

My co-tenant has terminated their interest on the grounds of family violence – what do I do?

This fact sheet is about:

- your options when a co-tenant terminates their interest in the tenancy on the grounds of family violence
- where to seek help and assistance

This fact sheet provides options if you are a co-tenant who has not been accused of family violence.

WHAT IS FAMILY AND DOMESTIC VIOLENCE?

Family and domestic violence (**FDV**) can happen between people who are in a family relationship, where one person:

- uses violence or threats of violence against another person;
- coerces or controls; or
- causes another person to be fearful.

Family and domestic violence (**FDV**) has a broad definition and is not limited to physical violence. Some examples of things that could be FDV:

- a) Damaging or destroying personal property;
- b) Sexual assault or other sexually abusive behaviour;
- c) Causing death or injury to a pet;
- d) Unreasonably withholding financial support needed to meet reasonable living expenses;
- e) Preventing connection with family, friends, or culture;
- f) Causing a child to be exposed to any of the above.

There are other examples in the full definition set out in the *Restraining Orders Act*.

Family violence can be complex, occur in private, and even if you live with someone, you may not know if they are being subjected to family violence.

WHAT ARE MY OPTIONS IF MY CO-TENANT HAS CHOSEN TO LEAVE?

Your co-tenant can terminate their interest in the tenancy with at least 7 days' notice by giving the lessor a Family Violence Termination Notice and supporting document.

If the co-tenant moves out, then their interest in the tenancy will end and they will no longer have any rights or obligations under the agreement. The tenancy will continue for you and any other remaining tenants. Once the lessor receives the notice, they have to give a copy of it to you and any other remaining tenants within 7 days. You will not be given any of the supporting documentation.

Once you receive the notice, you have **7 days to decide what you want to do**. You can either stay and continue the tenancy or you can choose to end your interest in the tenancy too. You and any other remaining co-tenants do not have to make the same decision, you are free to make individual decisions on what you want to do.

If you choose to stay and continue the tenancy

If you choose to stay, you and any other remaining co-tenants will be responsible for the full rent and may need to top up the bond. You could try to find a new housemate to help pay the rent. You might need the lessor's consent to either sublet or add a new housemate – check what your lease agreement says.

If you choose to stay, the lessor doesn't have an option to end the whole tenancy under the FDV provisions. The lessor still has their standard options to end the lease.

If you would like to find out about options for finding a new housemate, or if you receive a termination notice from your lessor, read the fact sheets on these issues available on our website.

If you choose to leave the tenancy

You can end your interest in the tenancy by giving at least 21 days' notice in writing to the lessor.

If you do decide to terminate, you need to give your notice of termination within 7 days after the lessor gives you a copy of your co-tenant's notice of termination.

Your notice of termination must identify the premises, state the date when you will leave (the 'termination date') and be signed by you. You can use the [Form 22 Notice of termination](#) from tenant to lessor. This form is optional, but most people use it because it includes all the required information.

Your interest in the tenancy ends when you move out in accordance with your termination notice.

If you follow these steps to end your interest in the tenancy, then there is no break lease or early termination compensation owed to the lessor. You will be liable for:

- Rent during your 21-day notice period, and
- Your share of any damage costs or rent arrears

If another co-tenant stays, the lease will continue in their name on the same terms, but you are not liable for anything more after the date your interest ends.

WHAT IF I DON'T THINK THERE WAS FAMILY VIOLENCE?

If your co-tenant is leaving, there is no way for you to dispute the notice as a co-tenant. The landlord may apply to the court to review the notice, but this is only to determine if the notice is valid. The Court will not consider the details of the FDV.

Your decision to stay or leave the property does not mean that you agree or dispute that FDV occurred.

MY CO-TENANT HAS APPLIED TO COURT TO REMOVE ANOTHER CO-TENANT UNDER THE FAMILY VIOLENCE PROVISIONS

The Court can make an order to remove someone from a residential tenancy agreement if they have committed FDV. Either a tenant who has been subjected to FDV, or the person accused of FDV can apply to court for removal.

If you are in a situation where you share a tenancy with a victim and a perpetrator of FDV, you should seek legal advice. There are many different scenarios that cannot be covered in detail in this fact sheet.

For further information, see our other fact sheet on bond, court and FDV.

We also have fact sheets available on going to court to resolve a tenancy issue on our website.

WHERE CAN I GET MORE HELP?

FDV can result in lots of legal issues and non-legal issues.

If you are concerned your co-tenant might be experiencing FDV or you want to support them, you can call the [National Domestic Family and Sexual Violence Counselling Service](#) on **1800RESPECT** to help you identify what you can do and to find the right services and support.

Legal information, advice and referrals:

Legal Aid WA: 1300 650 579

Your local Community Legal Centre or an appropriate specialist service – a full list is available at the [Community Legal WA](#) website.

If you are at risk of homelessness:

Entrypoint - entrypointperth.com.au/ - referral service for people at risk of homelessness. Phone (08) 6496 0001 or 1800 124 684.

Crisis Care - Telephone (08) 9223 1111 or 1800 199 008 (country free call).

FURTHER HELP – TENANTS ADVICE AND ADVOCACY

Circle Green Community Legal

(08) 6148 3636

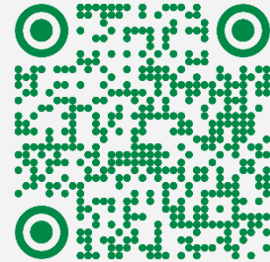
www.circlegreen.org.au

Department of Energy, Mines, Industry Regulation, and Safety Consumer Protection for consumer and tenancy related matters

commerce.wa.gov.au/consumer-protection | 1300 304 054

To find a tenant advocate in your area,
visit our website or use the QR code →

<https://circlegreen.org.au/resource/find-a-tenant-advocate>



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