

Domestic violence in a rented property

What tenants and occupants need to know

If there is violence in your rented home you should contact the Police or an advice service. There are also steps you can take under the tenancy agreement to improve your safety.

Changing the locks

If you obtain an Apprehended Violence Order (AVO) which prohibits a person from accessing the rented premises where you were both living, you can immediately change the locks. This applies if the AVO is a provisional, interim or final order.

You do not need the landlord's or agent's consent to change the locks as you would normally do. However you must give them a key for the new lock within 7 days unless they agree not to have a key. The cost of changing the locks is your responsibility. If you do give a key to the landlord or agent, they cannot pass it on to the person who has been excluded from the property.

If the excluded person is named on the tenancy agreement as a tenant, your action in changing the locks does not end their tenancy or make you a tenant instead. All it does is prevent them from using their keys to enter the property while the AVO remains in force.

Changing the tenancy agreement

If the person excluded from the premises was named as a tenant on the agreement, a final AVO made by a magistrate terminates that person's tenancy. If you were named on the agreement as a co-tenant the tenancy simply transfers to your name. There is no need for you to sign a new agreement or do anything else. Any share of the bond owing to the excluded person does not have to be paid back until you vacate.

If your name is not on the agreement, you can ask the landlord or agent to have the agreement put into your

name. If they refuse you can apply to the NSW Civil and Administrative Tribunal for an order to do this.

If you are an occupant of social housing premises (eg. Housing NSW) the Tribunal can only make such an order if you meet any eligibility requirements. Contact the social housing provider to find out what you can do.

Ending the lease early

Tenants cannot usually break a fixed term agreement early without paying a penalty or compensation. However, if you are a tenant and you obtain a final AVO which prohibits a co-tenant or occupant from accessing the premises, you have the option to end the lease early without having to compensate the landlord. This may be helpful if you cannot afford the rent on your own. You must give the landlord or agent 14 days notice in writing of your intention to leave.

Tenancy database listings

If you are listed on a tenancy database due to damage to the property caused by a co-tenant or occupant during an incident of domestic violence, there are steps you can take. You can ask for the information about you to be removed or changed and you can apply to the Tribunal for orders. More information can be found on the Tenancy databases page on the Fair Trading website.

Further advice and support

Domestic Violence Legal Advice Line
Tel: 8745 6999
Toll free: 1800 810 784
Website: www.womenslegalnsw.asn.au

Women's Legal Contact Line
Tel: 8745 6988
Toll free: 1800 801 501

Law Acces NSW
Tel: 1300 888 529

Domestic Violence Line (Community Services)
Toll free: 1800 656 463

Rape Crisis Centre
Toll free: 1800 424 017

Women's and Girls' Emergency Centre
Tel: 9360 5388

Victim's Services
Toll free: 1800 633 063

Wirringa Baiya Aboriginal Women's Legal Centre
Toll free: 1800 686 587

Another Closet (information on violence in gay and
lesbian relationships)
Website: www.anothercloset.com.au

www.fairtrading.nsw.gov.au
Fair Trading enquiries 13 32 20
TTY 1300 723 404
Language assistance 13 14 50

This fact sheet must not be relied on as
legal advice. For more information about
this topic, refer to the appropriate
legislation.

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