

# APPLICATION FOR TERMINATION AND POSSESSION BASED ON NON-PAYMENT OF RENT

*Residential Tenancies Act 2010*



Tenancy Division applications can be lodged online using [CTTT Online](http://www.cttt.nsw.gov.au) at [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au)

Refer to [A Guide to the CTTT](#) e-resource for an overview of how to resolve your dispute at the Consumer, Trader and Tenancy Tribunal.

## 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 CTTT correspondence by email.

**Do you want CTTT 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:

8. CTTT related file number/s:

List any previous file numbers regarding these parties

9. Unavailable dates:

Indicate dates you are **unable** to attend a hearing in the next three (3) weeks. Note: Your unavailability may affect the timely listing of this matter.

  


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 required.



**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

	/		/	
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### 15. Extension of time

This application must be lodged within 30 days after the termination date specified in the termination notice. An extension of time to lodge the application may be granted in special circumstances. *Note: If an extension is not granted, the application may be dismissed because it is out of time.*

Do you require an extension of time?     Yes     No

If yes, please explain why the application was not lodged within the time limit


## 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).

## 16. Important information: Application fee and attachments

Please read the below information and check the appropriate boxes. **Note:** If the application fee is not paid, your application may be delayed or dismissed.

- Has the application fee been paid?**  
 You must pay the application fee when lodging your application. Refer to the fee schedule at [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au). Payment can be made by cheque or money order to 'Consumer, Trader and Tenancy Tribunal'. Cash, credit card and eftpos payments can be made at any CTTT Registry or Fair Trading Centre. If you are paying the concession fee, provide a photocopy of your pensioner or student concession card.
- Have you included your attachments?**  
 Attach any additional information to this form such as 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/s.**

17. Your Name/s (*Please print*)

Your Signature/s

Date

 /  / 

Return application with fee to: **Registrar, Consumer, Trader and Tenancy Tribunal**

For all CTTT Registry Offices T: 1300 135 399 F: 1300 135 247 [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au)

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

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

**Hurstville Registry**  
 Level 3, 4-8 Woodville Street  
 Hurstville NSW 2220  
 PO Box 148, Hurstville BC NSW 1481

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

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

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

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

**CTTT online**  
[www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au)

## GUIDE TO COMPLETING THE APPLICATION FORM

Use the following information to help you complete a CTTT Tenancy Division 'Termination and Possession Based on Non-Payment of Rent' 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 who are lodging an application on behalf of a landlord will need to specify the landlord's name as it appears on the residential tenancy agreement.

**Note:** As the applicant, you need to make sure that you name all parties in the application correctly.

#### 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.

**Do you want CTTT notices and correspondence emailed to you?** By ticking this box you agree to receive the notice of hearing and other correspondence by email. To change your email address after the application is lodged, visit the CTTT website at [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au).

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.

### 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 unenforceable.

#### 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. CTTT related file number/s

If you are involved in a CTTT matter, or have been involved in a CTTT matter previously regarding the same dispute, list all previous CTTT file number/s relating to this dispute.

#### 9. Unavailable dates

List any dates you will be **unable** to attend a hearing in the next three (3) weeks. The CTTT will make every effort to accommodate parties with their unavailable dates, however this may not always be possible as parties' unavailability may affect the timely listing of the matter.

#### 10. Special needs

The CTTT aims to ensure that people with a disability get the necessary assistance to receive equal access to our dispute resolution services.

If you or the respondent have a disability-related need, such as hearing loop or wheelchair access, indicate the special need on the application form and the CTTT will make the necessary arrangements to meet those needs wherever possible.

#### 11. Interpreter required

The CTTT provides interpreters at the hearing upon request free-of-charge. If you need language assistance during the hearing, please 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. The full list of orders that can be made by the Tribunal is available on [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au).

Check that the orders you are seeking are within the jurisdictional time limits. If you have a good reason for seeking an order out of time, apply for an extension of time order along with your other order (see below).

Contact NSW Fair Trading on 13 32 20 if you are uncertain what order to select, or contact one of the organisations listed on the *Getting help* fact sheet.

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

You must give a reason for each order you ask for. Your reasons have to be detailed enough so that the respondent can understand what the dispute is about. If you do not provide this information your application may be dismissed or adjourned to a later date. If there is insufficient space, you may attach additional information.

#### 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.

#### 15. Extension of time

Applications made to the CTTT may be subject to time limits. An application for termination and possession must be lodged within 30 days after the termination date specified in the termination notice.

If the application is being made outside of this time frame, the landlord will need to apply for an extension of time to lodge the application. This request may be granted in special circumstances. If the extension of time is not granted, the application may be dismissed because it is out of time.

## 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 the Tribunal 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).

## 16. 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.

### Has the application fee been paid?

You must pay the application fee when lodging your application. By ticking this box you are indicating that the fee has been paid. If a fee is not paid, the listing of your application may be delayed or dismissed.

The CTTT's fee schedule is available on [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au). Fee payments can be made by cheque or money order made out to 'Consumer, Trader and Tenancy Tribunal'. Cash, credit card and eftpos payments can be made at any CTTT Registry or Fair Trading 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.

## 17. 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 interpreting or translating help, telephone the Translating and Interpreting Service (TIS) office in your State. Telephone interpreting is available 24 hours a day, 7 days a week on 13 14 50. The translation service operates during business hours.

### ARABIC

إذا كنت بحاجة للمساعدة في الترجمة الشفهية أو الكتابية. اتصل بمكتب خدمة الترجمة الكتابية و الشفهية (TIS) في الولاية حيث تقيم. تتوافر الترجمة الشفهية على الهاتف 24 ساعة في اليوم 7 أيام في الأسبوع ساعات العمل للخدمات في الترجمة الكتابية خلال ساعات الدوام.

### CHINESE

如果您需要口譯或筆譯服務，請打電話給您所在州的翻譯服務處（TIS）。電話口譯每週7天，每天24小時提供服務，電話號碼13 1450。筆譯服務僅在辦公時間內提供。

### CROATIAN

Ako su Vam potrebne usluge tumača ili prevoditelja, nazovite Službu za prevodnju i tumačenje (TIS) u Vašoj državi. Telefonska prevodilačka služba stoji Vam na usluzi 24 četiri sata dnevno. 7 dana u tjednu ako nazovete 13 1450. Služba pismenog prevodenja na usluzi Vam je za vrijeme redovnog radnog vremena.

### GREEK

Εάν χρειάζεστε εξυπηρέτηση από διερμηνέα ή μεταφραστή, τηλεφωνήστε στο γραφείο Μεταφραστών και Διερμηνέων (TIS) στην Πολιτεία σας. Η υπηρεσία διερμηνείας μέσω τηλεφώνου διατίθεται 24 ώρες την ημέρα, 7 μέρες την εβδομάδα στον αριθμό 13 1450. Η υπηρεσία μεταφραστών λειτουργεί κατά τις κανονικές ώρες εργασίας.

### INDONESIAN

Sekiranya anda memerlukan bantuan penerjemah lisan (juru bahasa), silahkan menelepon Kantor di negara bagian anda. Pelayanan penerjemahan lisan melalui telepon tersedia selama 24 jam 7 hari seminggu pada nomor 13 1450. Pelayanan penerjemah bahan tertulis tersedia selama jam-jam kerja.

### ITALIAN

Per ottenere l'aiuto di un interprete o di un traduttore telefona al servizio traduzioni e interpreti (TIS) nel tuo stato di residenza. Per avvalerti di un interprete puoi telefonare al numero 13 1450, 24 ore al giorno, 7 giorni la settimana. Il servizio traduzioni opera durante il normale orario di ufficio.

### JAPANESE

通訳や翻訳のサービスが必要な方は、今いらっしゃる州の通訳、翻訳サービス(TIS)に連絡してください。電話通訳サービスは週日、週末を問わず、24時間いつでも利用できます。電話番号は13 14 50です。翻訳サービスはビジネス時間に受け付けています。

### KOREAN

만약 달인이 통역이나 번역의 도움이 필요하시면 주정부의 「번역 및 통역 서비스」(TIS)기관에 전화하십시오. 전화번호 131 450으로 거시면 하루 24시간 주 7일 전화통역이 가능하며 번역서비스는 비즈니스 시간 동안 운영됩니다.

### LAO

ຖ້າວ່າທ່ານຕ້ອງການຄວາມຊ່ວຍເຫຼືອເຮືອງນາມພາສາ ຫຼືວ່າການແປໜັງສື, ໂທລະສັບສາທິດການບໍລິການນາມພາສາແລະການແປໜັງສື (TIS) ຢູ່ຮັດຂອງທ່ານ ນາມພາສາທາງໂທລະສັບມີໄວ້ຮັບໃຊ້ 24 ຊົ່ວໂມງຕໍ່ມື້, 7 ມື້ຕໍ່ອາທິດຕາມເມາເວີ 131 450 ບໍລິການແປໜັງສືເປີດຍາມໂມງເຮັດວຽກ

### MACEDONIAN

Ako vi e potrebna pismena ili usmena prevoduvacka pomoš, telefonirajte vo kancelarijata za pismeni i usmeni prevoduvacki uslugi (TIS) vo vashata drzava. Prevoduvawe preku telefon stoi na raspolaganawe 24 časa vo denot, sedum dena vo nedelata na broj 13 1450. Pismenata prevoduvacka služba raботи vo normalno biznisko raботно vreme.

### PORTUGUESE

Se necessita de ajuda para interpretação ou tradução, telefone ao escritório do Serviço de Intérpretes e Tradutores (TIS) no seu Estado. Pode obter um Intérprete pelo telefone 24 horas por dia, 7 dias por semana ligando para 13 1450. O serviço de traduções funciona durante as horas de expediente.

### RUSSIAN

Если Вам требуются услуги устного или письменного переводчика, позвоните в Переводческую Службу (TIS) в вашем штате. Перевод по телефону предоставляется круглосуточно 7 дней в неделю по номеру 13 1450. Служба письменного перевода работает в обычные часы работы учреждений.

### SERBIAN

Ako su Vam potrebne usmene ili pismene prevodilačke usluge, obratite se telefonom Službi za usmeno i pismeno prevodjenje (TIS) u svojoj državi. Telefonske prevodilačke usluge su na raspolaganju 24 sata svakog dana na telefon 13 1450. Pismeno prevodjenje se vrши u toku normalnog radnog vremena.

### SPANISH

Si necesita asistencia en materia de interpretación o traducción sírvase llamar al Servicio de Traducción e Interpretación (TIS) en su estado. El servicio telefónico de interpretación opera las 24 horas del día, 7 días a la semana en el teléfono 13 1450. El servicio de traducción está abierto durante horas de oficina.

### TURKISH

Yazılı veya sözlü çevirmenliğe gerek duyuyorsanız, eyaletinizdeki Yazılı ve Sözlü Çeviri Servisine (TIS e) telefon ediniz. Telefonda çeviri, günün 24 saatinde ve haftada 7 gün, 13 1450 numarada mevcuttur. Yazılı Çeviri Servisi çalışma saatleri içinde faaliyet gösterir.

### VIETNAMESE

Nếu cần được giúp đỡ về thông ngôn và phiên dịch, xin điện thoại cho Sở Thông Ngôn và Phiên Dịch (TIS) tại Tiểu Bang của quý vị. Dịch vụ thông ngôn qua điện thoại phục vụ 24 giờ mỗi ngày, 7 ngày một tuần, điện thoại số 13 1450. Dịch vụ phiên dịch chỉ hoạt động trong giờ làm việc.