

RESIDENTIAL TENANCIES ACT: ENDING NO CAUSE EVICTIONS



WHAT IS THE CURRENT LAW IN RELATION TO NO CAUSE EVICTIONS IN THE ACT?

- **A landlord can end a tenancy with 'no cause' by issuing the tenant a notice to vacate (NTV) at least 26 weeks before the tenancy end date.** If it's a fixed term agreement, the tenancy end date must be after the end of the fixed term.
- If the tenant doesn't move out after receiving a NTV, the landlord can apply to the ACT Civil and Administrative Tribunal (ACAT) for an order terminating the tenancy.
- The tenant can challenge the termination if they believe the NTV was issued in retaliation against them for having asserted their tenancy rights.

WHAT IS THE GOVERNMENT PROPOSING TO CHANGE AND WHY?

The ACT Government is proposing to remove no cause terminations from the Act. Removing no cause terminations from the Act will give tenants the certainty their tenancy can only be ended for a proper reason, as well as giving them greater confidence that they will be able to assert their rights under the agreement without fear that this may lead to their eviction. The Government is seeking community views as to whether:

- no cause terminations from residential tenancies should be ended
- there need to be any additional 'with cause' reasons for terminating a tenancy agreement to ensure landlords can manage their properties effectively
- there need to be any additional protections for landlords or tenants when 'no cause' terminations are removed from the Act.

WHAT ARE POSSIBLE NEW REASONS FOR TERMINATING A TENANCY?

- Landlord wants to use the premises for a non-residential purpose
- Effective management of social housing stock
- Loss of eligibility for accommodation assistance (where the tenant can no longer demonstrate they meet the eligibility criteria to access an accommodation support program)
- End of a fixed term tenancy

WHAT WE WANT TO KNOW

- Do you think no cause terminations from residential tenancies should be ended?
- What do you think about the proposed new reasons for terminating a tenancy?
- What do you think about the proposed new protections?
- Should there be any other permissible reasons for ending a tenancy?
 - If so, what is the justification for the proposed new termination provision?
 - What termination process would you recommend?
 - What notice period would you recommend?
- Should there be any other protections for either landlords or tenants?

Please send your feedback to civilconsultation@act.gov.au by **15 October 2021**.