



## 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

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 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.

#### i) Departing Tenant

Day **DEPARTING TENANT SERVED NOTICE OF INSPECTION**  
(See **Delivery methods**)

*Full name*

*Date departing tenant served notice*

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

*Date departing tenant receives notice*

#### ii) Co-tenant One

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

#### iii) Co-tenant Two

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

#### 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.

iv) **Co-tenant Three**

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

i) **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**

*Date 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*

ii) **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**

*Date 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*

**iii) 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**

*Date 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 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\*\*

\*\*only from October 2019



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