

12

TERMINATION NOTICE CHALLENGE

Residential Tenancy Act 1997 (Tas) — Section 42

TAS —
Magistrates
Court

Your rights when you receive a termination notice — check it states a valid ground

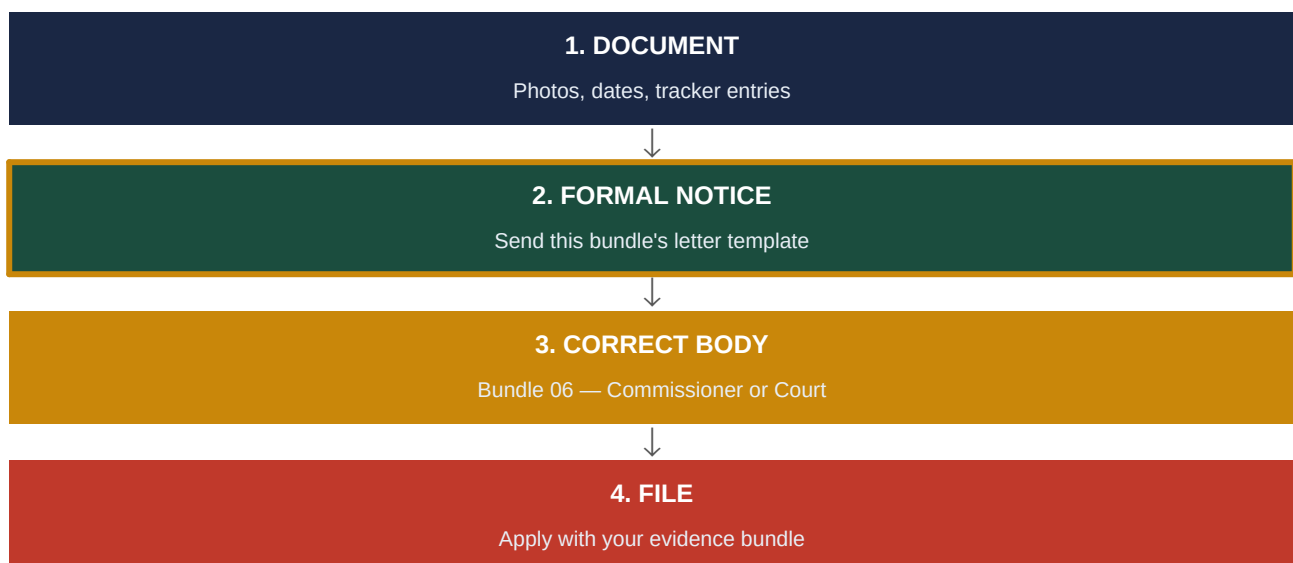
WHEN TO USE THIS BUNDLE

Use this bundle whenever you receive any termination notice, before taking any action.

KNOW THE LAW — CHECKING A TERMINATION NOTICE (S.42)

Every Notice to Vacate must state one of the grounds set out in s.42(1) — including breach, sale or transfer, non-residential use, significant renovations, a family member moving in, end of a fixed term (within 60 days), or a social housing income/asset threshold. There is no free-standing 'no reason' ground for a periodic tenancy.

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



The highlighted box shows where this bundle fits in the journey.

- 01 Do not panic — a notice is not an eviction**
Only the Magistrates Court can make an order for vacant possession. A notice alone does not require you to leave immediately.
- 02 Check the ground stated**
No ground stated is itself a defect — s.42(1) requires every notice to name a recognised ground.
- 03 Check the notice period and form**
Confirm against the current Act — an incorrect notice period or missing official form may make the notice defective.
- 04 Seek advice early**
The Tenants' Union of Tasmania or a community legal centre offer free tenancy advice.
- 05 Log everything**
Record the notice, your checks, and any challenge action in the tracker.

IF YOU NEED TO ESCALATE — WHAT MAGISTRATES COURT CAN ORDER

Only the Magistrates Court can order vacant possession. A defective notice, or one that hasn't been followed by a Court order, does not require you to vacate.

★ GOOD TO KNOW — SECTION 42 REQUIRES A GROUND — THERE IS NO FREE-STANDING 'NO REASON' OPTION

Every paragraph of s.42(1) states a specific reason — breach, sale, non-residential use, renovations, family occupation, or end of a fixed term. A notice with no stated ground is defective on its face.

■ CRITICAL — SECTION 42 REQUIRES A STATED GROUND

Every Notice to Vacate must state one of the recognised grounds in s.42(1) — a notice with no ground, or an unrecognised ground, is defective.

■ CRITICAL — ONLY THE MAGISTRATES COURT CAN ORDER POSSESSION

A termination notice by itself never legally requires you to vacate — verify it first.

TEMPLATE — REQUEST FOR CLARIFICATION OF TERMINATION NOTICE

TAS —
Magistrates
Court

Residential Tenancy Act 1997 (Tas) — Section 42

1. COPY

Copy the letter below into a new email

2. FILL

Replace every **[bracketed]** field with your details

3. SEND

Email it — request a read receipt, save a copy

Fill in every **[bracketed]** field, then send via email — request a read receipt.

SUBJECT:

REQUEST FOR CLARIFICATION — TERMINATION NOTICE: [Insert Property Address]

I am writing in response to the termination notice dated **[Insert Notice Date]** received in relation to the above-referenced property.

1. NOTICE DETAILS

- Ground stated: **[Insert ground]**
- Notice period given: **[Insert number of days]**

2. REQUEST FOR CONFIRMATION

- Please confirm the specific ground under section 42(1) relied upon for this notice, and the exact minimum notice period required under the Residential Tenancy Act 1997 for this type of termination.
- I am seeking independent advice on the validity of this notice and reserve all rights in relation to it.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]