
Topic 10 – Evictions and tenancy database

When tenants sign a rental lease agreement they agree to the terms and conditions in the lease. If a tenant breaks a lease condition they could be evicted.

Eviction means you have to move out of the rental property. Agents or landlords must have a good reason under the law for evicting or terminating your lease.

The agent or landlord must give you a written termination notice stating why and when you must move out. For example, you can receive a termination notice for being 14 days behind with the rent.

What you should do if you receive a termination notice?

If you received a termination notice, do not ignore it, get some help immediately. Contact the Tenants Advice and Advocacy Services or (TAAS) to get advice.

What happens if you don't move out of the property?

The landlord can apply to the Consumer, NSW Civil and Administrative Tribunal (NCAT) to end your tenancy if you don't move out after 14 days notice. If that happens, the Tribunal will send you a letter with a date and address of the hearing.

You must attend the Tribunal hearing to tell your side of the story. Tell the Tribunal if you need an interpreter. The interpreter is free. The Tribunal will decide whether your tenancy will be ended.

Can you get evicted without notice?

Yes, under these situations:

- Illegal use of the premises
- If you cause serious damage to the property or to a neighbour's property

- or if you injure or threaten the landlord, agent, employees or neighbours

If you get evicted you could be listed on a tenancy database. This will make it very difficult for you to rent a property in the future.

What is a tenancy database?

A tenancy database is a list where agents record information about tenants who have problems with their tenancies.

They are also known as **blacklists** or **bad tenant** databases.

To find out if you are listed in a database go to the tenant section of these tenancy databases:

- Tenancy Information Centre Australasia (TICA)
www.tica.com.au
- National Database (NTD)
www.ntd.net.au
- Trading Reference Australia (TRA)
www.tradingreference.com

A fee may be charged to access the information. NCAT handles disputes about termination notices and tenancy databases.

To find out about NCAT's role watch their [videos](#) or visit their website on www.ncat.nsw.gov.au

For more information on tenants' rights and responsibilities visit the Fair Trading website on www.fairtrading.nsw.gov.au or phone 13 32 20.

If you need language assistance ring 13 14 50.