

Commercial Tenancies (COVID-19 Response) Act 2020

**Commercial Tenancies (COVID-19 Response)
Amendment Regulations (No. 2) 2021**

SL 2021/28

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Commercial Tenancies (COVID-19 Response) Amendment Regulations (No. 2) 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Commercial Tenancies (COVID-19 Response) Regulations 2020*.

4. Regulation 2A amended

In regulation 2A insert in alphabetical order:

dispute has the meaning given in section 14(1) of the Act;

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5. Regulation 4D inserted

After regulation 4C insert:

4D. Modified s. 16 of Act applies to certain cases after emergency period (s. 23)

- (1) For the purposes of section 23 of the Act, after the emergency period, section 16 of the Act applies as if amended as set out in this regulation to a case where —
 - (a) the lease to which the dispute relates is a small commercial lease; and
 - (b) the dispute relates to, or is connected with, a matter arising or occurring during the emergency period.
- (2) In section 16(2) delete “during the emergency period” and insert:

no later than the 60th day after the day on which the emergency period ends

6. Regulation 5A inserted

After regulation 5 insert:

5A. Modified s. 18 of Act applies to certain cases after emergency period (s. 23)

- (1) For the purposes of section 23 of the Act, after the emergency period, section 18 of the Act applies as if amended as set out in this regulation to a case where —
 - (a) the lease to which the dispute relates is a small commercial lease; and

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- (b) the dispute relates to, or is connected with, a matter arising or occurring during the emergency period.
- (2) In section 18(3) delete “during the emergency period.” and insert:

no later than the 60th day after the day on which the emergency period ends.

7. Schedule 1 clause 5 amended

Delete Schedule 1 clause 5(1) and insert:

- (1) A tenant under a small commercial lease who is an eligible tenant in relation to the small commercial lease may, no later than the 60th day after the day on which the emergency period ends, request rent relief from the landlord under the small commercial lease.

Notes for this subclause:

1. In accordance with the definition of **eligible tenant** in clause 2, a tenant under a small commercial lease cannot be an eligible tenant in relation to the small commercial lease after 28 March 2021.
2. However, this does not prevent the tenant from making a request under this clause after 28 March 2021, so long as the rent relief requested from the landlord under the small commercial lease relates to a period during which the tenant was an eligible tenant in relation to the small commercial lease. See the *Commercial Tenancies (COVID-19 Response) Regulations 2020* regulation 3(5).

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8. Schedule 1 clause 10 amended

In Schedule 1 clause 10(4) delete “may, during the emergency period,” and insert:

may

M. INGLIS, Clerk of the Executive Council.
