



Lessor chart 4: 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

By law, all supporting evidence provided by the tenant must be kept secure, private and confidential. You may **only** share the *Notice of Termination* (Form 2) with co-tenants.

Date you received
Notice of Termination

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 a court 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 INTEREST IN LEASE IS TERMINATED**

Day 8: earliest
termination date

OR,

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

Specified termination date

STEP 2

Plan for property inspection

Within 7 days of receiving the notification (*Day 7 date* above), you **must** inspect the property.

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

Enter 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 days available 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

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

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 receives 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

Day **DEPARTING TENANT SERVED NOTICE OF INSPECTION**

Refer to **DELIVERY METHODS**

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

B Co-tenant One

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

Refer to **DELIVERY METHODS**

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

C Co-tenant Two

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

Refer to **DELIVERY METHODS**

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

Full name

Date departing tenant served notice

Day 1 date

Full name

Date co-tenant served notices

Date co-tenant receives notices

Full name

Date co-tenant served notices

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.

D Co-tenant Three

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

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

Full name

Date co-tenant served notices

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 violence.**

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

A Co-tenant One

Copy full name from Co-tenant One above

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

Copy 'receives' date from Co-tenant One 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 **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

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 **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 **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
4

Conduct final property inspection

You must conduct a final property condition inspection as soon as practical after **each** co-tenant's interest terminates and provide it to them within 14 days. The departing co-tenant must be given a reasonable opportunity to attend this inspection.

Co-tenant One

Inspection date & time

Co-tenant Two

Inspection date & time

Co-tenant Three

Inspection date & time

Points to consider:

- All tenants are jointly liable for debt and damage unless a Court 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