

## RESIDENTIAL TENANCIES COVID-19 MODIFICATION

### NOTICE – Transitional arrangements for residential tenancies after the Declaration of Public Health Emergency has ceased

The Declaration of the Public Health Emergency under section 52 of the *Public and Environmental Health Act 2011* is set to cease at midnight on **15 June 2022**. This has the following consequences:

- The *Residential Tenancies Act 1999* Modification Notice and subsequent amendments do not apply to new tenancies entered into on or after **16 June 2022**.
- Procedural steps where no time frames have been modified will cease to be in effect on and from **16 June 2022**.

*For example; the processes for completing an out-going inspection will return to the process set out in the Residential Tenancies Act 1999 (the Act). Similarly, a notice required by or under the Act may no longer be given to a person by electronic service.*

- There is a transitional period where time frames for procedural steps will continue to apply as per the Modification Notice and subsequent amendments for tenancies in existence on **15 June 2022** despite the emergency period coming to an end. The modified time periods apply to those tenancies until they end.

*For example; for tenancies in existence on 15 June 2022, 48 hours notice is still required prior to inspection by prospective tenants or purchasers at a time agreed between the landlord and tenant on no more than two occasions each week.*

- Other procedural steps that involve modified time frames will also continue to apply to tenancies in existence on **15 June 2022**, such as inspections by prospective tenants or purchasers, repairs and maintenance (entry and repair time frames), breach notice periods (maintenance).

*For example; if non-emergency maintenance issues are identified, a tenant will still be required to allow a landlord 60 days to attend to the maintenance before serving a breach notice allowing a further 60 days for the breach to be remedied before being able to take the matter to the tribunal.*

- Notices served prior to **16 June 2022** will remain in effect.

## Other changes

Note that *Residential Tenancies COVID-19 Modification Notice Amendment (No.5) 2022* was issued on 10 June 2022. This Amendment Notice changed the modified 'no cause' notice of intention to terminate time periods contained in sections 19 and 20 of the Modification Notice from 60 days to 42 days. The reduced time period applies from **14 June 2022** to tenancy agreements still in existence on **15 June 2022**.

*For example; if a fixed term tenancy agreement is in existence on 15 June 2022 and is not due to expire until 14 November 2022 – 42 days' written notice of a landlord's intention to terminate prior to the expiry date is still required to be served in order to be deemed a valid notice.*

*However, if written notice of a landlord's intention to terminate prior to the expiry date has already been served on 1 June 2022, then the 60 day notice period must still be applied.*