

Attachment A – Applications filed for the financial year 2022-23 under the Residential Tenancy Act 1997

Registry	Organisation	Number of Applications for the financial year 2022-32	Matter/Nature under the Residential Tenancy Act 1997
Burnie	Homes Tasmania	1	Vacant Possession – s45
Burnie	Director Of Housing (Burnie)	5	Vacant Possession – s45
Burnie	Housing Choices Tasmania (Burnie Office)	9	Vacant Possession – s45
Burnie	Housing Choices Ltd On Behalf Of Housing Tasmania	1	Vacant Possession – s45
Burnie	Director Housing Tasmania	1	Vacant Possession – s45
Burnie	Centacare Evolve Housing	1	Vacant Possession – s45
Burnie	Director Of Housing	1	Vacant Possession – s45
Burnie	Director Housing Tasmania	1	Tenancy Vacant Possession – s45
Devonport	Housing Choices Tasmania On Behalf Of Housing Tasmania	2	Vacant Possession – s45
Devonport	Centacare Evolve Housing	1	Vacant Possession – s45
Devonport	Housing Choices Tasmania	1	Termination of Lease – s41
Devonport	Housing Choices Ltd On Behalf Of Housing Tasmania	1	Tenancy Vacant Possession – s45
Devonport	Housing Choices Tasmania	3	Vacant Possession – s45
Devonport	Housing Choices Tasmania On Behalf Of Housing Tasmania	1	Tenancy Vacant Possession – s45
Hobart	Housing Choices Tasmania	1	Termination of Lease – s41
Hobart	Centacare Evolve Housing	1	Termination of Lease – s41
Hobart	Mission Australia Housing Tasmania	11	Tenancy Vacant Possession – s45
Hobart	Hobart City Mission Inc	2	Vacant Possession – s45
Hobart	Housing Choices Tasmania	3	Vacant Possession – s45
Hobart	Salvation Army housing Tasmania	3	Vacant Possession – s45
Hobart	Centacare Evolve Housing	5	Tenancy Vacant Possession – s45
Hobart	Community Housing Limited	1	Vacant Possession – s45
Hobart	Director Of Housing	1	Termination of Lease – s41
Hobart	Centacare Evolve Housing	1	Termination of Lease – s41
Hobart	Mission Australia Housing	1	Tenancy Vacant Possession – s45
Hobart	Centacare Evolve Housing	5	Tenancy Vacant Possession – s45

Registry	Organisation	Number of Applications for the financial year 2022-32	Matter/Nature under the Residential Tenancy Act 1997
Hobart	Centacare Evolve Housing	8	Vacant Possession – s45
Hobart	Mission Australia Housing Tasmania	23	Vacant Possession – s45
Hobart	Homes Tasmania	6	Tenancy Vacant Possession – s45
Hobart	Homes Tasmania	1	Termination of Lease – s41
Hobart	Colony 47 Community Housing	1	Tenancy Vacant Possession – s45
Hobart	Director Of Housing,	2	Vacant Possession – s45
Hobart	Centacare Evolve Housing Limited	14	Tenancy Vacant Possession – s45
Hobart	Mission Australia	1	Vacant Possession – s45
Hobart	Director of Housing	3	Vacant Possession – s45
Hobart	Centacare Evolve Housing	2	Vacant Possession – s45
Hobart	Mission Australia	1	Tenancy Vacant Possession – s45
Hobart	Colony 47	1	Vacant Possession – s45
Hobart	Director of Housing	3	Tenancy Vacant Possession – s45
Hobart	Centacare Evolve Housing Limited	3	Vacant Possession – s45
Launceston	Community Housing Limited	8	Vacant Possession – s45
Launceston	Director Of Housing	5	Vacant Possession – s45
Launceston	Homes Tasmania	1	Termination of Lease – s41
Launceston	Homes Tasmania	9	Vacant Possession – s45
Launceston	Community Housing Limited	1	Termination of Lease – s41
Launceston	Community Housing LTD on behalf of the Director of Housing	1	Vacant Possession – s45
Launceston	Homes Tasmania	1	Tenancy Vacant Possession – s45
Launceston	Community Housing Limited on behalf of the Director of Housing	2	Vacant Possession – s45
Launceston	Community Housing Limited	4	Tenancy Vacant Possession – s45
Launceston	Community Housing Limited	29	Vacant Possession – s45
Launceston	Centacare Family Services	1	Vacant Possession – s45

Residential Tenancy Act 1997

Section 41 (Order of termination) provides:

- (1) A party to a residential tenancy agreement may apply to the Court for an order that the agreement be terminated on any of the following grounds:*
 - (a) that another party has intentionally or recklessly caused or permitted, or is likely to intentionally or recklessly cause or permit, serious damage to –*
 - (i) the residential premises or contents of those premises; or*
 - (ii) any neighbouring premises;*
 - (b) that another party has caused physical injury, or is likely to cause physical injury, to that party or a person occupying neighbouring premises.*
- (2) If the Court is satisfied as to any of the grounds referred to in [subsection \(1\)](#), the Court may order –*
 - (a) that the residential tenancy agreement is terminated on a specified date without notice; and*
 - (b) that vacant possession of the residential premises is to be delivered to the owner on that day.*

Section 45 (Order for vacant possession) provides:

- (1) An owner may apply to the Court for delivery of vacant possession of residential premises by the tenant if a notice to vacate in respect of the premises has taken effect and vacant possession has not been delivered to the owner.*
- (2) An owner is to serve on the tenant a copy of an application under subsection (1) a reasonable time before the application is heard.*
- (3) The Court may order that vacant possession be delivered to the owner if satisfied that –*
 - (a) a notice to vacate the premises was properly given; and*
 - (b) the reason for serving the notice to vacate was genuine or just; and*
 - (c) vacant possession was not delivered to the owner; and*
 - (ca) where the premises are social housing and the reason for serving the notice is a reason referred to in section 42(1)(da), (db) or (dc), vacating the premises would not result in unreasonable financial disadvantage, or unreasonable social disadvantage, to the tenant; and*
 - (d) the tenant was served with a copy of the application.*
- (3A) The Commissioner may issue guidelines setting out the circumstances in which vacating premises is to be taken to result in unreasonable financial disadvantage, or unreasonable social disadvantage, to a tenant.*
- (3B) Guidelines, if any, issued under subsection (3A) may be taken into account in considering whether, for the purposes of this section, vacating premises would result in unreasonable financial disadvantage, or unreasonable social disadvantage, to the tenant.*

(4) An order under subsection (3) is to specify the date on which it takes effect.

(5) A notice to vacate is properly given if –

(a) the notice states the information required under section 44 (even if the statement of the date on which the notice takes effect is incorrect because of the operation of section 43(3B) or (3C)); and

(b) the tenant was served with the notice; and

(c)