



# Tenancy Hearing Notes *Residential Tenancies Act 2010*

Landlord/Agent or Tenant to complete

**File number**

**First name**

**Last name**

Sworn  Affirmed

**Are you the**  Landlord  Agent  Tenant

**Address**

**Managing Agency Agreement**  Yes  No **Date signed**

**Tenancy agreement**

**Date of agreement**

**Rent amount \$** payable on the \_\_\_\_\_ of each  Week  Fortnight  Month

**Term of agreement** from \_\_\_\_\_ to \_\_\_\_\_

**Bond amount \$** **Bond number**

**Bond lodged**  Yes  No

**Bond paid out**  Yes  No **Amount \$** to Landlord

**Amount \$** to Tenant

**Rent increases – last 12 months**

Date of notice	Date of service	Increased from	Increased to	Valid/Invalid Tribunal use only
		\$	\$	
		\$	\$	
		\$	\$	

**Termination notice**

**Date of notice**

**Date served** (see s 223 for methods of service)

**By**  Post (Service is deemed to be affected 7 working days after posting)  Personal service

Email  Mailbox

**Date received**

**Termination date on notice** **Notice**  Valid  Invalid

**Days in arrears on receipt** **Complies**  Yes  No

**Current situation**

**Premises vacant**  Yes  No

**Date vacated**

**Rent paid to (and including)**

**Date last payment**

**Arrears claimed \$** **from** \_\_\_\_\_ **to** \_\_\_\_\_ (inclusive)

**Total number of days in arrears** **Daily rate \$**

**Water usage claimed \$** **from** \_\_\_\_\_ **to** \_\_\_\_\_ (inclusive)



<b>Findings – general</b>	<b>Y/N n/a</b>
Application and hearing notice has validly notified the parties of the hearing date (if by post 7 working days after posting - NCAT Rules r 13(4))	
The premises are regulated by the <i>Residential Tenancies Act 2010</i>	
There is a Residential Tenancy Agreement in place <input type="checkbox"/> oral <input type="checkbox"/> written	
The application to the Tribunal has been made in time (see s 82(2) and Reg 39 and s 88(4))	
Termination notice is valid	
<b>Requirements – termination s 82 and s 88</b>	
The termination and vacant possession date is not earlier than 14 days after the day on which the notice is given (see s 82(1) and s 83(1))	
The grounds are rent arrears, the rent is unpaid for not less than 14 days before the notice is given	
Other grounds	
The notice is in writing	
The notice is signed by the party giving notice or their agent	
The tenant has been notified that they are not required to vacate if tenant pays all rent owing or enters into and fully complies with an agreed payment plan (see s 88)	
<b>Findings – s 89(5)</b>	
The landlord sought a finding that the tenant has frequently failed to pay rent in the application	
The tenant paid all rent owing	
The tenant entered into and complied with an agreed payment plan	
The tenant has frequently failed to pay the rent owing	
The Tribunal makes a finding under s 89(5)	
<b>Termination for breach – circumstances of the case s 87(5)</b>	
Considerations - Nature of breach, Any previous breaches, Steps taken by tenant to remedy the breach, Steps taken by the landlord about the breach, Previous history of the tenant.	
<b>Termination of social housing tenancy s 154E</b>	
Considerations - Effect of tenancy on neighbouring residents or others, Likelihood that neighbours or others will suffer serious effects if the tenancy is not terminated, Landlord's responsibility to other tenants, History of current or any prior social housing tenancy with the same or a different landlord, Whether tenant is or has been in breach of tribunal order.	
<b>Additional considerations</b>	