



# Re-Letting Exclusion for Change of Circumstances

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# Re-Letting Exclusion for Change of Circumstances

With the new Residential Tenancy Reforms that commenced on 19 May 2025, some new termination grounds have a restriction against re-letting the premises within a certain period of time after the tenancy has ended.

These are referred to as **Tenancy exclusion periods** and apply to grounds where the landlord needs the property back without tenants because they will use it for something else. Properties

**cannot** be relet in the exclusion period without prior approval from NSW Fair Trading.

Should a landlord's circumstance change, they will need to apply to NSW Fair Trading for approval to relet the property during the exclusion period. This application is online on the NSW Fair Trading website and supporting evidence will need to be provided.

Penalties will apply where properties are relet during the exclusion period unlawfully.

| Reason the tenancy is ending   | Re-letting Exclusions |
|--|-----------------------|
| Premises are no longer to be used as a residential rented premises for 12 months | 12 months             |
| Demolition of premises   | 6 months              |
| Proposed sale of premises  | 6 months              |
| Landlord or family member to reside at the premises                              | 6 months              |
| Significant renovations or repairs   | 4 weeks               |



## Application for Re-Letting Exemption

If a landlord's circumstances have changed in relation to why they gave a termination notice and they wish to re-lease a residential property during an exclusion period, they will need to make application to NSW Fair Trading for an approval.

There is a specific form that is to be used in these circumstances, and it is to be used when:

- » a tenancy has been terminated for a reason under the Residential Tenancies Act 2010 that has a tenancy exclusion period; **and**
- » The property is still within the tenancy exclusion period; **and**
- » The landlord was unable to carry out the reason for ending the tenancy due to circumstances beyond their control, **and**
- » The landlord is seeking to rent the property out again before the tenancy exclusion period ends.

As part of a re-letting application form, a landlord will need to submit:

- » a copy of original termination notice issued; **and**
- » a copy of supporting documents that were provided to the tenant when

ending the tenancy; **and**

- » documents to support the change of circumstance and the reason for the request.

Note that both of the lists above for the requirements for the application have the word **“and”** between each point. This means that ALL of these requirements need to be met as part of the application.

NSW Fair Trading will review the information provided by the landlord and decide the best course of action. Fair Trading will make every effort to contact the landlord within three (3) working days with an outcome.

The online application on the NSW Fair Trading website, for a [“Re-letting Application form for Change of Circumstances”](#) includes the question that relates to each of the points noted above, and provides the capacity to upload five (5) supporting documents as part of the application.

It is essential that property managers work with their landlords to ensure that this process is followed if the landlord is wishing to re-let a property during an exclusion period.

Rosy Sullivan

Director | College Principal

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