

Notice of Landlords Intention to Retain Security Deposit

Please complete this form using BLOCK LETTERS

To Mr/Mrs/Ms/Miss <div style="text-align: center; margin-top: 10px;">(insert name of tenant)</div>
The former tenant under a residential tenancy agreement in respect of the property situated at: <div style="text-align: right; margin-top: 10px;">Postcode: _____</div>
I/We _____ <div style="text-align: center; margin-top: 5px;">(name of landlord / agent)</div>
of _____ <div style="text-align: center; margin-top: 5px;">(insert postal address)</div> <div style="text-align: right; margin-top: 5px;">Postcode: _____</div>
Business phone: _____ Home phone: _____

The premises were vacated or abandoned on: ___/___/___

The landlord / agent under the residential tenancy agreement hereby give you notice that:

- | | Security Deposit |
|---|-------------------------|
| 1. The following amounts are to be retained from the security deposit for the purposes of: | \$ _____ |
| <input type="radio"/> making good damage to the premises or ancillary property: | \$ _____ |
| <input type="radio"/> replacing ancillary property lost or destroyed: | \$ _____ |
| <input type="radio"/> cleaning premises or ancillary property left in an unreasonably dirty condition: | \$ _____ |
| <input type="radio"/> replacing locks altered, removed or added by tenant without approval: | \$ _____ |
| <input type="radio"/> paying unpaid rent: | \$ _____ |
| <input type="radio"/> paying unpaid charges for electricity, gas or water payable by the tenant: | \$ _____ |
| <input type="radio"/> paying compensation to the Landlord under section 121 of the Act for Tenant's failure to vacate premises: | \$ _____ |
| <input type="radio"/> paying money ordered by the Tribunal to be paid by the tenant: | \$ _____ |

2. The following amount of security deposit will continue to be held on trust pending an application for compensation to the Tribunal under section 122 of the *Residential Tenancies Act 1999* for: \$ _____
- a) loss of the rent that you would have been liable to pay under the agreement if you had not abandoned the premises.
 - b) loss caused to the landlord in securing new tenants for the premises.
3. The amount of security deposit which is not being retained or continuing to be held by the landlord is: \$ _____
(This amount is enclosed with this notice).

Attached to this Notice is a Statutory Declaration as required under section 112(5)(b) & (c) of the *Residential Tenancies Act 1999*.

Receipts, invoices or other documents supporting claims from the Security Deposit should be attached to the Statutory Declaration.

Service of Notice

This Notice was given on ___/___/___ by: Personally handing to the tenant
 Mailing it to the tenant

(Signature of Party Giving the Notice)

___ / ___ / ___
(Date Issued)

Notes:

1. The total of claims plus the amount not being claimed or held must equal the total security deposit held by the landlord/agent.
2. The landlord must within 7 business days of the tenant vacating or apparently abandoning the premises reimburse part or all of the security deposit to the tenant and serve a notice to the tenant of the landlord's intention to retain part or all of the security deposit.
3. Unless the security deposit was held in the account of a licensed real estate agent or a party was nominated in the tenancy agreement, the interest on the security deposit is to be paid to the party receiving the bulk of the security deposit.
4. The landlord is not entitled to retain part or all of the security deposit to make good damage to the premises or ancillary property, replace ancillary property lost or destroyed or to clean premises or ancillary property unless a condition report was accepted by both parties at the beginning of the tenancy.
5. If the claim exceeds the security deposit, contact the landlord for clarification.

PRIVACY STATEMENT

NT Consumer Affairs complies with the Information Privacy Principles scheduled to the *Information Act 2002*.
To view the NT Consumer Affairs Privacy Statement, please access www.consumeraffairs.nt.gov.au or 08 8999 1999

**THE NORTHERN TERRITORY OF AUSTRALIA
OATHS AFFIDAVITS AND DECLARATIONS ACT 2010
STATUTORY DECLARATION**

(1) Insert name of person making the declaration I, (1) _____

(2) Insert address of person making the declaration of (2) _____
do solemnly and sincerely declare:

1. I am the landlord / agent (delete the inapplicable) of the premises situated at _____ (the "premises")

2. The premises have been let under tenancy agreement dated ___ / ___ / ___ (insert date)

3. The tenant is _____ (print name as stated in tenancy agreement)

4. *On the ___ / ___ / ___ (insert date) the tenant vacated or apparently abandoned the premises and vacant possession was provided.

*On the ___ / ___ / ___ (insert date) the premises were declared abandoned by the Commissioner of Tenancies and an Order was issued for the immediate possession of the premises by the landlord.

(*delete the inapplicable)

5. I have provided the tenant with a Notice in accordance with section 112(5) of the *Residential Tenancies Act 1999* and attest to the truth of the claim that the retention of the security deposit is required for the purpose specified in the notice.

6. The following receipts, invoices or other documents are attached to this declaration and I attest that they relate to –

(a) the matters in respect of which part or all of the security deposit is being withheld; or

(b) the amount of unpaid rent owing under the agreement or money owing under section 121:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

And I make this solemn declaration by virtue of the *Oaths, Affidavits and Declarations Act 2010* and conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at _____ the _____ day of _____ 20____

(3) Signature of the person making the declaration (3) _____

Before me

(4) Signature of the person before whom the declaration is made (4) _____

(5) Here insert name and contact address or telephone number of person before whom the declaration is made, legibly written, typed or stamped (5) _____

NOTE: This declaration may be witnessed by any person who is at least (18) eighteen years of age.

NOTE: This written statutory declaration must comply with Part 4 of the *Oaths, Affidavits and Declarations Act 2010*.

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

**THE NORTHERN TERRITORY OF AUSTRALIA
OATHS AFFIDAVITS AND DECLARATIONS ACT 2010
UNATTESTED DECLARATION**

(1) Insert name and address of person making declaration

I, (1)

(2) Here insert the matter declared to - either directly following the word "declare" or, if the matter is lengthy, insert the words "as follows" and thereafter set out the matter in numbered paragraphs

do solemnly and sincerely declare (2)

I did at on 20.....
(time) (day) (month) (year)

duly serve the Tenant/Landlord

(tenant / landlords name)

with a NOTICE PURSUANT TO SECTIONOF THE *RESIDENTIAL TENANCIES ACT 1999* (a true copy of which is annexed hereto and marked "A") by delivering a true copy of this Notice personally / by mail (delete whichever is not applicable) to the Tenant/Landlord at

(fully describe address/place of service)

I identified the tenant/landlord as follows:

(include how you identified the person served) (include any other details/conversations necessary including how service was effected e.g. handing documents to person, placing documents on ground before the person)

This declaration is true and I know it is an offence to make a declaration knowing it is false in a material particular.

Declared attheday of 20....

(3) Signature of the person making the declaration

(3)

NOTE: This declaration does not have to be witnessed

NOTE: This written declaration must comply with Part 4 of the *Oaths Affidavits and Declarations Act 2010*.

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.