

REASONS FOR THE ORDER OF THE COMMISSIONER OF TENANCIES

INQUIRY – 30th August 2002

This is a determination of an application dated 22nd August 2002 by the landlord (“the Landlord”), seeking an order for possession pursuant to section 104 and for compensation pursuant to sections 121 and 122 of the *Residential Tenancies Act* (NT) (“the Act”) in respect of premises being 59 Dripstone Road, Casuarina NT 0810 in the Northern Territory of Australia.

A Notice of Inquiry dated 26th August 2002 was posted to the parties. The inquiry was conducted on 30th August 2002 during which evidence was taken from the Landlord’s agent (“the Landlord”). There was no appearance by the tenants (“the Tenant”).

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

Premises:	59 Dripstone Road, Casuarina NT 0810
Commencement Date:	15 th February 2002
Period:	12 months
Rent:	\$265.00 per week
Security Deposit	\$1060.00

I find that the rental payments due to the Landlord was more than fourteen (14) days in arrears at the time that the Landlord by his Agent issued a Notice to Remedy Unpaid Rental and Notice of Termination dated 10th August 2002 in accordance with section 87(1) of the Act (“the Notice”).

I find the Notice was served on the Tenant by post on 13th August 2002 in accordance with section 154 of the Act.

The rent outstanding and the period of rent outstanding specified in the Notice issued by the Landlord is \$747.50 being for the period from 26 July to 15 August 2002. According to my calculations the rent outstanding should in fact be \$717.50 and it appears from the Landlord’s rent ledger that they have incorrectly applied a \$30.00 payment in rent to bank charges incurred by the Tenant.

On this basis, I find the Landlord has not complied with section 87(2) of the Act and I am not satisfied the tenancy agreement has been validly terminated. Accordingly, I dismiss the Landlord’s application.

Dated this 30th day of August 2002

Penny Turner
Delegate of the
Commissioner of Tenancies