



Park operator chart 3: When your tenant terminates their interest in a lease on grounds of family and domestic violence

STEP 1

Receive the *Notice of Termination*

A NOTICE OF TERMINATION + EVIDENCE* RECEIVED

*Date you received
Notice from tenant*

By law, all supporting evidence provided by the tenant must be kept secure, private and confidential. You may **only** share the *Notice of Termination* with co-tenants.

B Day **1** is the day **AFTER YOU RECEIVED NOTICE + EVIDENCE**

Day 1 date

The tenant must provide at least **7 full days' notice** but it can be more

1 2 3 4 5 6 7

Day 7 date

Within 7 days of receiving notification, if you feel that the required process was not followed you may apply to the SAT to review the validity of the Notice. You cannot examine as to whether there has been or is likely to be family violence.

C Day **8** is the **EARLIEST DAY TENANT'S INTEREST IS TERMINATED**

*Day 8: earliest
termination date*

OR,

if the tenant has given notice for a date later than **7 days, DAY INTEREST IS TERMINATED**

*Specified
termination date*

STEP 2

Plan for property inspection

Within 7 days of receiving notification (*Day 7 date above*), you should inspect the property. While not mandatory, this inspection is strongly recommended. If the tenancy agreement terminates in full as a result of this *Notice of Termination*, this inspection will satisfy the requirement for the termination of tenancy final inspection report.

A Day **7** is the **LAST POSSIBLE DAY TO INSPECT PREMISES**

*Day 7 date
from B above*

B Enter Day **1** date from line B above

*Day 1 date from
B above*

You must **give each co-tenant at least 3 full days' notice** of the inspection. It is strongly recommended you serve each co-tenant the copy of *Notice of Termination* AND a notice of inspection within 2 days after you receive the *Notice of Termination*. This gives you the maximum number of days to schedule the inspection.

Day **3** is the **LAST DAY ALL CO-TENANTS CAN RECEIVE INSPECTION NOTICE**

1 2 3

Day 3 date

C

SCHEDULED 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.

Inspection date

**STEP
3**

Inform co-tenants

Within 7 days of receiving the Notice, serve a copy of the Notice of Termination to each co-tenant individually.

Again, it is strongly recommended each co-tenant receive a copy of the *Notice of Termination* AND a notice of inspection no later than 2 days after you receive the *Notice of Termination*. After the departing tenant’s interest in the lease terminates, the remaining co-tenants are responsible for the entire rent from that point.

Remember, you are not permitted to share any supporting evidence with co-tenants.

A

Departing Tenant

Full name

Day **DEPARTING TENANT SERVED NOTICE OF INSPECTION**
 Refer to **DELIVERY METHODS**

Date departing tenant served notice

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

Date departing tenant receives notice

B

Co-tenant One

Full name

Day **CO-TENANT SERVED COPY OF NOTICE OF TERMINATION AND NOTICE OF INSPECTION**
 Refer to **DELIVERY METHODS**

Date co-tenant served Notices

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

Date co-tenant receives Notices

Delivery methods

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.

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.

C Co-tenant Two

Day **CO-TENANT SERVED COPY OF NOTICE OF TERMINATION AND NOTICE OF INSPECTION**

Refer to **DELIVERY METHODS**

Full name

Date co-tenant served Notices

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

Date co-tenant receives Notices

D Co-tenant Three

Day **CO-TENANT SERVED COPY OF NOTICE OF TERMINATION AND NOTICE OF INSPECTION**

Refer to **DELIVERY METHODS**

Full name

Date co-tenant served Notices

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

Date co-tenant receives Notices

STEP 4

Co-tenants decide

Co-tenant(s) must give written notice of termination of their interest in the lease **within 7 days** of receipt even if it's a fixed-term tenancy. **You cannot evict a perpetrator on the basis of family and domestic violence.**

Co-tenant(s) must provide a minimum of 21 full days' notice to terminate their interest.

A Co-tenant One

Day **CO-TENANT RECEIVES COPY OF NOTICE**

Day **1** is the day **AFTER CO-TENANT RECEIVED NOTICE**

Co-tenant has **7 full days** to decide whether to stay or terminate their interest in the lease.

1 2 3 4 5 6 7

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

Day **7** is the **LAST DAY CO-TENANT CAN NOTIFY TO TERMINATE INTEREST IN LEASE**

TERMINATING NO YES – continue below

Day **WRITTEN NOTICE RECEIVED FROM CO-TENANT**

Day **1** is the day **AFTER WRITTEN NOTICE RECEIVED**

Day **22** is the **EARLIEST DAY INTEREST IS TERMINATED**

OR,

if the co-tenant has given notice for a date **later than 21 full days, DAY INTEREST IS TERMINATED**

Copy full name from Co-tenant One above

Copy 'receives' date from Co-tenant One above

Day 1 date

Date you received notice

Day 1 date

Day 22 date

Specified termination date

B Co-tenant Two

Copy full name from
Co-tenant Two above

Day **CO-TENANT RECEIVES COPY OF NOTICE**

Copy 'receives' date from
Co-tenant Two above

Day **1** is the day **AFTER CO-TENANT RECEIVED NOTICE**

Day 1 date

Co-tenant has **7 full days** to decide whether to stay or terminate their interest in the lease.

1 2 3 4 5 6 7

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

Day **7** is the **LAST DAY CO-TENANT CAN NOTIFY TO TERMINATE INTEREST IN LEASE**

TERMINATING NO YES – continue below

Day **WRITTEN NOTICE RECEIVED FROM CO-TENANT**

Date you
received notice

Day **1** is the day **AFTER WRITTEN NOTICE RECEIVED**

Day 1 date

Day **22** is the **EARLIEST DAY INTEREST IS TERMINATED**

Day 22 date

OR,

if the co-tenant has given notice for a date **later than 21 full days, DAY INTEREST IS TERMINATED**

Specified
termination date

C Co-tenant Three

Copy full name from
Co-tenant Three above

Day **CO-TENANT RECEIVES COPY OF NOTICE**

Copy 'receives' date from
Co-tenant Three above

Day **1** is the day **AFTER CO-TENANT RECEIVED NOTICE**

Day 1 date

Co-tenant has **7 full days** to decide whether to stay or terminate their interest in the lease.

1 2 3 4 5 6 7

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

Day **7** is the **LAST DAY CO-TENANT CAN NOTIFY TO TERMINATE INTEREST IN LEASE**

TERMINATING NO YES – continue below

Day **WRITTEN NOTICE RECEIVED FROM CO-TENANT**

Date you
received notice

Day **1** is the day **AFTER WRITTEN NOTICE RECEIVED**

Day 1 date

Day **22** is the **EARLIEST DAY INTEREST IS TERMINATED**

Day 22 date

OR,

if the co-tenant has given notice for a date **later than 21 full days, DAY INTEREST IS TERMINATED**

Specified
termination date

STEP
5

Conduct property inspection

Conduct property inspection on date determined in Step 2.

Inspection date and time

Note: if all co-tenants choose to terminate their interest in the tenancy agreement, you can schedule a final inspection before the co-tenants vacate the premises. You should provide written notice to each co-tenant at least 7 and not more than 14 days in advance of the inspection date.

Points to consider:

- All tenants are jointly liable for debt and damage unless the SAT orders otherwise.
- If co-tenants remain in the tenancy agreement and part of the bond was disposed of, you can ask the remaining tenants to top up the bond.

***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