

Family violence in a tenancy

Excluded tenants

This factsheet outlines your options if you have been excluded from a rental property under a family violence safety notice, a family violence intervention order or a personal safety intervention order.

What is family violence?

Family violence is any behaviour that in any way controls or dominates a family member and causes them to feel fear for their own, or another family member's, safety or wellbeing. It can include physical, sexual, psychological, emotional or economic abuse and any behaviour that causes a child to hear, witness, or otherwise be exposed to the effects of that behaviour.



If a family violence safety notice or intervention order is made against you, it may exclude you from your home. The person who the notice or order is made to protect is known as a '**protected person**' under that notice or order.

Your options

You can be **excluded** from the rental property if one or more of the following is made against you:

- family violence safety notice (issued by the police)
- family violence intervention order (issued by a court)
- personal safety intervention order (issued by a court).

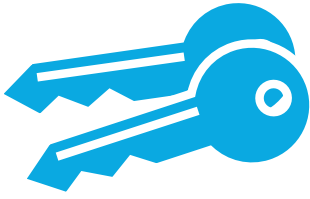
The protected person then has the right to **change the locks** to the property.

You can apply to the Victorian Civil and Administrative Tribunal (VCAT) to **change the lease** if you have been excluded from the rental property under a:

- family violence intervention order, or
- personal safety intervention order.

The **protected person** can also apply to VCAT to change the lease.

Changing the locks



If the locks are changed:

- keys for any new locks will be given to the landlord and any remaining tenants in the rental property, but not to you
- the landlord is not allowed to give you a key for any new locks as long as you are excluded from the rental property under the notice or order.

Changing the lease

If you have been excluded from the rental property under a family violence intervention order or personal safety intervention order, and you are listed as a tenant on the lease, you can apply to VCAT to end the lease early.

VCAT can decide:

- to end the lease early if the severe hardship you would experience (if the lease continued) would be greater than any hardship the landlord would suffer if the lease ended early
- if the landlord should be compensated due to the lease ending early.

The **protected person** can also apply to VCAT to end the lease early on severe hardship grounds, to ensure their safety or the safety of their children.



If the intervention order has been made final – i.e. it is not an interim order – and the protected person wants to stay in the property, they can apply to VCAT to end the existing lease and start a new lease with the landlord without you, even if they are not currently listed as a tenant.

VCAT can decide how the bond (if any) will be refunded, and who will be responsible for paying any outstanding expenses on the existing lease (e.g. repairs or bills).

If the landlord or property manager arranges a property inspection during the VCAT proceedings, you can send someone to be present at the inspection on your behalf; however, you cannot enter the property yourself.

More information

Free information and advice:

Consumer Affairs Victoria
1300 55 81 81 (local call)
consumer.vic.gov.au/familyviolence

Services from Consumer Affairs Victoria are available regionally.

TIS - Translating & Interpreting Service 131 450

TTY - Textphone or modem users only, ring the National Relay Service (NRS) on 133 677, then quote 1300 55 81 81.

Callers who use Speech to Speech Relay dial **1300 555 727**, then quote **1300 55 81 81**.



Tenants Union of Victoria
(03) 9416 2577
tuv.org.au

You can get help with the VCAT process:

- over the phone: (03) 9628 9856 or 1300 01 8228 (1300 01 VCAT) (country callers only)
- in person: from a family violence support worker located at 55 King St, Melbourne
- online: vcat.vic.gov.au

You can get legal advice from:

Victoria Legal Aid
1300 792 387
legalaids.vic.gov.au

For further resources and support, visit justice.vic.gov.au/familyviolence