

Notice to vacate from mortgagee to tenant/s (Form 19)

Residential Tenancies and Rooming Accommodation Act 2008
(Section 317)



This notice informs the tenant/s that the mortgagee (or appointed person) will be taking possession of the premises.

The majority of owners borrow monies from either a bank or a lending institution to assist with the purchase of their rental property. The lender will normally take a mortgage over the property to secure the loan. If the owner fails to pay the loan repayments in accordance with the mortgage and are in default of the mortgage, the lender (mortgagee) may exercise their right to take possession of the property.

By signing and issuing this notice, the mortgagee (or appointed person) confirms that all of the following apply in this situation:

- the residential premises stated in item 1 are subject to a mortgage
- a residential tenancy agreement was entered into for the premises after the premises became subject to the mortgage
- the mortgagee under the mortgage does not consent to the tenancy
- the mortgagee, or another person appointed under the mortgage, has become entitled to obtain possession of the premises.

This notice must be signed by the mortgagee (or appointed person) and given to you at least 2 months before you are required to move out. The agreement ends on the day you vacate the premises, and rent must be paid up to and including that day. The mortgagee may ask you (in writing) to pay them the rent instead of the lessor/agent.

You must move out by the date stated on this notice (see item 5 below) or further action may be taken by the mortgagee.

Note: For a fixed term tenancy that the mortgagee has consented to, the mortgagee cannot issue this notice to tenant/s until the expiry of the fixed term.

1 Address of the rental premises

		Postcode

2 Notice issued by

Full name/trading name			
Address			Postcode
Phone		Mobile	
Email			

3 Notice issued to

Full name/s

1.	
2.	
3.	

4 Notice issued on

Day	Date	Method of issue (e.g. by post, in person)
<input type="text"/>	<input type="text"/>	<input type="text"/>

5 Tenant/s must vacate the premises on

Day	Date
<input type="text"/>	<input type="text"/>

6 Signature of the mortgagee/appointed person

Print name	Signature	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do not send to the RTA—give this form to the tenant/s, keep a copy for your records.

