



# Request to issue warrant for possession

Complete this form to request a warrant for possession if the tenant or resident does not comply with NCAT's order to vacate the premises. The warrant will authorise a Sheriff's Officer to evict the tenant or resident from the premises.

## 1. ORDER DETAILS

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NCAT File Number:

Address of residential premises:

Date of NCAT's order:

Date possession was to be given:

Why are you requesting the warrant?

- The tenant/resident has not complied with the Tribunal's order and is still in possession of the premises
- The co-tenant has not complied with the Tribunal's order and has not vacated the premises

## 2. PERSON IN WHOSE FAVOUR THE TRIBUNAL ORDER WAS MADE

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Are you the?  Landlord  Co-Tenant  Operator

Full name

Postal Address

Contact details      Daytime telephone      Mobile  
Email

## 3. TENANT, RESIDENT OR CO-TENANT DETAILS

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Full name

Postal Address

Contact details      Daytime telephone      Mobile  
Email

## 4. SIGNATURE

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Name

Signature

Date

**Return this form to NSW Civil and Administrative Tribunal (NCAT)**

For NCAT Registry locations and contact details visit the [NCAT website](http://www.ncat.nsw.gov.au). For all NCAT enquires telephone 1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

# INFORMATION ABOUT WARRANTS FOR POSSESSION

## Important note about residential tenancy and social housing matters

If a tenant pays the amount owing or entered into and fully complied with a repayment plan, the landlord MUST notify the Office of the Sheriff if the termination order has been made and a warrant for possession has been issued but not enforced.

Where the termination and possession order is made because the tenant has frequently failed to pay rent, the above provision does not apply.

## What is a warrant for possession?

A warrant for possession is an official document that can be issued by NCAT. The warrant authorises a Sheriff's Officer to evict the tenant, resident or co-tenant from the premises.

NCAT can issue warrants for possession in tenancy, social housing, holiday parks, resident communities and retirement village matters.

## What is the applicable legislation?

NCAT can issue warrants for possession of premises under the following legislation:

- *Residential Tenancies Act 2010* – section 121
- *Holiday Parks (Long-term Casual Occupation) Act 2002* – section 30
- *Residential (Land Lease) Communities Act 2013* – section 134
- *Retirement Villages Act 1999* – section 140

## Who can request a warrant?

The person in whose favour the Tribunal's order was made can request a warrant for possession

The person request requesting a warrant for possession may be one of the following:

- Landlord or landlord's agent
- Co-tenant
- Operator of a residential community, holiday park or retirement village.

## When can I ask for a warrant?

You must wait until after the day of possession has passed before requesting a warrant.

If NCAT ordered immediate possession, you can request the warrant once the tenant or resident is served with the orders.

## Are there any time limits?

Time limits apply only for tenant, social housing and residential communities matters.

You must request the warrant **within 30 days** from the date of possession, or such further period as the Tribunal may permit.

If your warrant request is made out of time, NCAT may list the matter for another hearing. A Tribunal Member will then determine if a warrant should be issued.

The warrant is **valid for 28 days** from the date of issue.

## What do I do with this form?

Lodge your request to issue a warrant to an NCAT Registry. You can do this by email, post or in person.

When NCAT receives your request, we will:

- issue the warrant for enforcement of possession
- send the warrant electronically to the Office of the Sheriff.

NCAT will also send a letter to both parties advising that the warrant for possession has been issued. The letter will also advise that the Office of the Sheriff is empowered to execute the warrant to end the possession.

## Is there a fee to issue a warrant?

There is no fee payable to NCAT to issue the warrant for possession.

There is a fee payable to the Office of the Sheriff for the service and execution of the warrant. Visit the [Office of the Sheriff website](#) for details on enforcement costs.

## How do I arrange for the warrant to be executed?

The person entitled to possession must complete the [Office of the Sheriff Eviction Booking Request Form \[PDF\]](#) and pay the Office of the Sheriff's fee for service and execution of the warrant.

The warrant contains instructions to the Office of the Sheriff to enter the premises and take all steps reasonably necessary to gain possession of the premises.

## When should I contact the Office of the Sheriff?

The person entitled to possession should contact the Office of the Sheriff no later than 14 days after NCAT has issued the warrant.

## More information

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).