

Evidence requirements for termination

Residential Tenancies Act 1995 section 91(1)(ea)

Written evidence required by the Commissioner to accompany notices of termination for the purposes of terminating a tenancy on the grounds in sections 81(1)(a) to (d) of the *Residential Tenancies Act 1995* (Act), and the grounds in regulations 16(1)(a) to (d) of the Residential Tenancies Regulations 2010 (for the purposes of section 83A of the Act) is outlined below.

Reason for termination notice	Evidence required
The landlord wants to demolish the premises	<ul style="list-style-type: none"> • <i>building permit for demolition; and</i> • <i>contract with a suitably qualified builder/demolisher stating the date demolition will occur.</i>
The landlord wants to carry out repairs or renovations that can't be done conveniently while tenants are living there	<ul style="list-style-type: none"> • <i>photographic proof that repairs or renovations are required; and</i> • <i>a written statement as to why the premises need to be vacated; and</i> <p>EITHER</p> <ul style="list-style-type: none"> • <i>contract with, or quotation from, a suitably qualified tradesperson for carrying out planned repairs, stating:</i> <ul style="list-style-type: none"> ○ <i>the nature of the repairs required</i> ○ <i>an estimated timeframe for completion</i> <p>OR</p> <ul style="list-style-type: none"> • <i>a building permit for repairs or renovation.</i>
The landlord, the landlord's spouse, child or parent, or spouse of the landlord's child or parent want to occupy the premises	<p><i>A witnessed Statutory Declaration signed by the landlord, stating either:</i></p> <ul style="list-style-type: none"> • <i>they intend to live in the rented premises; or</i> • <i>the name of the person who will occupy the rented premises, their relationship to the landlord (whether the person is a spouse, child or parent or spouse of the landlord's child or parent); and</i> • <i>that the landlord understands that they must not grant a fresh tenancy over the premises to any person (other than the person named to be moving into the rented premises in the statutory declaration) for use primarily as a residence within 6 months of the date notice was given.</i>
The landlord needs to give vacant possession to a purchaser	<ul style="list-style-type: none"> • <i>contract of sale, signed by the vendor and purchaser and dated.</i>