



Lessors chart 2: Service of Notice of Termination for Non-Payment of Rent

STEP 1

Serve the Notice of termination

A Day **RENT IS DUE**

B Day **AFTER RENT IS DUE, SERVE NOTICE OF TERMINATION**
 for Non-Payment of Rent (Form 1B).

Give **7 full days** to bring rent up to date.

Refer to **DELIVERY METHODS**

C Day **TENANT RECEIVES NOTICE**
 (after delivery period).

D Day **1** is the day **AFTER TENANT RECEIVED NOTICE**
1 2 3 4 5 6 7

STEP 2

Apply for court order

A Day **8** **LEASE IS TERMINATED**

B Day **9** is the day **AFTER TERMINATION**

C 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).

Note: Court action cannot be continued if the tenant pays rent and court filing fee no less than one day before the hearing date.

Hearing date cannot be earlier than 21 days after the notice of termination is issued.

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. 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.