

South Australia

# Residential Tenancies (Miscellaneous) Amendment Act 2016

An Act to amend the *Residential Tenancies Act 1995*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Residential Tenancies (Miscellaneous) Amendment Act 2016*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Residential Tenancies Act 1995***

### **4—Amendment of section 72—Right of entry**

- (1) Section 72(1)(d)—after subparagraph (ii) insert:
  - (iii) at the request of the tenant; or
- (2) Section 72(1)(e)—after "only" insert:

at the request of the tenant, or
- (3) Section 72(1)(f)—delete "during the period of 28 days preceding the termination of the tenancy agreement, but only on a reasonable number of occasions and only at a time within normal hours of which the tenant has been given reasonable notice; or" and substitute:

—

  - (i) at the request of the tenant; or
  - (ii) during the period of 28 days preceding the termination of the tenancy agreement, but only on a reasonable number of occasions and only at a time within normal hours of which the tenant has been given reasonable notice; or

### **5—Amendment of section 85A—Termination by tenant if residential premises for sale**

Section 85A—after its present contents (now to be designated as subsection (1)) insert:

- (2) A notice of termination under subsection (1) must, if the landlord has given written notice advising the tenant of the contract for the sale of the residential premises (whether in accordance with section 71A(2) or otherwise), be given to the landlord within 2 months after the day on which the notice was given to the tenant.

### **6—Amendment of section 97B—Action to deal with abandoned property other than personal documents**

- (1) Section 97B—after subsection (2) insert:
  - (2a) The landlord must, within the period of 2 days after recovering possession of the premises, allow the tenant access to the premises to reclaim abandoned property.
- (2) Section 97B(7)—after "section," insert:

or if any other abandoned property is sold by the landlord,

## 7—Insertion of Schedule 2

After Schedule 1 insert:

### **Schedule 2—Transitional provisions—*Residential Tenancies (Miscellaneous) Amendment Act 2016***

#### **1—Interpretation**

In this Schedule—

*amending Act* means the *Residential Tenancies (Miscellaneous) Amendment Act 2016*.

#### **2—Operation of amendments**

- (1) Section 72 as amended by section 4 of the amending Act applies to a residential tenancy agreement whether the agreement was entered into before or after the commencement of that section of the amending Act.
- (2) Subsection (2) of section 85A as inserted by section 5 of the amending Act does not apply to a residential tenancy agreement entered into before the commencement of that subsection.
- (3) Subsection (2a) of section 97B as inserted by section 6 of the amending Act applies in respect of abandoned property left on residential premises whether the property was left on the premises before or after the commencement of that subsection.