

Enforcing a Tribunal Order for Eviction

HOW AND WHEN TO REQUEST A SACAT BAILIFF

At the completion of a hearing, the SACAT Member will generally make a decision. That decision will be recorded in a Tribunal order.

An order is a legally enforceable direction of SACAT for a person to do something.

All SACAT orders for housing disputes are enforceable.

If SACAT has made an order that a tenant or resident is to 'give up' possession of a property or room (that is, to vacate), then that order can be enforced by a SACAT Bailiff. Only a Bailiff has the power to evict a tenant/resident.

Where SACAT has made an order for possession

If SACAT has made an order for a tenant/resident to vacate and the tenant/resident has not vacated, then the landlord (or agent)/proprietor should contact SACAT in writing (which may be by fax or email) and request for a Bailiff to attend to evict the tenant or resident.

The Bailiff will contact the landlord (or agent)/proprietor and make the necessary arrangements.

It is important to note that a request for a bailiff must be made within 14 days of the date of the eviction.

Where SACAT has made an order for possession if the tenant fails to make a payment

Sometimes SACAT makes an order which requires the tenant to make a payment and the order states that if the payment is not made then the tenant must vacate on the following day.

If the tenant fails to make the payment and fails to move out, then the landlord/agent must lodge a statutory declaration about the missed payment and an up-to-date rent record with a written request (which may be by email) for the Bailiff to attend.

The Bailiff will contact the landlord or proprietor and make the necessary arrangements.

To download a template statutory declaration form visit www.sacat.sa.gov.au and click on *Decisions & reviews > Enforcing a decision or follow this link.*

SACAT does not guarantee the accuracy or completeness of this Information Sheet and does not accept any responsibility if you rely on it.

You should always seek your own legal advice.

