

# Domestic violence and renting

Everyone deserves a safe home. Tenancy law can help victim-survivors of domestic violence in a number of ways. This factsheet summarises the options for tenants who are victim-survivors of domestic violence, including ending your tenancy using a **Domestic Violence Termination Notice**.

Your local Tenants Advice and Advocacy Service can give you advice about staying at or leaving your rented home. Tenant Advocates prioritise survivors of domestic violence. Advice is free and confidential. (See contact details below.)

Tenants have rights under the *Residential Tenancies Act 2010* and *Residential Tenancies Regulation 2019*. If you are a sub-tenant without a written agreement in a share-house, a lodger or a guest, then you are probably covered by different laws – please seek advice from your local Tenants' Advice and Advocacy Service. For more information please also see our **Domestic violence and renting – Supplementary Guide**.

## What is domestic violence?

Domestic violence (DV) is when someone you are in a relationship with, or were in a relationship with, or a member of your family, tries to hurt or control you. Examples of domestic violence include physical, emotional, financial, sexual or verbal abuse, isolating you from your family and friends, or damaging your property. Domestic violence can also include coercion and control. For more information about DV see the resources at [Women's Legal Service NSW](#).

## I need to leave immediately

If you or your children are in danger and need to leave immediately, you can access crisis accommodation.

You can call:

- Link2Home – **1800 152 152**
- NSW DV line – **1800 65 64 63**
- 1800RESPECT – **1800 737 732**

Your safety is of the highest importance. Tenancy laws have DV provisions which can help a victim-survivor to end their tenancy agreement.

## I want to end my tenancy

If you or your child have experienced domestic violence, you can end your tenancy immediately by giving the landlord/agent and any other co-tenants a **Domestic Violence Termination Notice (DVTN)** and vacating the property. You will not have to pay any break lease fees. You can use our [sample DVTN – Ending tenancy due to domestic violence](#).

For the DVTN to be valid, you will need to **attach one of the following documents** when you give it to the landlord/agent. You do not need to attach it to the DVTN you give to any other co-tenants:

- a **Declaration by Competent Person** (NSW Fair Trading); or
- if you are not a victim-survivor of domestic violence, but your **dependent child** is, you can use a **Declaration by Competent Person for Tenant's Dependent Child** (NSW Fair Trading); or
- an **Apprehended Domestic Violence Order (ADVO)** (provisional, interim or final or made by a different state or New Zealand) protecting you from the domestic violence offender; or
- a certificate of conviction of the domestic violence offender; or
- an injunction made by a family law court protecting you from the domestic violence offender.

A Declaration by a Competent Person is usually the most straightforward way to get a document to support a DVTN.

A **Competent Person** is:

- a registered health practitioner, for example your GP or psychologist;
- a registered social worker;
- an employee of a NSW government agency that provides child welfare services;
- an employee of a non-government agency receiving government funding to provide domestic violence or sexual assault service or refuge or emergency accommodation; or
- a Victims Services approved counsellor.

For more information about how to complete the Declaration by Competent Person see our [Domestic violence and renting – Supplementary Guide](#).

**You can give your DVTN by hand, post or email.** Give the DVTN to the landlord/agent (and other co-tenants if there are any) as soon as possible, and leave the premises. Once you have given them the DVTN and vacated the premises, your tenancy agreement ends, and you are no longer responsible for rent. If it is safer, you can leave first then serve the notice.

Other methods for ending tenancy are outlined in our [Domestic violence and renting – Supplementary Guide](#), [Factsheet: How do I end my tenancy?](#)

## I want to stay

If you want to stay in your tenancy, it's a good idea to get advice. You can call:

- NSW DV line – **1800 65 64 63**
- 1800RESPECT – **1800 737 732**
- Women's Legal Service – **(02) 8745 6999**
- Your local Tenants Advice and Advocacy Service – phone numbers below and at [tenants.org.au/get-advice](http://tenants.org.au/get-advice)

If the domestic violence offender is doing things to make you feel afraid, you can ask the police to apply for an **Apprehended Domestic Violence Order** (ADVO) to protect you. An ADVO will not necessarily **exclude** the offender from the property. If you want to exclude the offender from the property, it is important to make sure that the **specific address of the property is stated** in the orders. The perpetrator's tenancy will be ended by a final ADVO which excludes them from the premises.

If you are the **head tenant**, or the only tenant named on the lease, then you can end the offender's tenancy. For more information see our [Domestic violence and renting – Supplementary Guide](#).

If you are a **co-tenant** or **sub-tenant**, and a final ADVO is made that excludes the offender from your home address, their tenancy will end automatically – even if they were named as a tenant on the lease.

If you do not have an ADVO that excludes the offender from your home address, you can apply to the **NSW Civil and Administrative Tribunal (NCAT)** for an order ending the offender's tenancy due to special circumstances of your case.

If the offender is excluded from your home, and **you are not named on the lease**, you can ask your landlord to sign a tenancy agreement with you. If they refuse, you can apply to the Tribunal for an order that you be recognised as a tenant.

If you are applying to the Tribunal, it's a good idea to get advice from your local Tenants Advice and Advocacy Service.

For more information on options for staying in your tenancy, if you are a co-tenant or sub-tenant, see our [Domestic violence and renting – Supplementary Guide](#).

## Could I be put on a tenant database?

If you end your lease by giving a Domestic Violence Termination Notice (DVTN), the landlord cannot list you on a 'bad tenant' database or 'blacklist'. The landlord/agent also cannot disclose any information in the DVTN to anyone. Even if you do not use a DVTN, there are restrictions on database listings. For more information, see [Factsheet: Tenant Databases](#).

## What if there was property damage?

If damage was done during an incident of domestic violence, only the offender can be held responsible for that damage. The victim-survivor (and other tenants who are not the DV offender) are not responsible. This is the case whether or not the offender is a tenant.

It is a good idea to inform the landlord in writing about the damage. You may need to keep evidence, such as a DVTN, photos, police report, or a report from a support worker or medical professional. If police attend the premises due to DV, record their names and the event number.

## What about the bond?

When you claim your share of the bond at the end of a tenancy, as a victim-survivor you are not liable for damage done during a DV incident. Your landlord should not make a claim on your bond for costs related to a DV incident, but it is important to have evidence to support your bond claim if it is contested. Keep a record of the DV incident, including photos and reports from police or social workers, and if police attend the premises due to DV, record their names and the event number.

You may be liable for other claims made by the landlord (e.g. unpaid rent or property damage not related to DV). Your local Tenants Advice and Advocacy Service can give you advice about what to do if your landlord tries to claim on your bond (contact details below).

If you are a **co-tenant** and you have left the property, you can make a written demand of your former co-tenant for payment of your share of the bond. You must give them 14 days to pay. If they do not pay, after the 14-day period expires, you have 28 days to apply to the Tribunal to try and resolve the issue legally. **Sub-tenants** covered by the Act can apply to the Tribunal for bond orders against their head-tenant. See [Factsheet: Bond](#).

## What about goods left behind?

If a victim-survivor leaves goods behind, such as furniture or personal items, it may be possible to get the goods back. Get advice from your local Tenants Advice and Advocacy Service about your legal options as soon as possible, as time limits for claiming your goods can be very short (contact details below). See [Factsheet: Goods left behind](#).

If the offender has left goods behind after their tenancy has ended, the landlord must provide them with formal notice before disposing of their goods. See [Factsheet: Goods left behind](#). It is important to always prioritise your safety and to seek assistance from police if you feel unsafe or threatened as a result of the offender's belongings or any requests to return them.

In some situations, it may be possible to get a **police escort** to retrieve goods left behind – get advice from a service such as [Women's Legal Service NSW](#).

## Can I change the locks?

As a victim-survivor, you can change the locks if the offender's tenancy was terminated or they were excluded from your home by an ADVO. You can also change the locks in an emergency, for example, if the offender has threatened to hurt you or your child. You may be able to get assistance to change the locks, and improve home security, via [Staying Home Leaving Violence](#) (NSW Government). If the offender still has the right to live in the property, you should get advice before changing the locks.

If you change the locks you should provide copies of the new keys to your landlord within 7 days.

See also [Factsheet: Locks and security](#).

## Where can I get help with pets?

These services may be able to help with pets in situations of domestic violence:

- **Paws + recover** – support to share the care of pets during a health crisis difficult times [pawsandrecover.com](http://pawsandrecover.com)
- **Lucy's project** – national organisation working to improve access to supports for people and animals experiencing domestic violence [lucysproject.com.au](http://lucysproject.com.au)
- **RSPCA Community Domestic Violence program**, phone: (02) 9782 4408. [rspcansw.org.au/what-we-do/working-incommunities/community-domestic-violence-program](http://rspcansw.org.au/what-we-do/working-incommunities/community-domestic-violence-program)

## More information

Tenants' Union sample Domestic Violence Termination Notice: [Ending tenancy due to domestic violence](#)

Tenants' Union [Domestic violence and renting – Supplementary Guide](#).

Tenants' Union factsheets, [How do I end my tenancy?](#) [Eviction – landlord ends tenancy](#), [NSW Civil and Administrative Tribunal](#), [Share housing](#), [Goods left behind](#), [Locks & security](#).

Tenants' Union podcast episode: [Get me outta here](#).

NSW Fair Trading sample Domestic Violence Termination Notices: [From tenant to landlord](#), [From tenant to each co-tenant](#) and [For tenant's dependent child](#).

Social housing tenants: [Domestic and Family Violence: Housing Factsheet](#) (DCJ Housing).

Government supports: [Start Safely](#), [Victims Services](#) and [Staying Home Leaving Violence](#).

## Contacts

**NSW Domestic Violence Line** (24 hours): 1800 65 64 63

**1800RESPECT** (24 hours): 1800 737 732

**Tenants Advice and Advocacy Services**: phone numbers below and at [tenants.org.au/get-advice](http://tenants.org.au/get-advice)

**Community Legal Centres**: [clcnsw.org.au](http://clcnsw.org.au)

**Women's Legal Service NSW**: [wlsnsw.org.au](http://wlsnsw.org.au) 1800 810 784

**Wirringa Baiya Aboriginal Women's Legal Centre**: [wirringabaiya.org.au](http://wirringabaiya.org.au) 1800 686 587

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### For free advice, call your local Tenants Advice & Advocacy Service:

#### SYDNEY:

- Eastern 9386 9147
- Inner 9698 5975
- Inner West 9559 2899
- Northern 9559 2899
- Southern 9787 4679
- South West 4628 1678
- Western 8833 0933

#### REGIONAL:

- Blue Mountains 4704 0201
- Central Coast 4353 5515
- Hunter 4969 7666
- Illawarra Sth Coast 4276 1939
- Mid Coast 6583 9866
- Northern Rivers 6621 1022
- Northwest NSW 1800 836 268
- Southwest NSW 1300 483 786

#### ABORIGINAL:

- Sydney 9833 3314
- West NSW 6881 5700
- South NSW 1800 672 185
- North NSW 1800 248 913

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by, the law as it applies in New South Wales, Australia. ©Tenants' Union of NSW

**WEB:** [tenants.org.au](http://tenants.org.au)

**NSW FAIR TRADING:** 13 32 20