



NOTICE OF INTENTION TO ASSIGN TENANCY

Magistrates Court of South Australia

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Intervention Orders (Prevention of Abuse) Act 2009

Section 25

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Defendant					
Name	Surname		Given name/s		DOB dd/mm/yyyy
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Applicant					
Name	Surname		Given name/s		
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Landlord to whom this order is directed					
Name	Surname		Given name/s		
Address	Street				
	City/Town/Suburb	State	Postcode		
Premises					
Address of Premises	Street				
	City/Town/Suburb	State	Postcode		
Tenant	Surname		Given name/s		
Proposed Tenant	Surname		Given name/s		
Rent:			Bond:		
<p>An Intervention Order has been made against the defendant who has been prohibited from being at the premises and the court has been asked to make an order assigning the defendant's tenancy to <i>(name of protected person)</i> in accordance with section 25 of the Act which is attached. You can attend the hearing notified below and be heard as to whether the order should be made. If you do not attend the order may be made in your absence.</p>					
Hearing details	Registry			Date	
	Address			Time am/pm	
	Telephone	Facsimile	Email Address		
<p>..... Date</p>			<p>..... MAGISTRATES COURT</p>		

INTERVENTION ORDERS (PREVENTION OF ABUSE) ACT 2009

25—Tenancy order

- (1) If—
 - (a) the Court confirms an interim intervention order as a final intervention order against a defendant or issues a final intervention order against a defendant in substitution for an interim intervention order; and
 - (b) the final intervention order prohibits the defendant from being on premises at which a protected person resides; and
 - (c) the defendant and protected person previously resided together on the premises; and
 - (d) the premises are subject to a tenancy agreement to which the defendant is a party,the Court may make an order (a ***tenancy order***) that the defendant will be taken to have assigned the defendant's interest in the tenancy agreement to a specified person or persons with the landlord's consent.
- (2) However, a tenancy order may only be made if the Court is satisfied that the assignee consents to the assignment and—
 - (a) in a case where—
 - (i) the landlord is a community housing provider registered under the *Community Housing Providers National Law*; and
 - (ii) the premises constitute community housing within the meaning of that Law, the assignee meets the eligibility requirements for such community housing and any membership or other requirements of the landlord associated with occupation of those premises; and
 - (b) in a case where the landlord is the South Australian Housing Trust or a subsidiary of the South Australian Housing Trust—the assignee meets the eligibility requirements of the Trust; and
 - (c) in any case—the assignee could reasonably be expected to comply with the obligations under the tenancy agreement,
(so that it would be unreasonable for the landlord to withhold consent to the assignment).
- (3) A tenancy order takes effect on the day on which it is made or on such later day as is specified in the order.
- (4) If a tenancy order is made—
 - (a) the effect of the assignment is that the assignee is substituted for the assignor as tenant under the tenancy agreement (but the assignor remains responsible for liabilities that accrued before the date of the assignment); and
 - (b) the assignee is liable to indemnify the assignor for liabilities incurred by the assignor to the landlord because of a breach of the tenancy agreement by the assignee; and
 - (c) an amount paid by the assignor and held by way of security for the performance of obligations under the tenancy agreement will (unless the parties agree to the contrary) continue to be held as security for the proper performance by the assignee of obligations under the tenancy agreement.
- (5) The Registrar must give a copy of a tenancy order to—
 - (a) the protected person; and
 - (b) the defendant; and
 - (c) the landlord; and
 - (d) if the assignee is not the protected person—the assignee; and
 - (e) the Registrar of the South Australian Civil and Administrative Tribunal.