

REASONS FOR THE ORDER OF THE COMMISSIONER OF TENANCIES

INQUIRY 16 AUGUST 2002

This is a determination of an application dated 29th July 2002 by the Landlord (“the Landlord”), seeking an order for compensation pursuant to section 121 and 122 of the *Residential Tenancies Act* (NT) (“the Act”) in respect of premises being Unit 38, 43 - 45 Woods Street, Darwin 0800 (“the premises”) in the Northern Territory of Australia.

A Notice of Inquiry dated 8th August was posted to the parties. The inquiry was conducted on 16th August 2002 during which evidence was taken from the Landlord’s agent. There was no appearance by the Tenant. (“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:	38/43-45 Woods Street, Darwin NT 0800
Commencement Date:	20 th March 2002
Period:	Six (6) months
Rent:	\$600.00 per fortnight
Security Deposit	\$1200.00

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 11th July 2002 in accordance with section 87(1) of the Act (“the Notice”). The Notice was served on the tenant by post on 11th July 2002 in accordance with section 154 of the Act.

The Notice specifies the rent outstanding as being \$600.00 for the period from 25 June to 9 July 2002 not inclusive. According to my calculations, the amount of rent outstanding is correct, but I calculate the period of rent outstanding as being from 26 June to 9 July 2002. The evidence from the Landlord during the course of the inquiry is that the ‘not inclusive’ refers to 9 July 2002 and that she had calculated the period of rent outstanding by her computer which requires her to take one day off the commencement of the tenancy agreement. The Landlord was not able to satisfy me that the period of rent outstanding specified in the Notice is correct.

Accordingly, I am not satisfied the Notice complies with the requirements of section 87(2) of the Act and I find that the tenancy agreement has not been validly terminated in accordance with the Act. On this basis, I order that the Landlord's application dated 29 July 2002 is dismissed.

Dated this 16th day of August 2002

Penny Turner
Delegate of the
Commissioner of Tenancies