



Lessor 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.