

## New domestic violence provisions in the *Residential Tenancies Act 2010* commenced 28 February 2019

Tenants in circumstances of domestic violence are now able to end their tenancies by serving a termination notice, with relevant evidence, and vacating.

Please get advice from your local Tenants' Advice and Advocacy Service before taking action under the new provisions – see contact numbers on the next page.

### What are the changes?

- Tenants in circumstances of domestic violence (DV) can now end their tenancies by serving a DV termination notice, with relevant evidence, and vacating.
- A victim-survivor of domestic violence will be protected from breach fees and costs for property damage in some circumstances.
- A landlord or agent will not be allowed to list information about a tenant in a tenancy database when the tenant has terminated the agreement in circumstances of domestic violence.

### How the new provisions work

If you can answer 'yes' to all of the following four questions, you should be able to end your tenancy for domestic violence:

#### Q1. Has there been domestic violence in your household?

The victim of the violence may be a tenant or co-tenant or a dependent child of a tenant or co-tenant.

#### Q2. Are you either a tenant or co-tenant?

Tenant includes sub-tenant.

#### Q3. Do you want to leave?

#### Q4. Do you have relevant evidence?

- Copy of a certificate of conviction of a DV offence **OR**
- Copy of a DV Order (need not be final) **OR**
- Copy of a *Family Law Act 1975* injunction per section 68B or 114 of that Act **OR**
- Declaration by a medical practitioner in the required form – see NSW Fair Trading: [fairtrading.nsw.gov.au/housing-and-property/renting/ending-a-tenancy/domestic-violence-declaration](http://fairtrading.nsw.gov.au/housing-and-property/renting/ending-a-tenancy/domestic-violence-declaration)

If the answers to all four questions above are 'yes', you can:

1. Draft a DV termination notice – see [tenants.org.au/sample/termination-domestic-violence](http://tenants.org.au/sample/termination-domestic-violence)
2. Attach the relevant evidence – see Q4 above.
3. Serve the notice – on the landlord or agent and all other tenants
4. Vacate the premises – keys can be given to the landlord or agent

Then the process for terminating your tenancy is complete. Keep copies of everything in case the landlord later challenges the validity of the termination.

When you have terminated your tenancy in this way:

- You do not have to pay a break fee or compensation to the landlord for ending your tenancy early
- You must not be listed on a residential tenancy database
- The evidence you have used is confidential, it must be stored and disposed of securely by all other parties
- You may be protected from liability to pay for DV damage to the premises
- Other tenants can apply to the Tribunal for termination of their tenancies
- Remaining non-perpetrator co-tenants have short term (2 weeks) relief from paying more than their usual share of the rent

## Useful links

- DV factsheet  
[tenants.org.au/factsheet-12-domestic-violence](https://tenants.org.au/factsheet-12-domestic-violence)
- Sample DV termination notice  
[tenants.org.au/sample/termination-domestic-violence](https://tenants.org.au/sample/termination-domestic-violence)
- Declaration form for a medical practitioner  
[fairtrading.nsw.gov.au/housing-and-property/renting/ending-a-tenancy/domestic-violence-declaration](https://fairtrading.nsw.gov.au/housing-and-property/renting/ending-a-tenancy/domestic-violence-declaration)
- All Tenants' Union DV resources for tenants  
[tenants.org.au/resources/domestic-violence](https://tenants.org.au/resources/domestic-violence)
- Women's Legal Service NSW  
[wlsnsw.org.au](https://wlsnsw.org.au)

*Information sheet prepared February 2019.*

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**For free tenancy advice, call your local Tenants Advice and Advocacy Service:**

**SYDNEY:**

• Eastern	9386 9147
• Inner	9698 5975
• Inner West	9559 2899
• Northern	9559 2899
• Southern	9787 4679
• South West	4628 1678
• Western	8833 0933

**REGIONAL:**

• Blue Mountains	4704 0201
• Central Coast	4353 5515
• Hunter	4969 7666
• Illawarra Sth Coast	4274 3475
• Mid Coast	6583 9866
• Northern Rivers	6621 1022
• Northwest NSW	1800 836 268
• Southwest NSW	1300 483 786

**ABORIGINAL:**

• Sydney	9833 3314
• West NSW	6881 5700
• South NSW	1800 672 185
• North NSW	1800 248 913

**WEBSITE:** [tenants.org.au](https://tenants.org.au)

**NSW FAIR TRADING:** 13 32 20

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by, the law as it applies in New South Wales, Australia. ©Tenants' Union of NSW