

notice by tenant of termination

RESIDENTIAL TENANCIES ACT 1987 NOTICE BY TENANT OF TERMINATION

TO:
(Name of Owner)

I hereby give you notice that I intend to deliver up vacant possession of the premises at:

(Address of Rented Premises)

on at am/pm
(date on which tenant intends to vacate premises) (Time)

The reason for termination is

The period of notice given in accordance with Section 68 or 69 is

DATED:

SIGNED:
(Tenant)

Forwarding Address:

NOTE: See over for sections of the Act regarding Termination.

This notice must be given to the owner in a manner set out in Section 85 of the Residential Tenancies Act.

SECTION 53 (3)

Tenants name, place of occupation and forwarding address

- 53** A Tenant under an agreement shall, at the time of delivering up possession of premises to which the agreement relates, notify the owner, or cause the owner to be notified of -
- (a) the address at which he intends to next reside; or
 - (b) his postal address

Penalty: \$100

SECTION 67

Notice of Termination by tenant

- 67** Notice of termination of an agreement by the tenant shall -
- (a) be in writing
 - (b) be signed by the tenant and identify the premises the subject of the agreement; and
 - (b) specify the day on which the tenant will deliver up possession of the premises

SECTION 68

Notice of Termination by tenant

- 68**
- (1) A tenant may give notice of termination of an agreement to the owner without specifying any ground for the notice.
 - (2) Where a tenant gives notice of termination under this section, the period of notice must be not less than 21 days.
 - (3) This section does not apply in relation to an agreement that creates a tenancy for a fixed term during the currency of that term.

SECTION 69

Notice of Termination by owner or tenant where agreement frustrated

- 69**
- (1) Where, otherwise than as a result of a breach of an agreement, the premises, or part of the premises, the subject of that agreement are destroyed or rendered uninhabitable or cease to be lawfully usable as a residence or are appropriated or acquired by any authority by compulsory process -
 - (a) the rent shall abate accordingly; and
 - (b) the owner or tenant may give notice of termination of the agreement to the other upon that ground.
 - (2) Where an owner gives notice of termination under this section, the period of notice must be not less than 7 days
 - (3) Where a tenant gives notice of termination under this section, the period of notice must be not less than 2 days
 - (4) Where a notice of termination under this section in respect of an agreement that creates a tenancy for a fixed term, the notice is not ineffectual by reason of the fact that the day specified as the day on which the tenant is to, or will, deliver up possession of the premises is earlier than the last day of that term.

Notes on Section 85 (SERVICE)

If the matter goes to Court you will have to produce evidence of service. Service may be effected by various means e.g.

- (1) by personal delivery (you may seek the assistance of a bailiff or other process server)
- (2) by post
- (3) by delivery to a resident of the rented premises who is apparently over 16 years
- (4) by delivery to a person who ordinarily pays the rent.

Service may be on any one owner if there are more than one owners.

For full particulars regarding the service of notices and documents see Section 85 of the Act.