

## IMPORTANT PROPERTY MANAGEMENT NOTICE PERIODS - ACT

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Area of legislation:	Landlord /Agent giving notice to Tenant	Tenant giving notice to Landlord
Ending a Fixed Term Agreement	Landlord cannot terminate a fixed term agreement without grounds.  <u>Exception:</u> unless a fair clause for posted people is included the original fixed term tenancy agreement and is signed by both parties at the commencement of the tenancy agreement	21 days' notice
Ending a Fixed Term Agreement without cause	26 weeks' notice and expire on the last day of the tenancy	Can vacate the property in the last 2 weeks with 4 days' notice
Ending a periodic Agreement. Grounds for ending a periodic Agreement are:	Landlord cannot terminate a periodic tenancy without grounds	21 days' notice
1. The owner of the property or an immediate relative intends to live in the property	4 weeks	In the last 2 weeks with 4 days' notice
2. Owner intends to sell the property	8 weeks	In the last 2 weeks with 4 days' notice
3. the owner intends to reconstruct, renovate or carry out major repairs	12 weeks	In the last 2 weeks with 4 days' notice
Breach/ Termination Notice	2 weeks' notice to remedy 2 weeks' notice to vacate	2 weeks' notice to remedy 2 weeks' notice to vacate
Breach – Non-payment of rent	1 week in arrears Notice to remedy on 8 <sup>th</sup> day Notice to vacate 7 days	N/A
Property not fit for habitation or not available due to government action	1 week	2 days' notice
Notice to Intention to Sell must be issued to the tenant. For each inspection during sales process	24 hours A notice of intention to sell must be issued in writing prior to the owner/agent requiring access to show prospective tenants. Then the owner/agent can request access on 24 hours' notice of access to prospective purchasers.  Clause 81 of Standard Residential terms states: "81 The tenant must permit reasonable access to the premises, on the lessor giving 24 hours' notice, to allow inspection of the premises by prospective purchasers of the premises provided: (a) the lessor intends to sell the premises; and (b) the lessor has previously notified the tenant in writing of the lessors intention to sell"	N/A
Notice required for inspection by prospective tenants	24 hours Cannot enter on Sundays, public holidays or before 8.00am or after 6.00pm	Tenant must permit inspections in the last 3 weeks before end of tenancy
Notice re; property visit/periodic inspection	1 week	N/A
Bonds Max Four Weeks (no exceptions)	Max 4 weeks bond No Pet bonds allowed No "furnished premises" bond allowed Agents/Landlords are not allowed to top up bonds for the life of a tenancy	
Rent Payments	A lessor cannot change the way in which rent is to be paid unless both parties agree. Lessor can not insist on more than two (2) weeks rent in advance.	
Water Usage	The tenant is responsible for charges associated with the consumption of water during the tenancy provided there is a separate meter. The lessor should also arrange for readings of the metered services at the end of a residential tenancy agreement. If the lessor fails to arrange for the meter to be read, then the lessor shall be responsible for the payment of these services after the last reading date	

A notice can be given by:

- At the commencement of the tenancy, the landlord and the tenant must each give an address for service of notice
- Handing it to the tenant or landlord in person - make a file note of date/time/who you gave it too
- Delivering it to the letterbox at the registered address for service– take a photo as a record and save in your software system
- Posting it to the address registered for service – must keep a handwritten mail book to prove service showing who/date/name of item sent and notices. You can send Express Post but still allow 7 business days for service