

UNCLAIMED SECURITY DEPOSITS

Background

A security deposit (also known as a bond) is usually required to be paid by a tenant to a landlord, or real estate agent on behalf of a landlord, on entering into a residential tenancy agreement; the amount of the security deposit must not be greater than four weeks rent. At the end of the tenancy the security deposit must be returned in full to the tenant unless there are claims against it due to, for example, non-payment of rent and cleaning and repair costs at the property.

Sometimes, however, if the tenant has not provided a forwarding address to the landlord or agent, or for some other reason the security deposit has not been paid (e.g. a cheque may not have been cashed), and the landlord or agent has had possession of the security deposit for six months after the end of the lease, the security deposit is required to be transferred to the Tenancy Trust Account, administered by the Commissioner of Tenancies.

The same requirement applies when a real estate agent (on behalf of a landlord) has lawfully retained all or part of a security deposit, and the agent has been unable to return the money to the landlord.

Any unclaimed security deposit held in the Tenancy Trust Account is available for claim by the person who is lawfully entitled to it (i.e. tenant/s or landlord/s).

Claiming a security deposit

If you believe that a security deposit owed to you may be held in the Tenancy Trust Account, you can contact Northern Territory Consumer Affairs to see if your details match those held by the Commissioner.

You will need to provide your full name, the full address of the property to which the tenancy applied, and the date the premises were vacated. Also advise if there is more than one tenant or landlord entitled to the security deposit, and the portion owing to each person.

If you are advised that the details provided match those in the database, you may lodge an application (Form 1, Initiating Application) with the Northern Territory Civil and Administrative Tribunal (NTCAT) to have the money returned to you. The application form can be found on the NTCAT website at [Forms | NTCAT | Northern Territory Civil and Administrative Tribunal](#).

Please note the following when completing an application:

- In Part A of the application, enter 'Commissioner of Residential Tenancies' as the 'Respondent'.
- In Part D of the application, enter 'Commissioner of Residential Tenancies' as the 'Respondent' and include the following details:
 - Address: PO Box 40946, Casuarina, NT, 0811
 - Email: consumer@nt.gov.au
 - Phone: 8999 1999.
- In Part E of the application, select 'Residential Tenancy' as the 'Jurisdiction'.
- There is a cost for lodging the application with NTCAT. In Part H of the application, you may seek a waiver of the fee if you are under financial hardship.
- Ensure you provide information and supporting documentation to substantiate the portion of the security deposit you believe you are entitled to (i.e. if there are other tenants or landlords that were a party to the tenancy agreement).
- If you need any other assistance completing the application, contact NTCAT on 1800 604 622.

If your application to NTCAT is successful, the Commissioner of Residential Tenancies will receive an order to make a payment to you in the amount determined. Northern Territory Consumer Affairs will then contact you to arrange payment.

If you require any consumer or rental advice, please call us on 1800 019 319 or email consumer@nt.gov.au.