



Tenant chart 1: Terminate your interest in a lease on grounds of family and domestic violence

STEP 1

Establish a safety plan

Before you serve the *Notice of Termination*, keep in mind:

- If you have co-tenants, the landlord must give each one a copy of the *Notice of Termination* within 7 days of receiving it from you – **this includes the perpetrator if they are on the lease.**
- You can physically leave the premises at any time (even before giving notice), but you will remain liable for your interest in the lease until the termination date you specified on the *Notice of Termination*.
- You will only be able to access the premises to remove belongings up to the termination date; if you wait until after, your right of entry ceases and you will need to obtain permission from the landlord and each co-tenant.

STEP 2

Serve the *Notice of Termination*

A NOTICE OF TERMINATION + EVIDENCE* DELIVERED
 Refer to **DELIVERY METHODS**

Date delivered to landlord

Day **LANDLORD RECEIVED NOTICE + EVIDENCE**
 (After delivery period)

Date landlord received Notice + evidence

The landlord must keep all supporting evidence you provide secure, private and confidential. They may **only** share a copy of the *Notice of Termination* with co-tenants.

B Day **1** is the day **AFTER LANDLORD RECEIVES NOTICE + EVIDENCE**

Day 1 date

You must provide at least **7 full days' notice** to terminate but it can be longer.

1 2 3 4 5 6 7

Day 7 date

C Day **8** is **EARLIEST DAY YOUR INTEREST IN LEASE IS TERMINATED**

Day 8 date

OR,

if you specify a date **later than 7 days, DAY LEASE IS TERMINATED**

Specified termination date

Delivery methods

In person: Notice to be handed to park operator.

Electronic/email: There must be a prior written agreement that email can be used to give notice. You should retain a copy of the notice, record details of how it was served, date of service and sign it.

General post: Australia Post mail delivery is now made on limited days. Allow 2–6 business days including:

- the day of the service; and
- additional days for weekends and public holidays.

STEP
2

Property inspection

Following receipt of the *Notice of Termination*, the landlord will notify you that they (or the property manager) will conduct an inspection of the property within 7 days. They must give you and each co-tenant 3 full days' notice before inspecting.

Inspection date and time

- If you can, it's good to take photos of the property condition before you leave. This may not be possible in all cases.

***Permitted evidence is at least one of the following documents:**

- domestic violence order (DVO)
- a family court injunction or application
- copy of prosecution notice or indictment detailing family and domestic violence related charge
- *Consumer Protection family violence report - evidence form* signed by a:
 - doctor
 - psychologist
 - social worker
 - person in charge of a women's refuge
 - police officer
 - child protection worker
 - family support worker
 - person in charge of an Aboriginal health, welfare or legal organisation



Tenant chart 2: When your co-tenant has terminated their interest in a lease on grounds of family and domestic violence

STEP
1

Receive copy of the *Notice of Termination*

When your co-tenant has served a *Notice of Termination* due to family and domestic violence, the landlord must give you a copy of the notice within 7 days.

Important: The landlord should only provide you a copy of the *Notice of Termination*. By law the landlord must keep all supporting evidence provided by the departing tenant secure, private and confidential. If you receive any evidence return it to the landlord immediately and report the incident to Consumer Protection on 1300 304 054.

Day **YOU RECEIVE COPY OF NOTICE OF TERMINATION**

Date received

After the departing tenant's interest in the lease terminates, you and any co-tenants are responsible for the entire rent from that point.

STEP
2

Property inspection

At the same time as providing the copy of *Notice of Termination*, the landlord will notify you that they (or the property manager) will conduct an inspection of the property. They must give you and each co-tenant 3 full days' notice before inspecting.

Inspection date & time

STEP
3

Decide whether you'll stay or end your interest

Within 7 full days you must inform the landlord whether you wish to stay and continue the tenancy or end your interest in the tenancy.

A Day **1** is the day **AFTER YOU RECEIVE COPY OF NOTICE OF TERMINATION**

1 2 3 4 5 6 7

Day 1 date

Day **7** is **LAST DAY TO NOTIFY LANDLORD TO END YOUR INTEREST**

Day 7 date (excluding Sat/Sun/public holiday)

When deciding whether to stay or go, keep in mind:

- You should decide independently of any other co-tenants – choose what is best for you.
- If you stay and continue the lease, you and any other remaining co-tenants will be responsible for the full rent.
- If you stay you may have to top up the bond to the full amount if part of the bond is disposed of.
- Whether you stay or go, you can apply to the Court for determination of your rights and liabilities related to the tenancy:

- If you have been accused of family violence, expect that the Court will hold you liable for your share of rent arrears and any damage caused in the premises while you were a tenant.
- If you have not been accused of family violence, it's unlikely that you will be ordered to pay for more than your share of liability

- (B) DECISION** **STAY IN TENANCY – Consider reminders above and prepare accordingly**
- END YOUR INTEREST – Continue to Step 4 Serve written notice to landlord**

If you stay but any other co-tenants decide to leave, a final property inspection (Step 5) must also occur for each of them.

STEP 4

Serve written notice to landlord

(A) Day WRITTEN NOTICE (e.g. Form 22) DELIVERED TO LANDLORD

Refer to **DELIVERY METHODS**

Day **LANDLORD RECEIVED WRITTEN NOTICE**

Date delivered

Date received by landlord

(B) Day 1 is the Day AFTER WRITTEN NOTICE RECEIVED BY LANDLORD

Day 1 date

You must provide at least **21 full days' written notice** to terminate your interest.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

Day 21 date

(C) Day 22 is the EARLIEST DAY LEASE IS TERMINATED

Day 22 date

OR,

if you have given notice for a **later date, SPECIFIED TERMINATION DATE**

Specified termination date

STEP 5

Final property inspection

A landlord must do a final property condition report and supply this to you as soon as practicable, and within 14 days after the day your tenancy was terminated. They must give you a reasonable opportunity to attend this inspection.

Final property inspection date

Date property condition report received

Delivery methods

In person: Notice to be handed to landlord.

Electronic/email: There must be a prior written agreement that email can be used to give notice. The email address for service will be in your lease agreement. You should retain a copy of the notice, record details of how it was served, date of service, and sign it.

General post: Australia Post mail delivery is now made on limited days. Allow 2–6 business days including:

- the day of the service; and
- additional days for weekends and public holidays.



Lessors chart 5: When the Court orders termination of perpetrator tenant's interest in a lease on grounds of family and domestic violence

STEP 1

Receive court hearing notification

As the lessor you are entitled to participate in the court proceedings. You and any co-tenants will receive a copy of the court application and notice of the hearing.

Day of **COURT HEARING**

Court hearing date

STEP 2

Schedule property inspection

After receiving the court hearing notification, you may conduct an inspection of the property before the hearing date. The inspection should occur not more than 10 full days before the hearing and not less than 3 full days after giving notice to each co-tenant of your intention to enter the premises.

Day ① is the day **BEFORE COURT HEARING DATE**

Day 1 date

Count backward 10 days from day ① date

① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩

Day 10 date

Day ⑩ is the **EARLIEST DATE YOU CAN CONDUCT INSPECTION**, so schedule accordingly.

SCHEDULED INSPECTION DATE

Inspection date

Use the date calculations in Step 3 – the date that all tenants will have received the notice of inspection - to determine the inspection date.

STEP 3

Notify co-tenants of property inspection

i) **Co-tenant One**

Full name

Day **CO-TENANT SERVED NOTICE OF INSPECTION**
 (See **Delivery methods**)

Date co-tenant served Notice

Day **CO-TENANT RECEIVES NOTICE OF INSPECTION**
 (After delivery period)

Date co-tenant receives Notice

ii) **Co-tenant Two**

Full name

Day **CO-TENANT SERVED NOTICE OF INSPECTION**
 (See **Delivery methods**)

Date co-tenant served Notice

Day **CO-TENANT RECEIVES NOTICE OF INSPECTION**
 (After delivery period)

Date co-tenant receives Notice

Delivery methods

In person: Notice to be handed to park operator.

Electronic/email: There must be a prior written agreement that email can be used to give notice. The email address for service will be in your lease agreement. You should retain a copy of the notice, record details of how it was served, date of service, and sign it.

General post:

Australia Post mail delivery is now made on limited days. Allow 2–6 business days including:

- the day of the service; and,
- additional days for weekends and public holidays.

iii) **Co-tenant Three**

Day **CO-TENANT SERVED NOTICE OF INSPECTION**
(See **Delivery methods**)

Full name

Date co-tenant served Notice

Day **CO-TENANT RECEIVES NOTICE OF INSPECTION**
(After delivery period)

Date co-tenant receives Notice

iv) **Co-tenant Four**

Day **CO-TENANT SERVED NOTICE OF INSPECTION**
(See **Delivery methods**)

Full name

Date co-tenant served Notice

Day **CO-TENANT RECEIVES NOTICE OF INSPECTION**
(After delivery period)

Date co-tenant receives Notice

STEP
4

Conduct property inspection

Conduct property inspection on date determined in Step 2.

Inspection date & time

Note: This inspection can satisfy the requirement for the termination of tenancy final inspection report if all co-tenants choose to terminate their interest in the tenancy agreement. However, you may wish to conduct an additional final inspection within 14 days after the remaining co-tenants have vacated the premises.

STEP
5

Attend court hearing if you wish

Day of **COURT HEARING**

Court hearing date & time

STEP
6

Receive court order

Once the hearing is complete, and if a decision has been made to terminate the perpetrator tenant's interest in the lease, you will receive a copy of the court order specifying the termination date.

Day of **COURT-ORDERED TERMINATION**

Specified termination date

Points to consider:

- The Court will determine who pays what to whom and may release part of the bond to you or to the excluded tenant.
- If part of the bond was disposed of, you can ask the remaining tenants to top up the bond.