

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 ceased 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).

There is a transitional period where time frames for procedural steps not related to termination of a tenancy 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.

Transitional arrangements – landlord ‘no cause’ terminations

The transitional arrangements for landlord ‘no cause’ terminations of a tenancy agreement existing on **15 June 2022** apply as follows:

Periodic tenancies – a landlord may terminate a periodic tenancy without reason by giving the tenant the following notice period:

- 60 days for notices issued prior to 14 June 2022
- 42 days for notices issued on or after 15 June 2022

For example; if a periodic tenancy agreement is in existence on 15 June 2022 and the landlord wishes to terminate the tenancy on 30 November 2022 – 42 days’ written notice of the landlord’s intention to terminate is required to be served in order to be deemed a valid notice (i.e. the notice must be issued at least 42 days prior to 30 November 2022).

Fixed term tenancies – a landlord may terminate a fixed term tenancy without reason by giving the tenant the following notice period:

- Where the tenancy is due to terminate prior to 14 June 2022: 60 days’ notice
- Where the tenancy is due to terminate on 14 or 15 June 2022: 42 days’ notice
- Where the tenancy is due to terminate on or after 16 June 2022: 14 days for notices issued on or after 16 June 2022 (noting that if a longer period is given, that longer period will apply)

For example; if a fixed term tenancy agreement is in existence on 15 June 2022 and is due to expire on 5 July 2022 – 14 days’ written notice of a landlord’s intention to terminate prior to the expiry date is 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 prior to 16 June 2022, then the longer notice period must still be applied.

If you require any consumer or rental advice, please call our office on 1800 019 319 or email us at consumer@nt.gov.au.