



## NTCAT Practice Direction No. 2

### Service of notices required by or under section 154 of the *Residential Tenancies Act 1999*

1. This practice direction is made pursuant to section 34 of the *Residential Tenancies COVID-19 Modification Notice 2020* and applies for so long as that notice has effect.
2. A notice required by or under the *Residential Tenancies Act 1999* to be given to a person may be given by electronic service of the notice upon the person in accordance with paragraph 3.
3. For the purposes of paragraph 2:
  - a. the notice may be given by any available means for sending an electronic message to the person (including, without limitation, by sending a message by email, text or other messaging application to an address, number or account for the person);
  - b. a notice shall only be taken to have been given to a person if it is established to the tribunal's satisfaction that the person has received an electronic message containing or attaching the notice;
  - c. for the avoidance of doubt:
    - i. proof only that an electronic message containing or attaching a notice was sent by a means referred to in paragraph 3.a shall be insufficient for the purposes of paragraph 3.b;
    - ii. proof that an electronic message containing or attaching a notice was the subject of a read receipt, or was responded to or otherwise acknowledged by the person, will be sufficient proof that the person received it at the time of the read receipt, response or acknowledgement;
    - iii. if the tribunal is satisfied that a person received an electronic message containing or attaching a notice it is not necessary for the tribunal to also be satisfied that the person read the notice.

**DATED: 1 May 2020**

**Richard Bruxner**  
President