



# What are my rights if the landlord wants to end my tenancy?

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If the landlord wants you to leave the home that you rent it is important to act quickly. This factsheet explains your rights and where to get legal help and other support.

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## What is a Notice of Termination?

A Notice of Termination is a legal form that a landlord uses if they want you to leave the home you are renting.

Under the law, the landlord must give you a certain amount of time to leave. The date will be written on the Notice of Termination. The amount of time given on the Notice depends on the reason the landlord wants you to leave.

If you do not leave by the date on the Notice, the landlord can make an application to the Magistrates Court. The Magistrate can make an Order that you must leave the house. The date you must leave will be on the Order.

## What is a letter from the Court?

There are some situations where a landlord may go directly to Court to end the tenancy. You should receive a letter from the Court if this happens.

## Some common reasons the landlord can ask you to leave

A landlord can ask you to leave if

- your rental agreement or lease is going to end and they don't want to sign

another lease with you. They do not have to give you a reason.

- they are selling the home
- you are behind in the rent
- you are not eligible for social housing anymore (Department of Communities (Housing) or community housing organisations)
- the home is not safe to live in
- people in the house have acted in ways to put neighbours at risk or cause disruption (known as the Disruptive Behaviour Policy)
- other breaches of the Tenancy Agreement such as damage to the property

### **My rental agreement or lease is going to end**

If your rental agreement has an end date, which is called a fixed term lease, the landlord must give you the Notice of Termination 30 days before the end date of the lease. You do not have to move out before the end date of the lease.

If your rental agreement does not have an end date, which is called a periodic lease, the landlord must give you 60 days' notice.

Even if you do not have a written lease, you may still have rights under the law.

### **The owner is selling the home**

If your rental agreement has an end date, you cannot be asked to leave until the end date. You must be given 30 days' notice prior to the end date of the lease.

If your rental agreement does not have an end date, and the owner is in a contract to sell the property, the landlord must give a minimum of 30 days' notice.

### **I am behind in the rent**

If you have received a Notice of Termination for Non-Payment of Rent, the landlord must give you 7 days' notice.

### **I am not eligible for social housing any more**

People may be eligible to live in a Department of Communities (Housing) or a community housing home if they are on a low income. If you earn above that income, you might not be eligible to stay.

### **My home is not fit to live in**

The tenancy can be ended if the home is not fit or unsafe to live in. This might happen after a flood or fire. The landlord must give 7 days' notice.

## What can I do if I have received a Notice of Termination or letter from the Court?

It is important to respond to the Notice of Termination and to attend the Court hearing. You can ask a Tenant Advocate to help you speak in Court.

You do not need to leave the house until a Magistrate in the Court makes a decision. A Magistrate can look at the situation from both points of view. In special cases they can give you some extra time before you need to leave.

## What happens to my bond?

If you and the landlord don't agree about how much bond you should get back, you can get free help.

- You can ask for free legal advice from Circle Green or your local community legal centre.
- You can contact Consumer Protection for information or to make a complaint.
- You can go to the Magistrates Court

## Will my name be on the tenant data base?

A tenant database is a list of tenants that Real Estate Agents can look at. The list includes tenants who have not paid rent or who caused damage to the property. There are rules about putting your name on the tenant database.

## Who can help me?

If you would like to speak to a Tenant Advocate, you can call Circle Green on **(08) 6148 3636** or visit <https://circlegreen.org.au/resource/find-a-tenant-advocate/> to find your nearest community legal centre

Consumer Protection can provide you with free advice. Call them on **1300 30 40 54** or email [consumer@dmirs.wa.gov.au](mailto:consumer@dmirs.wa.gov.au) or at this link [https://www.commerce.wa.gov.au/sites/default/files/atoms/files/departmentofhousing\\_tenants.pdf](https://www.commerce.wa.gov.au/sites/default/files/atoms/files/departmentofhousing_tenants.pdf)

Financial Counsellors can provide information, support and advocacy if you are finding it hard to pay the rent. You can find your nearest Financial Counsellor on **1800 007 007** or at the web site <https://fcawa.org/find-a-financial-counsellor/>

The National Debt Helpline provides a free phone service, and information to assist people in financial difficulty. You can contact the National Debt Helpline on **1800 007 007**.

Disruptive Behaviour Policy. More information is available here

<https://www.wa.gov.au/service/building-utilities-and-essential-services/public-housing/department-of-communities-housing-disruptive-behaviour#:~:text=Once%20a%20report%20of%20disruptive,to%20respond%20to%20the%20complaint.>

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## Further information

Please contact us if you would like this factsheet in a different format such as large print or braille.

If you are Deaf, hard of hearing or have a speech impairment, you can contact us through the National Relay Service [www.relayservice.gov.au](http://www.relayservice.gov.au).

If you are a non-English speaker and require a language interpreter, please contact TIS National on **131 450**.

For more information visit [www.circlegreen.org.au](http://www.circlegreen.org.au) or phone us on **(08) 6148 3636**.



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