

Serving notice to tenants

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

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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 (e.g. 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 giving consent 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. It does not need to be given to both.

Proof of service

There is no need to prove that the notice was received by the other person, only that it was properly served.

It is good practice to keep a copy of each notice, including proof of the method used to serve it, and the date it was sent or handed to the person.

Amount of notice required

The amount of notice that needs to be given 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 property to carry out an inspection.

How to count days for a notice period

Days in the notice period 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 7 working days has to be added to the notice period. Weekends, public holidays and bank holidays are not counted in the 7 days.

Example 2

If a landlord posts a 14-day termination notice on Friday 1 February, the 7 working days for postage starts on Monday 4 February.

The notice is considered to have been served on Tuesday 12 February.

The first day of the 14-day notice period starts on Wednesday 13 and ends on Tuesday 26 February.

[Prev](#) Landlord access and entry to a rental property

[Next](#) Sharing a rented home

<https://www.fairtrading.nsw.gov.au/housing-and-property/renting/during-a-tenancy/serving-notice-to-tenants> 23-03-20

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