



# Application for Termination and possession for non-payment of rent

CONSUMER AND COMMERCIAL DIVISION | TENANCY OR SOCIAL HOUSING LIST

Complete this form to apply to NCAT's Consumer and Commercial Division for termination and possession orders under the *Residential Tenancies Act 2010* for the non-payment of rent. Termination and possession applications can also be lodged online with [NCAT Online](#).

## File Number

Office use only

## 1. RENTED PREMISES

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### A. TYPE OF TENANCY

Is the tenancy a private tenancy or a social housing tenancy?

Private tenancy       Social housing tenancy

### B. ADDRESS OF RENTED PREMISES

Provide the address of the house or unit that is the rental property, the subject of the dispute, as it appears on the residential tenancy agreement.

Address:

### C. RENTAL BOND NUMBER

### D. REAL ESTATE AGENCY DETAILS

If applicable, provide name and address of real estate agency managing the rented premises.

Agency name:

Agency address:

### E. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties:

## 2. LANDLORD

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### A. LANDLORD'S DETAILS

Provide the landlord's name and address. If there are multiple landlords, please provide details of all landlords on the application form or separate sheet if insufficient space.

Full name:

Postal address:

Contact details: Daytime telephone

Mobile

Email address:\*

\* By providing an email address you are agreeing that any NCAT notices, orders and correspondence can be emailed to you. Ensure the email address provided is accurate and the account is checked regularly.

### 3. TENANT

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#### A. TENANT'S DETAILS

Provide the tenant's name and address. If there are multiple tenants, please specify names of all tenants on the application form or separate sheet if insufficient space.

**Full name:**

**Postal address:**

**Contact details:** Daytime telephone

Mobile

Email

### 4. ORDER DETAILS

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#### A. WHAT ORDERS DO YOU WANT?

Tick the types of orders you are seeking under the *Residential Tenancies Act 2010*. An application for termination and possession must be lodged **within 30 days** after the termination date specified in the termination notice. You may request more than one order.

- Termination and possession of the premises on ground of non-payment of rent
- Payment of rent arrears
- Daily occupation fee
- The rental bond (or part) to be paid to you
- Specific performance order that the tenant pay rent on time
- Other orders (please describe)

- If the tenant pays all of rent owing or enters into and fully complies with a repayment plan, will you nevertheless be seeking to terminate the tenancy agreement because the tenant has frequently failed to pay the rent?

Yes    No

If yes, give details:

#### B. REASONS FOR ASKING FOR THE ORDERS?

Give details about the breaches by the tenant. Include the amount of rent arrears as at the date the Termination Notice was deemed served on the tenant.

## 5. TERMINATION NOTICE

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### A. TERMINATION DATE

Specify the date of termination as provided in the Termination Notice:

### B. DATE OF TERMINATION NOTICE

Specify the date the Termination Notice was made:

### C. QUESTIONS ABOUT THE TERMINATION NOTICE

Place a tick next to all questions that apply to the Termination Notice that was served on the tenant. If all boxes are not ticked, your Termination Notice may not be valid and your application may be dismissed.

- Tenant is more than 14 days in arrears on the Service Date?
- Termination notice is in writing?
- Notice states the address of the rented premises?
- Notice is signed and dated by the landlord or agent?
- Notice includes the grounds of the breach?
- Notice specifies the day on which the tenancy agreement is terminated?
- Notice states that the tenant is not required to vacate if the tenant pays all the rent owing or complies with the repayment plan fully?
- Rent owing by the tenant has not been paid in full OR the agreed repayment plan has not been fully complied with?

### D. SERVICE OF TERMINATION NOTICE

Complete the relevant section detailing how and when the tenant was given the Termination Notice.

#### Method of service

#### Service Date

- Notice was posted on \_\_\_\_\_ and deemed received\* by tenant on:
- Notice was given personally to the tenant or other person at the premises on:
- Notice was placed in the letter box on:
- Notice was emailed on:

**\*Postal Service Date:** If the Termination Notice was posted, it is deemed served on the **7<sup>th</sup> working day** (excluding weekends and holidays). For example, if the Notice was posted on a Monday, the notice is deemed served on the Wednesday of following week (excluding any public holidays in the period).

## 6. LANGUAGE AND DISABILITY SUPPORT

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### A. SUPPORT REQUIREMENTS

Indicate whether you have a disability-related need or other request for support at the hearing.

### B. INTERPRETER

Do you need an interpreter for the hearing?  No  Yes (*specify language*):

## 7. APPLICATION CHECKLIST

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- I have attached other documents relevant to this application**  
Include all relevant information with your application. Relevant documents may include the residential tenancy agreement, notices, letters and other correspondence, quotes, invoices etc. Note: A copy of this application and any attachments will be sent to the respondent.
- I have made a copy of this application for my own records**  
Before lodging your application with NCAT you must make a copy of your application for your own records.
- I have attached the application fee**  
Refer to the fee schedule on the [NCAT website](#). Credit card payments can be made by submitting a [credit card authority form](#) with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payment can be made in person at any NCAT Registry or NSW Service Centre. Concession fee applicants must provide a photocopy of their concession card.

## 8. SIGNATURE

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Applicant's signature or signature of representative.

Name

Signature

Date

### Lodge your Application with the fee at your nearest NCAT Registry

For NCAT Consumer and Commercial Division Registry locations visit the [NCAT website](#). For all NCAT enquiries telephone 1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

### Do you need language assistance?

Call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone NCAT on 1300 006 228. Visit the NCAT website for [information in community languages](#).

# GUIDE TO COMPLETING THE APPLICATION FORM

Use the following information to help you complete the Application for 'Termination and possession for non-payment of rent'. Section headings and numbers match the questions on the form.

## 1. RENTED PREMISES

### A. TYPE OF TENANCY

Please indicate whether the tenancy is a private tenancy between a landlord and tenant, or a social housing tenancy between a social housing provider and a tenant.

### B. ADDRESS OF RENTED PREMISES

This is the address of the house or unit that is the rental property, as it appears on the residential tenancy agreement.

### C. RENTAL BOND NUMBER

This is the number on the receipt issued by NSW Fair Trading after the bond has been lodged. For rental bond number details contact NSW Fair Trading on 13 32 20.

### D. REAL ESTATE AGENCY DETAILS

If the rented premises is managed by a real estate agency, please include the agency's name and postal address.

### E. RELATED FILE NUMBERS

If you have already been to NCAT, or if this is a cross claim to an application already pending before NCAT, enter the previous file numbers if you know them. These should be file numbers of other matters with the same parties.

## 2. LANDLORD

### A. LANDLORD'S DETAILS

Provide the landlord's full name, postal address and telephone/email contact details. If there is a residential tenancy agreement, provide the landlord's name as it appears on the agreement.

If there are multiple landlords, please specify the names of all landlords on the application form. If there is insufficient space you may attach the additional information.

#### Real estate agents lodging on behalf of a landlord

Real estate agents lodging an application on behalf of the landlord will need to:

- Specify the landlord's name as it appears on the residential tenancy agreement
- Provide the agency's postal address and contact details.

#### Do you want NCAT notices and correspondence emailed to you?

By providing your email address you are agreeing to receive all case-related correspondence by email, including the notice of hearing. To change your email address, log into [eServices](#) via the NCAT website.

## 3. TENANT

### A. TENANT'S DETAILS

Provide the tenant's full name. If there are multiple tenants, please specify the names of all tenants on the application

form. If there is insufficient space, attach the additional information on a separate sheet.

Provide the tenant's last known postal address. Include the tenant's telephone number and email address if known.

**Note:** Make sure the tenant is named correctly. If the information provided about the tenant is incorrect, this may delay proceedings or result in orders being made that are unenforceable.

## 4. ORDER DETAILS

### A. WHAT ORDERS DO YOU WANT?

Tick the orders you are seeking under the *Residential Tenancies Act 2010*. You may request more than one order.

Check that the orders you are seeking are within the jurisdiction time limits. An application for termination and possession must be lodged **within 30 days** after the termination date specified in the termination notice.

If you are unsure which order to select, please contact NSW Fair Trading for assistance on 13 32 20.

### B. REASONS FOR ASKING FOR THE ORDERS?

You must explain why you are lodging the application and seeking orders from NCAT. Your reasons must be detailed enough so that the respondent can understand what the dispute is about. Attach additional information on a separate sheet if there is insufficient space.

## 5. TERMINATION NOTICE

### A. TERMINATION DATE

The termination date is the day specified in the termination notice as the day on which the residential tenancy agreement is terminated and by which the tenant must leave the rented premises.

### B. DATE OF TERMINATION NOTICE

You must specify the date of the termination notice, that is the date the notice was made.

### C. QUESTIONS ABOUT THE TERMINATION NOTICE

Tick all boxes that apply to the termination notice served on the tenant.

- **Tenant more than 14 days in arrears on the Service Date**  
A termination notice given by a landlord on the ground of a breach of the agreement solely arising from failure to pay rent has no effect unless the rent has remained unpaid in breach of the agreement of not less than 14 days before the notice is given.
- **Termination notice in writing**  
A valid termination notice must be given in writing.
- **Notice states the address of the rented premises**  
A valid termination notice must include the address of the rented premises.

- **Notice is signed by the landlord or agent**  
The termination notice must be signed and dated by the landlord or agent.
- **Notice includes grounds of the breach**  
The termination notice must include the grounds of the breach so the terms of the breach are clear to the tenant.
- **Notice specifies the day on which the tenancy agreement is terminated**  
The termination notice must clearly state the date when the residential tenancy agreement is to be terminated.
- **Notice states that the tenant is not required to vacate if the tenant pays all rent owing or complies with the repayment plan**  
A 'non-payment of rent' termination notice must state that the tenant does not need to vacate the rented premises if they pay all the rent owing, or if they enter into and comply with a repayment plan.
- **Rent owing has not been paid in full or agreed repayment plan not been fully complied with**  
The tenant has not cleared the arrears, entered into a repayment plan, or complied with a repayment plan they entered into with the landlord.

#### **D. SERVICE OF TERMINATION NOTICE**

The section requires the applicant to pick one of the valid service methods listed and the date when the tenant was given the termination notice. Termination notices cannot be served by text message or over the phone.

##### **Notice served by post**

The 'Service Date' will be 7 working days after the termination notice was posted to the tenant. For example, a termination notice posted on a Monday is deemed served on the Wednesday of the following week. Weekends, public holidays and bank holidays are not counted in the 7 days.

##### **Notice served personally**

The 'Service Date' is the date you handed the termination notice to the tenant in person, or to another person aged 16 years or over at the rented premises. Where there are two or more tenants, the termination notice may be given to either one and does not need to be given to both.

##### **Notice placed in the letterbox**

The 'Service Date' is the date you personally placed the termination notice in the tenant's letterbox in an envelope addressed to them.

##### **Notices served by email**

The 'Service Date' is the date the notice was emailed to the tenant (subject to the email delivery receipt notification).

The service of the notice by email is only allowed where the tenant has given their agreement for notices and other correspondence to be sent by email or sending it to an email address specified by the person for the service of documents of that kind (section 223 *Residential Tenancies Act 2010*).

## **6. LANGUAGE AND DISABILITY SUPPORT**

### **A. SUPPORT REQUIREMENTS**

If you have any support requirements for the hearing, please specify on the application form. Otherwise contact NCAT and ask to speak to a Deputy Divisional Registrar to discuss your individual needs.

### **B. INTERPRETER REQUIRED**

NCAT can organise an interpreter upon request for parties to proceedings. If you need an interpreter for the hearing, tick the box and specify the language required.

## **7. APPLICATION CHECKLIST**

### **I have attached all documents relevant to this application**

Include all relevant information with your application. Refer to the information below on evidence and supporting materials. Do not include any confidential information with your application as copies of your attachments will be provided to the respondent. Any documents given to the Tribunal must also be given to the other party.

### **I have made a copy of this application for my own records**

Before lodging your application with NCAT you must make a copy of your application for your own records.

### **I have attached the application fee**

You must pay the application fee when lodging your application. The fee schedule is available on the [NCAT website](#).

Credit card payment can be made by submitting a [credit card authority form](#) with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payments can be made in person at any NCAT Registry or Service NSW Centre.

## **8. SIGNATURE**

You must print your name and sign and date the application form. If the application form is submitted without being signed, this will cause unnecessary delays.