



## Information Sheet for Tenants about attending Court and Evictions

- **Always attend court, no matter what other advice you have been given by someone else. Confirm with the court** if you think the date has been changed or the case was dismissed/cancelled by agreement before the date you were due in court.  
Be 100% sure of your facts. You can call Mandurah Magistrates Court on 9583 1100 to check the details or if you are in **ANY** doubt.
- Even if you feel that your chances of success are low you should still seek advice from an organisation such as Peel CLS on how you might be able to resolve the issue or make the impact less negative or traumatic on yourself and your family and you should always attend your court date.  
Peel CLS has experience with tenancy matters and are able to help you go through your options. Call us on 9581 4511 to make an appointment.
- **DO NOT MAKE ANY REPAYMENT AGREEMENT THAT YOU CANNOT STICK TO.** If you do not pay the amount you agreed, the owner is more likely to proceed to evicting you as fast as possible (termination) because they would have lost trust that you will keep to the agreement. They are well within their rights to do this if you do not make the repayments you agreed to.
- Communicate with the property manager or owner. **Get any agreement in writing.**
- Even when you feel the other party is the aggressor or to blame, speak softly and do not use abusive or offensive language. You are more likely to resolve the issue in your favour if you remain calm about it.
- Emails or texts can be used at court and can reflect badly on your character so make sure that when you are communicating the language and information is factual and to the point. Do not use any abusive or offensive language or talk about issues not relating to your tenancy issue. DO NOT use Facebook/social media to comment on the situation, put defamatory remarks or write a nasty post.
- If you believe a Real Estate Agent is acting improperly or illegally you can report them to REIWA on 9380 8222 or DMIRS through <https://www.commerce.wa.gov.au/consumer-protection/housing-and-accommodation> or by phone on 1300 304 054.
- Before you go to court write down the main facts you believe are important and have your evidence, emails /photos/receipts etc. printed out. The Tenancy WA fact sheet "Going to Court" and this is worth reading before your first court appearance. <http://www.tenancywa.org.au/fact-sheets>
- When you are in court, take deep breaths and stay calm. You can check your notes to keep you on track and to make sure you have said everything you want to say. It's a good idea to practice on your family and friends at home first to build your confidence.
- **Ask if you don't know** if you are in front of the Registrar or Magistrate. Normally the Magistrate at Mandurah will not start until 10am, and the Registrar starts at 9am.



- Remember the Registrar is there to help both parties come to an agreement to resolve the problem. In most cases (especially with Bonds) neither party is a winner if an agreement cannot be made.
- **If you disagree with a suggested order you must say at the time that you don't agree to the order.** If either party disagrees to a suggested order they can ask politely for it to be heard by a Magistrate. If you think with more time or support that an agreement could still be negotiated you can ask for an adjournment to seek further advice from an agency such as Peel CLS and negotiate further.
- If you agree to a Termination order you may ask for the order to be made a number of weeks into the future to allow you time to move and to make an agreement regarding the arrears/property condition etc.

Explain to the court the impact a short termination date will have on you and your family such as having children and not having a place to take them and confirm that you will continue to pay rent. The court may reject your request but you have a right to ask. Remember the owner probably has a mortgage and will not be happy to allow you to stay if no rent is being paid adding to existing arrears.

- If you are worried about being put on the tenancy database, click on Tenancy WA "Database" factsheet link below.  
<http://www.tenancywa.org.au/sites/default/files/Version%203%20June%202016%20Residential%20Tenancy%20Databases.pdf>
- When you need a reference for your next home your next Property Manager or Landlord will be asking the previous Property Manager for a reference so try to keep your relationship with them polite, no matter what your opinion of them is.
- DMIRS (formerly Dept. of Commerce) has a helpful app for people renting in WA. You can keep a record of your tenancy such as loading photos of the property when you move in and when you move out onto the app, your property condition reports, inspections and any emails regarding your Tenancy.  
<https://www.commerce.wa.gov.au/consumer-protection/irentwa>
- Make sure you write your comments about the property such as any damage or concerns you have on the first Property Condition Report and return it within seven days of moving in. Remember to keep a copy of the report before you send it back.
- Be at the final inspection and take your copy of the first Property Condition Report and photos of the property (if you have them) when you moved in. This can help to avoid disputes about your Bond return.