



Chart three - Service of Breach notice other than for failure to pay rent

STEP 1

Notice of breach

- A** Day of **BREACH**
SERVE NOTICE OF BREACH of agreement (Form 20).
 Give 14 full days to rectify the breach.
 Refer to **DELIVERY METHODS**
- B** Day **NOTICE RECEIVED**
 (after delivery period).
- C** Day one is Day **AFTER NOTICE RECEIVED**
 1 2 3 4 5 6 7 8 9 10 11 12 13 14

STEP 2

Notice of termination - Option 1

- D** Day **15** If **BREACH IS NOT REMEDIED**, **SERVE NOTICE OF TERMINATION** (Form 1C).

 Give seven full days to vacate the premises.
 Refer to **DELIVERY METHODS**
- E** Day **NOTICE RECEIVED**
 (after delivery period).
- Day one is Day **AFTER NOTICE RECEIVED**
 giving seven full days notice to vacate the premises
 1 2 3 4 5 6 7

OR Notice of termination - Option 2

Apply to the Magistrates Court for an order to remedy the breach of the agreement (Court Form 12)

STEP 3

Court orders

- G** Day **8** **LEASE IS TERMINATED**
- H** Day **9** Day **AFTER TERMINATION**

If tenant has not moved out, apply to the Magistrates Court within 30 days from the day after termination, for an order terminating the tenancy and seeking possession of the premises (Court Form 12).

Delivery methods

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

- The day of the service
- Additional days for weekends and public holidays

Electronic/Email – There must be a prior agreement in writing and proof of service* may be required.

In person – Notice to be handed to someone 16 years or older who normally resides at the property; it cannot be left in the letterbox.



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* **Proof of Service** – The sender should retain a copy of the notice, record details of how it was served, date of service and sign it.