



Freecall: 1800 812 953

Phone: 08 8982 1111

Web Site: www.dcls.org.au

Email: info@dcls.org.au

Postal Address: GPO Box 3180, Darwin NT

Location: 8 Manton Street, Darwin, NT

TERMINATION OF TENANCY BY LANDLORD

There are many ways that a landlord can seek to end a tenancy. However, a landlord cannot evict a tenant unless the Northern Territory Civil and Administrative Tribunal ('NTCAT') has made an order that allows them to do so.

Notice to remedy breach

Some terms (for example, a term requiring the tenant not to use the premises for an illegal purpose) are automatically included in a tenancy agreement, even if they are not written down in the agreement.

A landlord can give you a notice to remedy breach where you breach (break) one of these terms, or where a term of your tenancy agreement specifies that the landlord is allowed to terminate the tenancy if the term is breached. In this factsheet, a reference to a landlord generally includes a real estate agent or another person acting on the instructions of the landlord.

The notice to remedy breach must be in writing, signed by the landlord, and:

- include the address of the rented premises;
- state that you are in breach and detail the nature of the breach;
- specify a date at least 7 days (plus another 4 business days if the notice is sent in the mail) after the notice is given by which you need to remedy (fix) the breach or have taken steps to remedy the breach; and
- state that the landlord will apply to the NTCAT if the breach has not been remedied or taken steps to do so.

If you do not remedy the breach or take steps to do so by the date specified, the landlord can apply to the NTCAT* for an order of termination and possession.

Notice of termination

A landlord can give a notice of termination for the following reasons:

Reason	Minimum notice period
To end a fixed term tenancy agreement (i.e. where tenancy is for a certain period of time)	14 days before the end of the fixed term
To end a periodic tenancy agreement (i.e. where no fixed term or fixed term has expired)	42 days
If the premises are flooded, unsafe or uninhabitable	2 days
If a drug premises order is made	14 days
If the tenancy is employment related and the employment ends	<ul style="list-style-type: none"> • 2 days if employment is terminated due to a breach of the employment agreement; or • 14 days, unless your employment contract sets out a length of time for notice of termination of the employment agreement, in which case the end of that period.



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To have effect, a notice of termination must be signed by the landlord and contain:

- the address of the premises;
- the date you are required to move out; and
- the reason for ending the tenancy agreement (if relevant).

Direct application to the NTCAT

A landlord can apply directly to the NTCAT for a termination order without first giving a notice to remedy breach or a notice of termination where:

- you have committed a serious breach of the tenancy agreement;
- you have, or are likely to damage the premises, or have injured or are likely to injure the landlord or a person on or near the premises;
- you or your visitors have used the premises for an illegal purpose;
- you or your visitors have repeatedly caused a nuisance, or repeatedly interfered with the reasonable peace or privacy of neighbours;
- you have failed or refused to enter into, or breached an acceptable behaviour agreement; or
- the landlord can show that the continuation of the tenancy would cause them serious hardship, and the circumstances causing the hardship did not exist before they entered into the tenancy agreement.

Contact Darwin Community Legal Service for further information.

*If you make an application to the NTCAT prior to approximately June 2015, you will need to use a Commissioner of Tenancies application form. Prior to making an application, contact the NTCAT for up to date information.