

FORM 13 Notice of Termination to Tenant if Premises Abandoned

RESIDENTIAL TENANCIES ACT 1987 (WA)

Section 76A

Approved by the Commissioner for Consumer Protection pursuant to the *Residential Tenancies Act 1987* section 88C
(July 2024)

To: _____
(name of tenant/s)

(name of tenant/s)

I hereby give you notice of termination of your residential tenancy agreement on the ground that you have abandoned the premises at:

(address of rented premises)

If you do not apply to the Magistrates Court to dispute this notice within 7 days after being given the notice, you will be taken to have abandoned the premises.

Signed: _____ Date: ____/____/____
(lessor/property manager)

Address: _____

SERVICE INFORMATION FOR THE LESSOR (LANDLORD)

If the matter goes to Court you will have to produce evidence of service. Service may be effected by various means, for example:

- by personal delivery (you may seek the assistance of a bailiff or other process server); or
- by post (normal post not registered post).

You can deliver the notice to the tenant, a resident of the rented premises who is apparently over 16 years, or to a person who ordinarily pays the rent. Service may be on any one tenant if there is more than one.

For full details about the service of notices and documents see Section 85 of the *Residential Tenancies Act 1987*.

IMPORTANT INFORMATION FOR TENANTS

- By providing this notice, the lessor (landlord) is terminating your tenancy agreement because they suspect on **reasonable grounds** that you have abandoned the rental property and no longer live there.
- **Reasonable grounds** means that you have failed to pay rent and at least one of the following has also occurred at the premises:
 - there is uncollected mail, newspapers or other material are present at the premises;
 - there are reports from neighbours or other persons indicating the tenant has abandoned the premises;
 - there is the absence of household goods at the premises; or
 - services including gas, electricity and telephone to the premises have been disconnected.

- **If you have not abandoned the property and want to continue to rent it, you should apply to the Magistrates Court for a court order to set aside the notice so you can remain in the premises.** This application must be made within seven days after this notice was given to you.
- You should contact the lessor immediately to let them know that you have lodged the application with the Magistrates Court so they do not re-let the premises.
- If you make an application with the Magistrates Court later than seven days but within 28 days, the Court may make an order to terminate the agreement, for the lessor to pay compensation to you for your loss or expense as a result of the termination of the agreement, or any other order the Court considers appropriate.
- You should seek advice immediately if you do not understand this notice or if you require further information.

For further information about tenancy rights, refer to the *Residential Tenancies Act 1987* or contact the Department Local Government, Industry Regulation and Safety on 1300 30 40 54 or www.consumerprotection.wa.gov.au/renting-home.

For Translating and Interpreting Services please telephone TIS on 13 14 50 and ask to speak to the Department of Local Government, Industry Regulation and Safety (1300 30 40 54) for assistance.