

Landlord – Chart 4

When your tenant terminates their interest in an agreement on grounds of family and domestic violence

STEP 1

Receive the notice of termination

(A) Notice of termination and evidence* received

Date you received
notice of termination

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.

(B) Day 1 is the day after you received notice and evidence.

Day 1 date

The tenant must provide at least **seven full days' notice** but it can be more.

Day 7 date

1 2 3 4 5 6 7

Within 7 days of receiving notification, if you feel the required process was not followed you may apply to a court to review the validity of the notice. You cannot examine if there has been or is likely to be family violence.

(C) Day 8 is the earliest day interest in agreement is terminated

Day 8: earliest
termination date

OR,

if the tenant has given notice for a date **later than seven days, day interest in agreement is terminated.**

Specified termination date

STEP 2

Plan for property inspection

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

(A) Day 7 is the last possible day to inspect property.

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 three 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 two 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 all tenants will have received the notice of inspection – to determine the inspection date.

Inspection date

Contact Consumer Protection on 1300 30 40 54 or at www.consumerprotection.wa.gov.au

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STEP 3

Inform co-tenants

Within seven 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 two days after you receive the notice of termination. After the departing tenant’s interest in the agreement 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.

<p>A Departing tenant</p> <p>Day departing tenant served notice of inspection. Refer to Delivery methods</p> <p>Day departing tenant receives notice of inspection (after delivery period).</p>	<div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Full name</div> <div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Date departing tenant served notice</div> <div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Day 1 date</div>	<p>Delivery methods</p> <p>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.</p> <p>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 agreement. You should retain a copy of the notice, record details of how it was served, date of service, and sign it.</p> <p>General post: Australia Post mail delivery is now made on limited days. Allow two to six business days including:</p> <ul style="list-style-type: none"> • the day of the service; and • additional days for weekends and public holidays.
<p>B Co-tenant one</p> <p>Day co-tenant served copy of notice of termination and notice of inspection. Refer to Delivery methods</p> <p>Day co-tenant receives copy of notice of termination and notice of inspection (after delivery period).</p>	<div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Full name</div> <div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Date co-tenant served notices</div> <div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Date co-tenant receives notices</div>	
<p>C Co-tenant two</p> <p>Day co-tenant served copy of notice of termination and notice of inspection. Refer to Delivery methods</p> <p>Day co-tenant receives copy of notice of termination and notice of inspection (after delivery period).</p>	<div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Full name</div> <div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Date co-tenant served notices</div> <div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Date co-tenant receives notices</div>	
<p>D Co-tenant three</p> <p>Day co-tenant served copy of notice of termination and notice of inspection. Refer to Delivery methods</p> <p>Day co-tenant receives copy of notice of termination and notice of inspection (after delivery period).</p>	<div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Full name</div> <div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Date co-tenant served notices</div> <div style="border: 1px solid orange; border-radius: 10px; padding: 10px; margin-bottom: 10px;">Date co-tenant receives notices</div>	

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STEP 4

Co-tenants decide

Co-tenant(s) must give written notice of termination of their interest in the agreement **within seven 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

Day **co-tenant receives copy of notice.**

Day **1** is the day **after co-tenant received notice.**

Co-tenant has **seven full days** to decide whether to stay or terminate their interest in the agreement.

1 2 3 4 5 6 7

Day **7** is **last day co-tenant can notify to terminate interest in agreement.**

Terminating No Yes – continue below

Day **written notice received from co-tenant.**

Day **1** is the day **after written notice received.**

Day **22** is the **earliest day interest is terminated**

OR,

if the co-tenant has given notice for a date **later than 21 full days, day interest is terminated.**

B Co-tenant two

Day **co-tenant receives copy of notice.**

Day **1** is the day **after co-tenant received notice.**

Copy full name from co-tenant one above

Copy 'receives' date from co-tenant one above

Day 1 date

Day 7 date (excluding Sat/Sun/public holiday)

Date you received notice

Day 1 date

Day 22 date

Specified termination date

Copy full name from co-tenant two above

Copy 'receives' date from co-tenant two above

Day 1 date

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Landlord – Chart 4 cont.

When your tenant terminates their interest in an agreement on grounds of family and domestic violence

Co-tenant has **seven full days** to decide whether to stay or terminate their interest in the agreement.

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 agreement.**

Terminating No Yes – continue below

Date you received notice

Day **written notice received from co-tenant.**

Day 1 date

Day **1** is the day **after written notice received.**

Day 22 date

Day **22** is the **earliest day interest is terminated**

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

Day **co-tenant receives copy of notice.**

Copy full name from co-tenant three above

Day **1** is the day **after co-tenant received notice.**

Copy 'receives' date from co-tenant three above

Day 1 date

Co-tenant has **seven full days** to decide whether to stay or terminate their interest in the agreement.

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 agreement.**

Terminating No Yes – continue below

Date you received notice

Day **written notice received from co-tenant.**

Day 1 date

Day **1** is the day **after written notice received.**

Day 22 date

Day **22** is the **earliest day interest is terminated**

OR

if the co-tenant has given notice for a date **later than 21 full days, day interest is terminated.**

Specified termination date

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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 and time

Co-tenant two

Inspection date and time

Co-tenant three

Inspection date and 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.

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