



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**

- B** Day **1** is the Day **AFTER WRITTEN NOTICE RECEIVED BY LANDLORD**

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

- C** Day **22** is the **EARLIEST DAY LEASE IS TERMINATED**

OR,

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

Date delivered

Date received by landlord

Day 1 date

Day 21 date

Day 22 date

Specified termination date

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.

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.