

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 being retained from the security deposit for the purpose 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 consent or excuse: | \$ _____ |
| <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 money ordered by the Tribunal to be paid by the tenant: | \$ _____ |

2. The following amount/s of the security deposit will continue to be held on trust for up to 3 months pending an application to the Tribunal to determine the distribution of the tenant's security deposit and/or make claim for compensation as per section 122 of the *Residential Tenancies Act 1999*:

- | | | |
|-----------------------|---|----------|
| <input type="radio"/> | Loss of rent liable to be paid had the tenant not abandoned the premises: | \$ _____ |
| <input type="radio"/> | Loss caused to the landlord in securing new tenants: | \$ _____ |

3. The amount of security deposit that is not being retained or held on trust that is being returned is: \$ _____

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 for the retention of the Security Deposit are attached with the Statutory Declaration.

Service of Notice

This Notice was given on ____/____/____ by: ☐ Personally handing to the tenant
☐ Mailing it to the tenant
☐ Via electronic service

(Signature of Landlord/Agent)

____/____/____
(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.

Important information regarding the giving of Notices

Notices under the *Residential Tenancies Act 1999* are permitted to be given to a person personally, by post or via electronic means. When you are giving a Notice to a person, address it to that person's last known postal address, email address or place of business or residence. When you are giving a Notice to a corporation, address it to the corporation's registered office in the Territory.

For electronic service, service must be carried out in accordance with the *Electronic Transactions (Northern Territory) Act 2000*.

If 2 or more persons are the landlords or tenants under a tenancy agreement, a Notice is duly given if given to any one of them.

The *Interpretation Act 1978* specifies how a Notice should be given and the calculation of how the time and actions required must be completed.

A Notice sent by post must be properly addressed and posted by prepaid post, and the giving of the Notice is deemed to have been effected at the time at which the Notice would be delivered to the person or corporation in the ordinary course of the post. It should be noted that this will only apply in the absence of any contrary evidence.

When advising of the period in which an action must be completed, the period is counted in clear days starting the day after notice is given. Where the last day of any period falls on a Saturday, Sunday or Public Holiday, the action required may be done on the next working day.

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 Northern Territory Civil and Administrative Tribunal and an Order was issued for the immediate possession of the premises by the landlord.

(*delete whichever does not apply)
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:
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____

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) _____
- (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/s
(tenant/s name)

with a NOTICE PURSUANT TO SECTION OF 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 / by electronic service (delete whichever is not applicable) to the Tenant/s at

.....
.....
.....

(fully describe address/place of service)

I identified the Tenant/s 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 at the day 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.**