”).

I find that the Notice does not comply with the requirements of section 87(2) as the period for which rent was outstanding was incorrect.

The periodic tenancy commenced on 13 January 2002 which is the day after the termination date of the original RT3 dated 2 January 2002 .

Accordingly installments were due on a fortnightly basis in advance on 13 January, 27 January and 10 February 2002.

The current RT3 terminating the periodic tenancy is dated 6 February 2001 and claims that rent is outstanding from 15 January 2002 to 11 February 2001. The notice is incorrect because as at 6 February 2001 rent was only due and payable until 9 February 2001 not 11 February 2001.

Accordingly, I order that the periodic tenancy has not been duly terminated in accordance with the Act and that the application for possession and compensation is dismissed.

Dated this 7th March 2002.

Sophie Cleveland
Delegate of the
Commissioner of Tenancies