

Domestic violence in a rented property

Every person has a right to feel safe and live free from domestic violence.

If there is violence in a rented home, affected tenants should contact the police or a domestic violence advice or support service.

There are options available to improve a tenant's safety if they need to leave to escape violence, or if they wish to stay.

Ending a tenancy

If a tenant or their dependent child are in circumstances of domestic violence, they can end their tenancy immediately without being penalised.

The tenant will need to give a domestic violence termination notice to the landlord and each co-tenant.

See [ending a tenancy](#) for more information.

Staying in the property

Below are some steps a tenant can take to improve their safety if they decide to stay in the rented property.

Removing a perpetrator of domestic violence

If a final Apprehended Violence Order (AVO) is granted that excludes a co-tenant (perpetrator) from accessing the property, then the perpetrator's co-tenancy will automatically end.

The tenancy simply transfers to any remaining co-tenant(s) named on the agreement.

A remaining occupant who is not named on the agreement can ask the landlord or agent to have the agreement put in their name.

If the landlord or agent refuses, the remaining occupant may apply to the NSW Civil and Administrative Tribunal (the Tribunal) for an order to be recognised as a tenant under the original agreement.

If a final AVO has not been obtained or if it does not include an exclusion order and where the perpetrator is a co-tenant, another co-tenant may apply to the Tribunal to end the perpetrator's tenancy.

The Tribunal will consider the circumstances of the case when deciding whether to make an order.

Tenants in a social housing property should contact their social housing provider for more information.

Changing locks or other security devices

Changing the locks or other security devices immediately can increase the safety of a tenant from domestic violence.

See [Health, safety and security in a rental property](#) for more information about locks and security devices.

Co-tenants affected by domestic violence

Tenants can terminate their tenancy immediately in circumstances of domestic violence, which may have a direct impact on co-tenants.

Non-perpetrator co-tenant/s have a 2-week grace period where they only have to pay a portion of the rent. This gives co-tenants time to find a new co-tenant or apply to the Tribunal to have their tenancy terminated.

They cannot be held responsible for any damage to the property by the domestic violence perpetrator.

Perpetrator co-tenants that remain in the rental property are required to pay the full amount of rent as specified in the tenancy agreement from the date the domestic violence termination notice is provided.

Property damage

A tenant who is experiencing domestic violence, is not responsible for any damage caused by a domestic violence perpetrator (whether or not the perpetrator is a tenant) during a domestic violence offence.

A co-tenant who is not the domestic violence perpetrator does not have to pay for this type of damage.

Further advice and support

Domestic Violence Legal Advice Line

Tel: 8745 6999

Toll free: 1800 810 784

Website: www.wlsnsw.gov.au

Women's Legal Contact Line

Tel: 8745 6988

Toll free: 1800 801 501

Law Access NSW

Tel: 1300 888 529

NSW Domestic Violence Line (24/7 Community Care & Counselling)

Toll free: 1800 656 463

Website: www.facs.nsw.gov.au/domestic-violence/helpline

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

Women's Domestic Violence Court Advocacy Services

Women's Domestic Violence Court Advocacy Services (WDVCASs) are locally-based, incorporated, not-for-profit, non-government service providers.

Find a location for these services on the [Legal Aid](#) website.

Tel: 1800 938 227

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Next Making changes to a rental property

<https://www.fairtrading.nsw.gov.au/housing-and-property/renting/during-a-tenancy/domestic-violence-in-a-rented-property> 30-04-20

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