

Residential tenancy law reforms: no grounds evictions

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Key points

- Over 2 million people live in rental homes in NSW. Over 90% of rental properties are owned by individual investors who own between 1 and 3 properties.
- In NSW, a landlord can end a tenancy without giving a reason if they give the tenant the required amount of notice (a 'no grounds' eviction).
- The arguments for banning no grounds evictions include the financial and social costs of evictions for tenants, and that the threat of evictions makes tenants less willing to assert their tenancy rights, including for repairs.
- The arguments against banning no grounds evictions include that this interferes with freedom of contract principles, and that a ban will discourage property investment, reducing the supply of rental properties.
- In July 2023, the NSW Government consulted on rental law reforms including ending no grounds evictions. Legislation is expected later in 2024.
- In February 2024, Greens MP Jenny Leong introduced the *Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024*. The Bill has been referred to a committee for report by 20 September 2024.
- In recent years, several other states and territories have partially or fully banned no grounds evictions, including Victoria, Queensland, the ACT, and South Australia. There is limited evidence on the impact of the reforms.
- Scotland banned no grounds evictions in 2016. Research on the impact of the 2016 reforms has not yet been completed.
- In 2023, the UK Government introduced a Bill to ban no grounds evictions in England. The Bill passed through the House of Commons in April 2024 but had not passed the House of Lords prior to the dissolution of parliament on 30 May 2024.
- New Zealand banned no grounds evictions in 2021. On 15 May 2024, the new National Party government introduced a Bill to reinstate no grounds evictions. As at 31 May 2024, the Bill had not been debated.

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1. Introduction

Rising property prices in recent decades have made buying a home increasingly unaffordable in NSW and Australia. Consequently, there is a growing number of people who are long-term renters in the private rental market. This has led to more debate about security of tenure, which has intensified during the current 'rental crisis'.¹

In NSW, a landlord can end a tenancy without giving a reason as long as they give the tenant the required amount of notice (this is known as a 'no grounds' eviction). Tenant advocacy groups have called for a ban on no grounds evictions so that a landlord could only end a tenancy on certain specified grounds such as selling the property.

Prior to the 2023 state election, both major parties committed to reforming no grounds evictions.² In July 2023, the Minns Government released a consultation paper on improving rental laws, including ending no grounds evictions.³ In March 2024, the Minister for Fair Trading and Better Regulation, Anoulack Chanthivong, said the government was hoping to implement a broad package of reforms this year.⁴ In February 2024, Greens MP Jenny Leong introduced the [Residential Tenancies Amendment \(Prohibiting No Grounds Evictions\) Bill 2024](#). The Bill has been referred to a committee for report by 20 September 2024.⁵

In recent years, several other states and territories including Victoria and the ACT have partially or fully banned no grounds evictions. In August 2023, the National Cabinet agreed to *A Better Deal for Renters* to 'harmonise and strengthen renters' rights across Australia.⁶ This 9-point plan included developing 'a nationally consistent policy to implement a requirement for genuine reasonable grounds for eviction.'

The purpose of this paper is to provide an overview of this controversial issue to inform parliamentary debate.⁷ It summarises the current state of the rental sector in NSW and the current law, as well as the debate about no grounds evictions and recent proposals for law reform in NSW. Finally, reforms in other states and territories and countries are discussed.

¹ See, for example, Senate Community Affairs References Committee, [The worsening rental crisis in Australia](#), Parliament of Australia, December 2023.

² NSW Labor, [NSW Labor: Fairer Rental Rules for Renters & Owners](#), November 2022; Liberal Party NSW, [More protections and support for renters](#) [media release], 3 March 2023.

³ NSW Government, [Improving NSW rental laws consultation paper](#), July 2023.

⁴ Legislative Council Portfolio Committee No. 8 - Customer Service, Budget estimates 2023-24, [Transcript](#), NSW Parliament, 1 March 2024, p 11.

⁵ NSW Parliament, [Legislative Assembly Select Committee on the Residential Tenancies Amendment \(Prohibiting No Grounds Evictions\) Bill 2024](#), accessed 24 May 2024.

⁶ A Albanese, [Meeting of National Cabinet - Working together to deliver better housing outcomes](#) [media release], Australian Government, 16 August 2023.

⁷ The paper updates L Roth, [Private rental housing and security of tenure](#), NSW Parliamentary Research Service, e-brief 15/2015, October 2015.

2. The rental sector

The NSW Rental Commissioner and NSW Fair Trading provided an overview of renting in a joint submission to a recent parliamentary inquiry:

Renting has become the fastest growing tenure type in Australia climbing from 25 per cent of households in 1981 to 31 per cent today, with most renters residing in the private rental market. NSW has the largest rental market in Australia.

Over 32.6 per cent of households in NSW are occupied private rental dwellings, and [as part of this] over 4.6 per cent of NSW households are living in social housing (including public, community and Aboriginal Housing). This represents over two million people in rental homes across the state. It is an industry of over 944,585 residential tenancies, 620,000 landlords, 61,000 agents, 89,000 strata and community schemes of which an estimated 50 per cent of dwellings are rental homes.

Most renters are between 18-34 years old (approx. 53 per cent), with over 11 per cent of renters over the age of 60. More than half of renters are families with children (56 per cent). In NSW 6.1 per cent of people renting are Aboriginal and Torres Strait Islander (up 0.6% from 2016), with 35.6 per cent of renters speaking a language other than English at home (up 0.8 per cent from 2016). Renters who are in need of assistance with core activities represent 5.6 per cent (up 0.7 per cent from 2016).

The private rental market is dynamic with a high frequency of turnover evidenced by an average of 300,000 bonds processed every year. Despite people renting for longer the average tenancy per property is 1.6 years. Over 90 per cent of rental properties are owned by individual investors (landlords) who own between 1 and 3 properties, 71.5 per cent own one, 18.8 per cent own two or more and 9.7 per cent own 3 or more...⁸

They also commented on the rental affordability crisis in NSW:

Due to constrained housing supply and rising rent costs a substantial portion of the population faces difficulty in finding rental properties that are within their budget. Rental costs in many areas of NSW have escalated beyond the means of low and middle-income households, contributing to financial stress and an increase in homelessness.

NSW is currently facing a significant rental affordability crisis. More than 35 per cent of renters are experiencing rental stress, defined as paying more than 30 per cent of household income on rent. In areas like Western Sydney this number increases to 50 per cent.⁹

⁸ NSW Rental Commissioner and NSW Fair Trading, [Submission: Inquiry into the development of the Transport Oriented Development Program](#), March 2024, p 3. [References omitted]. See also National Housing Supply and Affordability Council, [State of the Housing System 2024](#), May 2024.

⁹ NSW Rental Commissioner and NSW Fair Trading, [Submission: Inquiry into the development of the Transport Oriented Development Program](#), March 2024, p 3.

3. Current tenancy laws

3.1 When are no grounds evictions permitted?

In NSW, residential tenancies are regulated by the [Residential Tenancies Act 2010 \(NSW\)](#).

There are two types of tenancies:

- **Fixed term tenancy**, which is for an agreed amount of time, such as 12 months
- **Periodic tenancy**, which is not for an agreed amount of time. This type of tenancy automatically applies if a fixed term tenancy has expired.

In the case of a fixed term tenancy, the landlord can end the tenancy at the end of the agreed term without a reason, but they must give the tenant 30 days' notice (section 84). For a periodic tenancy the landlord can end the tenancy at any time without a reason, but they must give the tenant at least 90 days' notice (section 85).¹⁰

Note that a landlord can end a tenancy *during* a fixed term or periodic tenancy for certain reasons specified in the Act such as breach of the tenancy agreement (Part 5, Div 2). In addition, the Act prohibits retaliatory evictions by landlords, namely an eviction in response to a tenant taking action to enforce a right (section 115).

A review of the Act in 2016 recommended that these provisions remain unchanged.¹¹

3.2 How many no grounds evictions are there?

There is limited data available. A 2016 Victorian survey found that 4% of tenants reported ever receiving a no grounds eviction and 9% of landlords reporting giving a no grounds eviction.¹² A 2018 national survey by CHOICE found that 10% of respondents had ever received 'one or more "without grounds" formal eviction letter(s)'.¹³ In contrast, a 2018 survey by the Tenants Union of NSW found that 41% of respondents had ever experienced a no grounds eviction.¹⁴ Fair Trading NSW has conducted an end of tenancy survey since August 2021. While this survey includes questions about who ended the tenancy and why, it does not include a specific question about no grounds evictions.¹⁵

¹⁰ NSW Government, [Improving NSW rental laws consultation paper](#), July 2023, p 4.

¹¹ NSW Government, [Residential Tenancies Act 2010 – Statutory Review](#), June 2016, p 25-27.

¹² EY Sweeney, [Rental experiences of tenants, landlords, property managers, and parks residents in Victoria](#), Consumer Affairs Victoria Final Report, May 2016, p 7.

¹³ CHOICE, National Shelter, and the National Association of Tenant Organisations, [Disrupted: The consumer experience of renting in Australia](#), 2018, p 16, 19.

¹⁴ Tenants Union of NSW and Marrickville Legal Centre, [Lives Turned Upside Down: NSW renters' experience of 'no grounds' evictions](#), March 2019, p 15.

¹⁵ NSW Fair Trading, [End of tenancy survey](#), n.d., accessed 7 May 2024.

4. Debate about no grounds evictions

4.1 Arguments for banning no grounds evictions

Stakeholders who consider that no grounds evictions should be banned make several arguments. First, tenants who are evicted – and in particular those on low incomes – may face real difficulty finding another suitable place to live and will sustain financial and social costs.¹⁶ Second, the possibility of a no grounds eviction makes tenants less willing to assert their tenancy rights including those relating to repairs.¹⁷ A 2018 survey by the Tenants Union found ‘three quarters of respondents...had held back from asserting a right or reporting a problem.’¹⁸ Third, these stakeholders contest the claim made by others that banning no grounds evictions will have an adverse impact on housing supply. For example, they point to a 2022 study that analysed two previous tenancy law reforms in NSW and Victoria and concluded they had not caused landlords to disinvest.¹⁹

4.2 Arguments for retaining no grounds evictions

There are also several arguments from stakeholders who consider that no grounds evictions should be retained. First, property owners should have the right to make decisions about what they do with their property once the agreement ends, provided they give adequate notice; banning no grounds evictions would interfere with freedom of contract principles.²⁰ Second, the Act already prohibits landlords from engaging in retaliatory evictions, so tenants have protection if they assert their rights. Third, they consider that banning no grounds evictions will discourage property investment, reducing the supply of rental properties.²¹ In surveys conducted by the Real Estate Institute of NSW in 2023 over 90% of landlords believed that banning no grounds terminations will ‘negatively impact a landlord’s decision to remain in, or invest in, residential property.’²²

¹⁶ Tenants Union of NSW, *A constant worry: Renters confront the impact of unfair evictions*, April 2024. Productivity Commission, *Vulnerable Private Renters: Evidence and Options*, September 2019, p 85.

¹⁷ Productivity Commission, *Vulnerable Private Renters: Evidence and Options*, September 2019, p 120.

¹⁸ Tenants Union of NSW and Marrickville Legal Centre, *Lives Turned Upside Down: NSW renters’ experience of ‘no grounds’ evictions*, March 2019, p 14-15. See also Tenants Union of NSW, *A constant worry: Renters confront the impact of unfair evictions*, April 2024.

¹⁹ Tenants Union of NSW, *Ending no grounds evictions in NSW*, January 2024, p 5. See also C Martin et al, *Regulation of residential tenancies and impacts on investment*, AHURI, November 2022, p 2.

²⁰ See Real Estate Institute of NSW, *Submission on Improving NSW Rental Laws*, August 2023, p 7.

²¹ See for example Real Estate Institute of NSW, *Submission on Improving NSW Rental Laws Consultation Paper*, August 2023. See also Productivity Commission, *Vulnerable Private Renters: Evidence and Options*, Research Paper, September 2019, p 123.

²² Real Estate Institute of NSW, *Submission on Improving NSW Rental Laws Consultation Paper*, August 2023, p 4.

5. Recent proposals for reform

5.1 The NSW Government's consultation

The NSW Government's July 2023 consultation paper asked for feedback on 3 key issues relating to no grounds evictions that would help inform the details of the new laws:

1. Whether requiring a landlord to give a reason for eviction should apply just to periodic leases, or also where a fixed term lease is being ended
2. The list of prescribed reasons ('grounds') on which tenancies should be able to be ended
3. The evidence that a landlord must show to prove the reason is genuine.²³

The paper noted that government was considering 5 new reasons for ending a tenancy:

1. The property is being prepared for sale
2. The property will go through reconstruction, repair or renovation that requires it to be vacant
3. The property will change its use (for example from a home to a shop or office)
4. The property will be demolished
5. The landlord or their immediate family member will move into the property.²⁴

The consultation closed on 11 August 2023.

The government has published a report with the results of a public survey and published submissions received in response to the consultation.²⁵ The findings from the survey, which generated 16,032 responses, included:

Renters strongly supported the owner needing a reason to end a periodic lease (96%). Renter-owners also supported this (56%). Most owners and real estate agents did not support this proposal (28% and 12%, were in support respectively).

Renters also strongly supported the owner needing a reason to end a fixed-term lease (92%). Renter-owners were neutral (47%). Most owners and real estate agents did not support this proposal (16% and 8%, were in support respectively).²⁶

²³ NSW Government, [Improving NSW rental laws consultation paper](#), July 2023.

²⁴ NSW Government, [Improving NSW rental laws consultation paper](#), July 2023, p 5.

²⁵ See NSW Government, [Have your say: Improving NSW rental laws](#), accessed 10 April 2024.

²⁶ NSW Government, [Improving NSW rental laws: Public engagement summary report](#), 2023, p 2.

There were 405 written submissions in response to the consultation. The submissions of 2 key stakeholders (the Tenants Union of NSW and the Real Estate Institute of NSW) on the issue of no grounds evictions are summarised below.

Tenants Union of NSW

The Tenants Union argued that the ban on no grounds evictions should apply to periodic and fixed term tenancies, commenting:

If NSW continues to allow landlords to evict without having to provide a valid reason at the end of a fixed term tenancy we will see a significant number of landlords and their agents shift renters onto short fixed term leases, as is the current practice in Tasmania and Queensland. This will mean reforms to end 'no grounds' eviction are undermined, and fail to deliver the greater protection and stability promised.²⁷

The Tenants Union submitted that a property 'being prepared for sale' should not be added as a new reason for eviction.²⁸ If the new owner is buying the property as an investment, the sitting tenant should be able to remain. If the new owner is buying the property to live in, they could rely on the proposed new ground that the landlord or family member will move into the property. The Tenants Union also submitted that changes should be made to the other proposed new grounds for eviction.²⁹ For example, the landlord should not be able to rely on repairs to the property as a reason for eviction where the repairs are required because of the landlord allowing the property to fall into disrepair.

The Tenants Union submitted that the notice period that should apply to change of use or demolition should be 6 months and the notice period for sale of the premises or for a landlord or immediate family member moving in should be 120 days.³⁰ The Tenants Union considered that landlords should have to provide documentary evidence supporting the landlord's reason for termination and suggested that the current Victorian evidentiary requirements provide an appropriate model for NSW.³¹

Real Estate Institute of NSW

The Real Estate Institute of NSW opposed the removal of no ground termination notices for periodic and fixed term tenancies. With respect to fixed term tenancies, it argued:

...fixed term tenancies, by their very nature, allow parties to mutually choose to enter a tenancy for a specific term upon signing the residential tenancy agreement. It is important for freedom of contract purposes that both parties are free to choose not to renew this

²⁷ Tenants' Union of NSW, [Submission on Improving NSW Rental Laws](#), August 2023, p 11.

²⁸ Tenants' Union of NSW, [Submission on Improving NSW Rental Laws](#), August 2023, pp 12, 15.

²⁹ Tenants' Union of NSW, [Submission on Improving NSW Rental Laws](#), August 2023, p 15.

³⁰ Tenants' Union of NSW, [Submission on Improving NSW Rental Laws](#), August 2023, p 17.

³¹ Tenants' Union of NSW, [Submission on Improving NSW Rental Laws](#), August 2023, p 19.

agreement (with appropriate notice), and should not be required to give reasons, or meet specific criteria prescribed by legislation.³²

The Real Estate Institute submitted that if no ground termination notices are abolished, several other new reasons for ending a tenancy should be included in the Act.³³ One of these was 'renting to someone else', as 'landlords should have a right to choose who they would like to rent their property to'. Other proposed reasons for ending a tenancy included where a successor in title (other than by sale) wishes to end the tenancy, or where a property is affected by government action or compulsory acquisition.

With respect to notice periods, the Real Estate Institute submitted that 60 days' notice should be required for most reasons, as this is a reasonable timeframe for a tenant to find a new property.³⁴ Less notice should be required where the property is not safe to live in, or where a property changes title. The Real Estate Institute opposed a requirement for a landlord to provide evidence in support of a ground for ending a tenancy.³⁵ This was to protect the landlord's privacy, and because the landlord may have multiple reasons.

5.2 Jenny Leong MP's Bill

In February 2024 Jenny Leong MP introduced the [Residential Tenancies Amendment \(Prohibiting No Grounds Evictions\) Bill 2024](#), which would ban no grounds evictions for fixed term and periodic tenancies.³⁶ Ms Leong noted that 'one year into the first term of the Minns Labor Government we are yet to see any government legislation', and explained:

In the midst of deeply entwined and entrenched housing and cost-of-living crises, thousands of people in New South Wales are at risk of being evicted from their homes for absolutely no reason, and they are being forced to contend with dropping vacancy rates and ever-climbing rents. This bleak reality is why The Greens have advocated, and will continue to advocate, for a statewide end and, indeed, a national end to no-grounds evictions.³⁷

Under the Bill, evictions would be permitted for the following reasons:

- The landlord, or a person associated with the landlord, intends to live in the property for more than 12 months

³² Real Estate Institute of NSW, [Submission on Improving NSW Rental Laws Consultation Paper](#), August 2023, p 7.

³³ Real Estate Institute of NSW, [Submission on Improving NSW Rental Laws Consultation Paper](#), August 2023, p 9-10.

³⁴ Real Estate Institute of NSW, [Submission on Improving NSW Rental Laws Consultation Paper](#), August 2023, p 12.

³⁵ Real Estate Institute of NSW, [Submission on Improving NSW Rental Laws Consultation Paper](#), August 2023, p 13.

³⁶ For previous private member bills see: [Residential Tenancies Amendment \(Reasons for Termination\) Bill 2021](#) (Julia Finn); and [Residential Tenancies Amendment \(Prohibiting No Grounds Evictions\) Bill 2022](#) (Jenny Leong).

³⁷ J Leong, [Residential Tenancies Amendment \(Prohibiting No Grounds Evictions\) Bill 2023](#), *NSW Hansard*, 8 February 2024.

- The landlord intends to carry out renovations or repairs that will make the property uninhabitable for a period of more than 4 weeks
- The premises will be used in a way, or kept in a state, that it cannot be used as a residence for at least 6 months
- Other grounds prescribed by regulations.

The landlord would be required to give the tenant 90 days notice in respect of fixed term and periodic tenancies. It would be an offence for the landlord to allow the premises to be used other than in accordance with the ground on which the termination order was made. The maximum penalty would be a fine of \$11,000. The NSW Civil and Administrative Tribunal would also have the power to order the landlord to use the premises in accordance with that ground, or to order the landlord to pay compensation to the tenant.

When the Bill was debated in the Legislative Assembly on 9 May 2024, the government and opposition said that they would not support the Bill.³⁸ The Minister for Fair Trading and Better Regulation, Anoulack Chanthivong, stated:

The Government continues to engage with the sector to refine its approach and, therefore, stands against this bill, not out of disregard for the concerns of renters but in pursuit of a more balanced and workable solution that is underpinned by extensive consultation.³⁹

The minister outlined some problems the government had with the Bill including that it includes only a short list of additional reasons for termination, it requires a 90-day termination notice period for leases of 6 months or less, and it does not require any evidence to be provided to the renter as part of the termination process

Tim James MP, for the opposition, said:

The Greens have not adequately found a balanced middle ground approach. We should not jump to enact a policy that would destabilise the rental market, discourage rental supply and make the situation and conditions even worse for renters.⁴⁰

During the debate on 16 May 2024, the Legislative Assembly referred the Bill to a select committee for report by 20 September 2024.⁴¹ The terms of reference for the inquiry are:

- (a) the provisions of the bill, with particular reference to:

³⁸ [Residential Tenancies Amendment \(Prohibiting No Grounds Eviction\) Bill 2024](#), *NSW Hansard*, 9 May 2024.

³⁹ A Chanthivong, [Residential Tenancies Amendment \(Prohibiting No Grounds Eviction\) Bill 2024](#), *NSW Hansard*, 9 May 2024.

⁴⁰ T James, [Residential Tenancies Amendment \(Prohibiting No Grounds Eviction\) Bill 2024](#), *NSW Hansard*, 9 May 2024.

⁴¹ [Residential Tenancies Amendment \(Prohibiting No Grounds Eviction\) Bill 2024](#), *NSW Hansard*, 16 May 2024.

- (i) the grounds on which an eviction is reasonable;
 - (ii) the appropriateness of evidence requirements to support reasonable grounds or a penalty scheme for those who falsely claim a reasonable ground; and
 - (iii) any unintended consequences, including on housing affordability and availability for renters and owners.
- (b) a jurisdictional comparison of no-grounds eviction policies.⁴²

⁴² NSW Parliament, [Legislative Assembly Select Committee on the Residential Tenancies Amendment \(Prohibiting No Grounds Evictions\) Bill 2024](#), accessed 24 May 2024.

6. Other states and territories

6.1 Summary of laws

Western Australia and Northern Territory allow landlords to issue no grounds evictions for fixed term and periodic tenancies (Table 1).⁴³ Tasmania allows no grounds evictions for fixed term tenancies but has banned them for periodic tenancies since 1997.⁴⁴ In recent years, several states and territories have introduced reforms. In 2021, Victoria banned no grounds evictions for fixed term tenancies except at the end of the first term, and for periodic tenancies.⁴⁵ In 2022, Queensland banned no grounds evictions for periodic tenancies but has retained them for all fixed term tenancies.⁴⁶ In 2023, the ACT and South Australia banned no grounds evictions for both fixed term and periodic tenancies (as at 31 May 2024, the South Australian laws have not yet come into force).⁴⁷

Table 1: Legal status of no grounds evictions in other states and territories

No grounds evictions	States and territories
Allowed for fixed term and periodic tenancies	Northern Territory Western Australia
Allowed for fixed term tenancies but banned for periodic tenancies	Tasmania Queensland
Allowed for fixed term tenancies at end of first term but banned for subsequent fixed term tenancies and for periodic tenancies	Victoria
Banned for fixed term and periodic tenancies	Australian Capital Territory South Australia

⁴³ See [Residential Tenancies Act 1987 \(WA\)](#), [Residential Tenancies Act 1999 \(NT\)](#). See also K Bourke, [Why the WA government won't outlaw 'no cause' evictions a year out from an election](#), ABC News, 17 March 2024.

⁴⁴ [Residential Tenancy Act 1997 \(TAS\)](#), section 42.

⁴⁵ [Residential Tenancies Amendment Act 2018](#), which amended the [Residential Tenancies Act 1997 \(VIC\)](#). The 2018 amendment Act did not commence until March 2021. See also Engage Victoria, [Fairer Safer Housing](#), n.d., accessed 12 March 2024; D Andrews, [Andrews Labor Government Will Make Renting Fair](#) [media release], Victorian Government, 8 October 2017, accessed 12 March 2024.

⁴⁶ [Housing Legislation Amendment Act 2021](#), which amended the [Residential Tenancies and Rooming Accommodation Act 2008 \(QLD\)](#). The 2021 amendment Act commenced in October 2022. For background, see Department of Housing, Local Government, Planning and Public Works, [Rental Law Reform](#), last updated 1 September 2023, accessed 12 March 2024.

⁴⁷ In relation to the ACT, see [Residential Tenancies Legislation Amendment Act 2023](#), which amended the [Residential Tenancies Act 1997 \(ACT\)](#). See also Justice and Community Safety Directorate, [Reforms to Tenancy and Occupancy Laws in 2023](#), n.d., accessed 12 March 2024. In relation to South Australia, see [Residential Tenancies \(Miscellaneous\) Amendment Act 2023](#), which amended the [Residential Tenancies Act 1995 \(SA\)](#). See also Consumer and Business Services, [Review of SA's renting laws](#), n.d., accessed 12 March 2024. No date has been set yet for the commencement of the new provisions.

The states and territories that have recently banned no grounds evictions specify similar reasons for a landlord to end the tenancy without the tenant being at fault:

- Occupation of premises by landlord or relatives
- Repairs, renovation or demolition of premises
- Sale of premises with vacant possession
- Use of premises for another purpose such as a business.⁴⁸

As at 31 May 2024, the reasons have not been prescribed in South Australia.

Most of the states and territories that have banned no grounds evictions require documentary evidence of the valid reasons.⁴⁹ In Queensland, it is an offence for a landlord to make a false or misleading information in a notice to leave.⁵⁰ Several states have also introduced offences that prohibit a landlord from reletting the premises for use as a residence within 6 months.⁵¹ The penalties for individuals range from \$7,740 in Queensland to \$28,847 in Victoria (larger penalties apply in Victoria in the case of a corporation). In Victoria and Queensland, a landlord generally needs to give the tenant 60 days' notice to vacate. In the ACT, the notice periods vary from 8 to 26 weeks.

6.2 Impact of reforms

There is limited evidence on the impact of the reforms. In August 2022, it was reported that the Real Estate Institute of Queensland was advising property managers to move all renters on to a fixed-term lease and issue them a notice to leave at the start of every tenancy (to ensure they could be evicted at the end of the fixed term). The housing department said this was 'not in the spirit' of the reforms.⁵² In September 2023, the Victorian Government announced some further reforms including 'cracking down on an emerging trend which has seen some landlords evict tenants at the end of their first fixed-term lease in order raise the rent substantially when re-listing the rental property.'⁵³

⁴⁸ See [Residential Tenancies Act 1997](#) (VIC), ss 91ZW – 91ZZDA; [Residential Tenancies and Rooming Accommodation Act 2008](#) (QLD), ss 286-291; [Residential Tenancies Act 1997](#) (ACT), Sch 1, cl 96.

⁴⁹ See [Residential Tenancies Act 1997](#) (VIC), ss 91ZZO; [Residential Tenancies Act 1997](#) (ACT), Sch 1, cl 96; [Residential Tenancies Act 1995](#) (SA), new s 91.

⁵⁰ [Residential Tenancies and Rooming Accommodation Act 2008](#) (QLD), ss 365A

⁵¹ See [Residential Tenancies Act 1997](#) (VIC), ss 91ZZH (this offence does not apply to a termination on the ground of repairs); [Residential Tenancies and Rooming Accommodation Act 2008](#) (QLD), ss 365B to 365D (this offence does not apply to a termination on the ground of repairs, renovation or demolition); [Residential Tenancies Act 1995](#) (SA), new s 91A (offence will apply to terminations on prescribed grounds).

⁵² J Hinchliffe, [State government 'disappointed' as Queensland real estate peak body urges skirting of new eviction laws](#), *Guardian*, 9 August 2022, accessed 11 April 2024.

⁵³ Victoria Government, [Protecting renters' rights](#), updated 20 September 2023, accessed 11 April 2024.

7. Reforms in other countries

7.1 Scotland

The [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#) introduced the Private Residential Tenancy (PRT) for new private tenancies from 1 December 2017.⁵⁴ The PRT created open-ended tenancies with no fixed term, where renters have the flexibility to leave with 28 days notice. Landlords must specify a prescribed ground to evict and give 84 days notice for tenants who have lived in the property for at least 6 months. The no-fault grounds on which a landlord can end a tenancy include:

- Landlord intends to sell the property
- The landlord intends to refurbish the property
- The landlord or a member of the landlord's family intends to live in the property
- The landlord intends to use the property for a purpose other than housing.⁵⁵

The Act lists examples of evidence tending to show that the landlord has the relevant intention. As a result of temporary amendments during the pandemic, which were made permanent in 2022, in addition to establishing the relevant ground, the First-tier Tribunal for Scotland must also be satisfied that it is reasonable to issue an eviction order.⁵⁶ The tribunal also has the power to make a Wrongful Termination Order (WTO) if it finds that the tenant was misled by the landlord into ceasing to occupy the property.⁵⁷ A WTO may require the landlord to pay the former tenant an amount not exceeding 6 months' rent.⁵⁸

In December 2021, the Scottish Government launched a consultation entitled *A New Deal for Tenants* which sought views in a range of areas including the grounds for eviction. On 26 March 2024, the government introduced the [Housing Scotland Bill](#) into Parliament. The Bill does not propose changing any of the no-fault grounds on which a landlord can end a tenancy. However, it would require the tribunal, when specifying in an eviction order the day when a tenancy comes to an end, to consider if it would be reasonable to delay the ending

⁵⁴ For background to these laws, see K Berry and S Harvie-Clark, [Private Housing \(Tenancies\) \(Scotland\) Bill](#), Scottish Parliament Information Centre (SPiCe), 28 October 2015.

⁵⁵ Schedule 3 of the Act.

⁵⁶ [Coronavirus \(Scotland\) Act 2020](#); [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#)

⁵⁷ Sections 57-59 of the Act.

⁵⁸ For tribunal decisions, see Housing and Property Chamber First Tier Tribunal for Scotland, [Other Private Tenancy Applications Decisions](#), Rule 110, accessed 26 April 2024. See also M Combe and P Robson, [A Review of the First Wrongful-Termination Orders Made Under the Private Housing \(Tenancies\) \(Scotland\) Act 2016: Do They Sufficiently Protect Those Misled Into Giving Up a Tenancy?](#), 2021, *Juridical Review*, 88.

of the tenancy due to reasons such as financial hardship or impacts on health.⁵⁹ As at 31 May 2024 the Bill had not been passed.

The Nationwide Foundation, a charity, has commissioned research to evaluate the impact of the PRT introduced in 2017. Wave 1 and Wave 2 reports were published in 2021 and 2022, with a final report due in 2024.⁶⁰ The Wave 1 report stated that ‘there appears to be little concern about [the loss of the ‘no-fault’ eviction ground] so far from landlord and letting agents, although noting that not all will have experienced the PRT yet.’⁶¹ The Wave 2 report commented that ‘the change in legislation [during the pandemic] has resulted in some landlords applying stricter eligibility for letting.’⁶²

7.2 England

The 2019 the Conservative Party Manifesto included abolishing no grounds evictions, which was confirmed in a 2022 UK Government white paper, *A Fairer Private Rented Sector*.⁶³ In May 2023, the UK Government introduced the [Renters \(Reform\) Bill](#) into the House of Commons, which contains various amendments to the [Housing Act 1988](#) including abolishing no grounds evictions.⁶⁴ Under the Bill, the main no-fault grounds on which a landlord could end a tenancy are:

- The landlord or their close family member wishes to move into the property (cannot be used for the first 6 months of a new tenancy)
- The landlord wishes to sell the property (cannot be used for the first 6 months of a new tenancy)
- The landlord wishes to demolish or substantially redevelop the property which cannot be done with the tenant living in the property.⁶⁵

A landlord relying on one of these grounds would need to give the tenant 2 months’ notice to vacate. There would be a prohibition on landlords misusing the grounds for ending a tenancy, and on reletting or remarketing the property within 3 months of obtaining possession on the grounds of occupation or selling.⁶⁶ The local housing authority would be

⁵⁹ Proposed new section 51A of the Act.

⁶⁰ RentBetter, [Findings](#), accessed 26 April 2024.

⁶¹ A Evans et al, [RentBetter: Wave 1 Baseline Report](#), Indigo House, August 2020, p 61.

⁶² A Evans et al, [RentBetter: Wave 2 Final Report](#), Indigo House, April 2022, p 63.

⁶³ See Conservative Party, [The Conservative and Unionist Party Manifesto 2019](#), 2019, p 29; and Department for Levelling Up, Housing & Communities, [A Fairer Private Rented Sector](#), UK Government, June 2022.

⁶⁴ See W Wilson and H Cromarty, [Renters \(Reform\) Bill 2022-23](#), House of Commons Library, Research Briefing, UK Parliament, 21 October 2023.

⁶⁵ See [Renters \(Reform\) Bill: Explanatory Notes](#), House of Commons, 8 November 2023, Appendix B.

⁶⁶ Proposed new section 16E.

able to impose a financial penalty on a landlord of up to £5,000 or – if the landlord is guilty of a related offence – a financial penalty of up to £30,000.⁶⁷

In October 2023, the government explained that the legislative reforms would not be enacted until improvements had been made to the court system so that it can deal with claims for possession more quickly.⁶⁸ The Bill passed through the House of Commons in April 2024 but had not passed the House of Lords prior to the dissolution of parliament on 30 May 2024.⁶⁹ The general election is taking place on 4 July 2024.

7.3 New Zealand

Following a consultation in 2018, the New Zealand Labour government introduced reforms to the [Residential Tenancies Act 1986](#) in 2020.⁷⁰ Under phase 2 of the reforms from February 2021, landlords are no longer able to end a periodic tenancy without cause, and new fixed term tenancies generally automatically convert into periodic tenancies at the end of the fixed term.⁷¹ The main grounds for no-fault termination include:

- The owner or a member of the owner's family requires the premises to be a principal place of residence
- The property is to be sold
- The premises are to be converted into commercial premises
- Extensive alterations, refurbishment, repairs or redevelopment of the property are to be carried out, or the premises are to be demolished.⁷²

Generally, notice periods for terminating a tenancy range from 63 days to 90 days depending on the grounds.⁷³ A landlord must not give a notice to terminate a tenancy knowing they are not entitled to do so.⁷⁴ Doing so is an unlawful act for which exemplary damages may be awarded up to a maximum of \$6,500.⁷⁵

⁶⁷ Proposed new sections 16F, 16I.

⁶⁸ UK Government, [Reforming the Private Rented Sector: Government response to the Committee's Fifth Report of Session 2022-23](#), 20 October 2023, p 11.

⁶⁹ For a recent article discussing the bill, see H Farley, [Michael Gove can't guarantee no-fault eviction ban before election](#), BBC, 25 April 2024. See also J Tobin, [Renters \(Reform\) Bill](#), House of Lords Library, 9 May 2024.

⁷⁰ See P Twyford, [Government to make life better for renters](#) [media release], New Zealand Government, 27 August 2018. The reforms were introduced by the [Residential Tenancies Amendment Act 2020](#).

⁷¹ See Tenancy Services, [Security of rental tenure – law changes](#), accessed 5 April 2024 and Tenancy Services, [Fixed-term tenancies converting to periodic tenancies](#), accessed 5 April 2024.

⁷² Section 51, [Residential Tenancies Act 1986](#).

⁷³ Section 51, [Residential Tenancies Act 1986](#).

⁷⁴ Section 60AA, [Residential Tenancies Act 1986](#).

⁷⁵ Sections 60AA, 109, Schedule 1A, [Residential Tenancies Act 1986](#).

In the lead up to the 2023 election, the National Party claimed that the new tenancy law changes had ‘decreased supply and pushed up rents’ and said that if elected they would reverse the Labour government’s removal of no cause terminations.⁷⁶ On 15 May 2024 the new National Party government introduced the [Residential Tenancies Amendment Bill](#) to remove no cause terminations.⁷⁷ As at 31 May 2024, the Bill had not been debated. The Social Services and Community Committee is due to report on the Bill on 20 November 2024. A February 2024 regulatory impact statement concluded ‘evidence regarding the impact of the 2020 tenancy law reforms on rental supply, rent increases and tenant vetting is limited, and insufficient to establish a causal relationship.’⁷⁸

⁷⁶ C Bishop, [Tenancy changes to help ease rental housing crisis](#) [media release], New Zealand Government, 27 April 2023.

⁷⁷ See also C Bishop, [Tenancy rules changes to improve rental market](#) [media release], New Zealand Government, 11 April 2024. See also Ministry of Housing and Urban Development, [Proposed changes to the Residential Tenancies Act 1986: Termination of tenancies](#), n.d., accessed 1 May 2024.

⁷⁸ Ministry of Housing and Urban Development, [Regulatory Impact Statement: Residential Tenancies Act tenancy termination amendments](#), New Zealand Government, 21 February 2024.

**Residential tenancy law reforms: no
grounds evictions**

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