

Terminating a Tenancy. Make Sure you Understand the Rules!

The Residential Tenancies Act 2010 and the Residential Tenancies Regulation 2010 are complex legislations when dealing with tenancies in NSW. The following is a summary of termination notice and notice requirements:-

1. When a Residential Tenancy Agreement is About to Expire:-

- Tenant (to the landlord) 14 days
- Landlord (to the Tenant) 30 days

NB: Notice to be given up to and including the last day of the Agreement

2. Periodic Agreement: ie Once Expired (sometimes referred to as month-to month)

- Tenant (to Landlord) 21 days
- Landlord (to Tenant) 90 days

NB: If the tenant has received 90 days notice from the landlord they can simply give vacant possession at any time during the 90 days and only pay rent until the date of vacant possession.

3. If the Premises Have Been Sold and Vacant Possession is in the Terms of the Contract

- Landlord (to Tenant) 30 days (provided Tenancy Agreement has expired).

4. Rent Arrears of 14 days or More or Some Other Breach of the Tenancy Agreement

- Landlord (to Tenant) 14 days

Other Notice Periods

- **If the Landlord Intends to Sell the Premises:-**

Before the first inspection - Landlord (to Tenant) 14 days prior to sales inspection

Tenant (to Landlord) 14 days to terminate tenancy – even during a fixed term Agreement

Counting Days and Other Rules

It is important to count the days accurately when working out the termination date for the notice and to add extra days to allow for delivery. There are specific rules, which need to be followed when serving a termination notice or any other notice to your tenant.

If you would like a free market appraisal for letting or a complimentary renting report, contact Diane at Harbourline Executive Rentals. rentals@harbourline.com.au.