

Serving notice

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16-07-2018

When serving a notice, it is important that you follow the correct procedures.

Amount of notice required

The amount of notice you need to give depends on the circumstances. Different notice periods apply when a notice is served:

- from a tenant to end the tenancy agreement
- from a landlord to end the tenancy agreement
- to increase rent
- to access the premises to carry out an inspection.

Counting days

Days in the notice period, for example 14 days, are calendar days, not working days. All days of the week are counted, including weekends and public holidays. The day on which the notice is served is not counted.

Example 1: If a tenant emails or hand delivers a 21-day termination notice on 1 February, the 21 days are counted starting from 2 February. The 21st day is 22 February. If notice is sent by post, an extra four working days has to be added to the notice period. Weekends, public holidays and bank holidays are not counted in the four days.

Example 2: If a landlord posts a 14-day termination notice on Friday 4 February, the four working days for postage starts on Monday 7 February. The notice is considered to have been served on Thursday 10 February. The first day of the 14-day notice period starts on Friday 11 and ends on Thursday 24 February.

How to serve notice

A notice or document can be given by:

- handing it to the tenant or landlord in person
- handing it to somebody aged 16 or over at the tenant's or landlord's residential or business address
- personally putting it in the tenant's or landlord's letterbox, in an envelope addressed

to them

- posting it to the tenant or landlord at the address they have specified for receiving notices (eg. care of an agent)
- emailing it to the tenant, landlord or agent at the email address they have specified for receiving that notice or document when consenting to service by email
- if the tenant or landlord is a corporation, emailing or posting it, or handing it to a person aged 16 or over at the corporation's address.

Where there are two or more tenants or landlords, the notice or document may be given to either one and does not need to be given to both.

Proof of service

You don't have to prove that the notice was received by the other person, only that it was properly served. Keep a copy of each notice, including proof of the method you used to serve it, and the date it was sent or handed to the person.

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