



NCAT Tenancy Termination and Possession Applications can be lodged online

For more information about the NSW Civil & Administrative Tribunal (NCAT) telephone 1300 006 228 or visit www.ncat.nsw.gov.au.

LANDLORD

1. Landlord full name/s:

2. Landlord details:

For multiple landlords attach details on a separate sheet

Postal address:

Postcode:

Contact details:

Daytime telephone:

Email address:



Provide **email address** of applicant or applicant's representative and **tick the box** to receive the notice of hearing and other NCAT correspondence by email.

Do you want NCAT notices and correspondence emailed to you?

By ticking this box you agree to receive the notice of hearing and other future correspondence by email. Please ensure the email address provided above is accurate and the email account is checked regularly.

RENTED PREMISES

3. Address of rented premises:

Postcode:

4. Rental Bond Number:

5. Real estate agency details:

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

Postcode:

TENANT

6. Tenant full name/s:

7. Tenant details:

For multiple tenants attach details on separate sheet

Postal address:

Postcode:

Contact details:

Daytime telephone:

Email address:

8. Related file number/s:

List any previous file numbers relating to these parties

9. Unavailable dates: Indicate dates you are unable to attend a hearing in the next three (3) weeks

10. Special needs:

Such as hearing loop, wheelchair access etc.

11. Interpreter required:

Tick if an interpreter is needed for the hearing. Specify the language and dialect.



For Applicant (specify language and dialect)

OFFICE USE ONLY:

File No: _____

ORDER DETAILS

12. What order/s do you want?

Tick order where appropriate. Additional information may be attached to this application.

- Termination and possession of the premises on ground of non-payment of rent
- Payment of rent arrears
- An 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 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:

13. What are your reasons for requesting the above order/s?

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

14. Termination date

Specify the termination date as provided in the Termination Notice.

YOU MUST COMPLETE THIS BOX

TERMINATION PARTICULARS

The following information is required before the application can be listed for hearing:

Date of Termination Notice:

NOTE: The tenant must be at least 14 days in arrears on the SERVICE DATE.

Questions about the Termination Notice:

The answer to all the following questions must be YES otherwise the application may be dismissed (tick yes or no)

- | | | |
|---|------------------------------|-----------------------------|
| a. Tenant more than 14 days in arrears on the SERVICE DATE? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Termination Notice in writing? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Notice states the address of the rented premises? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Notice signed and dated by the landlord or agent? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Notice includes the grounds of the breach? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Notice specifies the day on which the tenancy agreement is terminated? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| g. Notice states that tenant is not required to vacate if the tenant pays all the rent owing OR complies with the repayment plan fully? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| h. Rent owing by the tenant has not been paid in full OR the agreed repayment plan has not been fully complied with? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Service of Termination Notice:

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

Notice served by post: (insert dates)
 Date tenant deemed received Notice.
 This is the SERVICE DATE (see note)

OR

Notice served personally: (insert date)
 Date notice given to tenant or person at premises or person who normally pays the rent.

OR

Notice placed in the letter box: (insert date)

OR

Notice faxed: (insert date)

POSTAL SERVICE DATE

If the Termination Notice was posted it is deemed served on the **4th working day** (excluding weekends and holidays).

For example, if the Notice was posted on Wednesday, then the 4 days may be Thursday, Friday, Monday and Tuesday, so that the Notice is deemed served on that Tuesday. (excluding any public holidays in the period).

15. Important information: Application fee and attachments

Is your application fee included?

Refer to the fee schedule on the NCAT website www.ncat.nsw.gov.au. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal'. Credit card payment can be made by submitting an authority form with your application. Payment can be made in person at any NCAT Registry Office, Fair Trading Centre or Service NSW Centre. Concession fee applicants must provide a photocopy of their concession card.

Have you included your attachments?

Attach details of multiple applicants or respondents, or further information about the orders you are seeking. Keep a copy of your application and any attached information for your own records. **Note: A copy of this application and any attachments will be sent to the respondent.**

16. Your Name/s (Please print)

Your Signature/s

Date

Return application with fee to: **NSW Civil and Administrative Tribunal (NCAT)**

For all NCAT Consumer & Commercial Division Registry Offices ☎ T: 1300 135 399 🌐 www.ncat.nsw.gov.au

Sydney Registry
 Level 12, 175 Castlereagh Street
 Sydney NSW 2000
 GPO Box 4005, Sydney NSW 2001

Penrith Registry
 Ground Floor, 2-6 Station Street
 Penrith NSW 2750
 PO Box 988, Penrith NSW 2751

Liverpool Registry
 Level 3, 33 Moore Street
 Liverpool NSW 2170
 PO Box 723, Liverpool BC NSW 1871

Tamworth Registry
 Suite 3- 5, Kable Korner Complex
 Cnr Kable Ave & Darling St
 PO Box 1033, Tamworth NSW 2340

Newcastle Registry
 Level 1, 175 Scott Street
 Newcastle NSW 2300
 PO Box 792, Newcastle NSW 2300

Wollongong Registry
 Level 3, 43 Burelli Street
 Wollongong NSW 2500
 PO Box 319, Wollongong NSW 2520



NCAT
 NSW Civil &
 Administrative Tribunal

GUIDE TO COMPLETING THE APPLICATION FORM

Use the following information to help you complete the NCAT Tenancy Termination and Possession Application Form. **Note:** Section headings and numbers match the questions on the application form.

LANDLORD

1. Landlord full name/s

Provide the landlord's full name. 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 an application on behalf of the landlord will need to specify the landlord's name as it appears on the residential tenancy agreement.

2. Landlord details

Provide the landlord's postal address and telephone/email contact details. If a real estate agent is applying on behalf of a landlord, they should include the agency's name and postal address. If there is insufficient space you may attach additional information.

eConnect

Do you want NCAT notices and correspondence emailed to you?

Tick this box to receive NCAT notices and correspondence by email. Provide an email address that is checked regularly. If you are the applicant's representative, please provide your email address to ensure you receive the notices of hearing, and not the email address of the person you are representing.

To change your email address after the application is lodged, log into eServices via the NCAT website www.ncat.nsw.gov.au.

RENTED PREMISES

3. 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.

4. Rental Bond Number

This is the number on the receipt issued by NSW Fair Trading after the bond has been lodged.

5. Real estate agency details

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

TENANT

6. Tenant full name/s

Provide the tenant's name. If there are multiple tenants, please specify the names of all tenants on the application form. If there is insufficient space you may attach the additional information.

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 not enforceable.

7. Tenant details

Provide the tenant's last known postal address which will allow us to send mail to them. Include the tenant's telephone number and email address if known.

8. Related file number/s

If you are involved in a NCAT matter or have been involved in a matter previously relating to these parties, list all previous file numbers.

9. Unavailable dates

List any dates you are unable to attend a hearing in the next 3 weeks. Work, training and study commitments are generally not accepted. Note: Your unavailability may affect the timely listing of the matter.

10. Special needs

If you have a special need please specify on the application form. Otherwise contact NCAT and ask to speak to a Deputy Divisional Registrar to discuss your individual requirements.

11. Interpreter required

NCAT provides interpreters at hearings upon request. If you need an interpreter for the hearing, tick the box and specify the language and dialect required.

ORDER DETAILS

12. What order/s do you want?

Tick the type of order/s 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 jurisdictional time limits. An application for termination and possession must be lodged within 30 days after the termination date specified in the termination notice.

The full list of orders that can be made by NCAT is available on www.ncat.nsw.gov.au. If you are uncertain which order/s to select, contact NSW Fair Trading on 13 32 20 for assistance.

13. What are your reasons for requesting the above order/s?

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.

14. Termination date

You must specify the termination date in the termination notice. 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 residential premises.

TERMINATION PARTICULARS

Date of Termination Notice

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

Questions about the Termination Notice

All questions in this section must be completed by indicating either yes or no. The answer to all the questions must be **yes**, otherwise NCAT may dismiss your application.

a. 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 for not less than 14 days before the notice is given.

b. Termination notice in writing?

A termination notice must be given in writing.

c. Notice states the address of the rented premises?

A termination notice must include the address of the rented premises.

d. Notice signed and dated by the landlord or agent?

A termination notice must be given in writing and be signed by either the landlord or the landlord's agent.

e. Notice includes grounds of the breach?

The termination notice must include grounds of the breach so the terms of the breach are clear to the tenant.

f. Notice specifies the day on which the tenancy agreement is terminated?

The termination notice must specify the day on which the residential tenancy agreement was terminated.

g. Notice states that the tenant is not required to vacate if the tenant pays all rent owing OR complies with the repayment plan fully?

A 'non-payment of rent' termination notice must inform the tenant that the tenant is not required to vacate the rented premises if the tenant pays all the rent owing or enters into, and fully complies with, a repayment plan negotiated with the tenant.

h. Rent owing has not been paid in full OR agreed repayment plan not been fully complied with?

The tenant has not cleared the arrears or entered into a repayment plan OR the landlord entered into a repayment plan with the tenant which has not been maintained.

Service of Termination Notice

This section requires the applicant to pick one of the service methods listed below. The applicant needs to complete the relevant information detailing how and when the tenant was given the Termination Notice.

'Serve' means to give or deliver a copy of documents to the other party.

'Service date' is the date that the notice of termination is deemed served on the tenant.

Notice served by post

Please state the date the termination notice was posted to the tenant.

Date tenant deemed received notice:

This is also known as the 'Service Date' where the termination notice is posted, so service is deemed served 4 working days after the notice is posted. For example, if you post the termination notice on Thursday then the 4 working days would be from Thursday (ie. Friday, Monday, Tuesday and Wednesday) so service date would be the next Wednesday. Where a public holiday falls during this period then the day/s will need to be added to the service period.

OR

Notice served personally

If you served the notice on the tenant or the person who normally pays the rent then the 'Service Date' is the date you gave the notice to that person.

OR

Notice placed in the letter box

If you served the termination notice by placing it in the tenant's letter box then the 'Service Date' is that date.

OR

Notice faxed

If you served the termination notice by fax then the 'Service Date' is the day of transmission (subject to receipt of notification of successful transmission).

15. Important information: Application fee and attachments

The information in this section serves as a checklist. You should read each section and check the box if appropriate. If the application fee is not paid your application may be delayed or dismissed.

Is your application fee included?

You must pay the application fee when lodging your application. If the fee is not paid, the listing of your application may be delayed or dismissed. The fee schedule is available on the NCAT website www.ncat.nsw.gov.au.

Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal'. Credit card payment can be made by submitting an authority form with your application. Cash, credit card and eftpos payments can be made in person at any NCAT Registry, Fair Trading Centre or Service NSW Centre.

Have you included attachments?

Include all relevant information with your application. Your application and any attachments will be forwarded to the respondent/s. Do not include any confidential information with your application.

16. Your name, signature and date

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.

INFORMATION FOR NON-ENGLISH SPEAKING PEOPLE



If you need an interpreter, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone the NSW Civil and Administrative Tribunal (NCAT) on 1300 006 228. Our business hours are 8:30am to 4:30pm.

ARABIC

إذا كنتم بحاجة إلى مترجم، الرجاء الاتصال بخدمة الترجمة الخطية والشفهية (TIS National) على الرقم **131 450**، والطلب منهم الاتصال بوكالتكم NSW Civil and Administrative Tribunal (NCAT) على الرقم 1300 006 228. أوقات عملنا هي 8:30am – 4:30pm.

CANTONESE

若你需要口譯員，請致電 **131 450** 聯絡翻譯和口譯服務署 (TIS National)，要求他們致電 1300 006 228 聯絡 NSW Civil and Administrative Tribunal (NCAT) 我們的工作時間是 8:30am – 4:30pm.

GREEK

Αν χρειάζεστε διερμηνέα, παρακαλείστε να τηλεφωνήσετε στην Υπηρεσία Μετάφρασης και Διερμηνείας (Εθνική Υπηρεσία TIS) στο **131 450** και ζητήστε να τηλεφωνήσουν NSW Civil and Administrative Tribunal (NCAT) στο 1300 006 228. Οι ώρες λειτουργίας μας είναι 8:30am – 4:30pm.

KOREAN

통역사가 필요하시면 번역통역서비스 (TIS National)에 131 450으로 연락하여 이들에게 1300 006 228 번으로 NSW Civil and Administrative Tribunal (NCAT) 에 전화하도록 요청하십시오. 저희의 근무시간은 8:30am – 4:30pm 입니다.

MANDARIN

如果你需要口译员，请致电 **131 450** 联系翻译和口译服务署 (TIS National)，要求他们致电 1300 006 228 联系 NSW Civil and Administrative Tribunal (NCAT)。我们的工作时间是8:30am – 4:30pm。

PERSIAN

اگر به مترجم شفاهی نیاز دارید لطفاً به "خدمات ترجمه کتبی و شفاهی" (TIS National) - شماره 131 450 - تلفن کنید و از آنها بخواهید به NSW Civil and Administrative Tribunal (NCAT) - شماره 1300 006 228 - تلفن کنند. ساعات کار ما 8:30am – 4:30pm است.

RUSSIAN

Если вам нужен переводчик, то позвоните в Службу письменного и устного перевода (TIS National) по номеру **131 450** и скажите переводчику, что вам нужно позвонить в NSW Civil and Administrative Tribunal (NCAT) по номеру 1300 006 228. Наш расписание работы: 8:30am – 4:30pm.

SERBIAN

Ako vam je potreban тумач, молимо вас да позовете Службу преводилаца и тумача (Translating and Interpreting Service - TIS National) на **131 450** и замолите их да позову NSW Civil and Administrative Tribunal (NCAT) на 1300 006 228. Наше радно време је 8:30am – 4:30pm.

SPANISH

Si necesita intérprete, llame al Servicio de Traducción e Interpretación - Translating and Interpreting Service (TIS National) al **131 450** y pídale que llamen a NSW Civil and Administrative Tribunal (NCAT) al 1300 006 228. Nuestro horario de atención es 8:30am – 4:30pm.

TURKISH

Tercümana ihtiyacınız varsa, **131 450** numaralı telefondan Yazılı ve Sözlü Tercüme Servisini (TIS National) arayınız ve sizi 1300 006 228 numaralı telefondan NSW Civil and Administrative Tribunal (NCAT) ile görüştürmelerini isteyiniz. Çalışma saatlerimiz 8:30am – 4:30pm.

VIETNAMESE

Nếu cần thông ngôn viên, xin quý vị gọi cho Dịch Vụ Thông Phiên Dịch (TIS Toàn Quốc) qua số **131 450** và nhờ họ gọi cho NSW Civil and Administrative Tribunal (NCAT) qua số 1300 006 228. Giờ làm việc của chúng tôi là 8:30am – 4:30pm.