**FORM 5**

**WARRANT OF POSSESSION**

IN THE MAGISTRATES’ COURT Court Number:

OF VICTORIA

AT Venue

RESIDENTIAL TENANCIES

BETWEEN

Applicant

OF

And

Respondent

OF

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| TO: | \*OFFICER IN CHARGE, POLICE STATION at | | | | place, or | |
|  | \*[name of authorised person] | | | | | |
|  |  | | | | | |
| TAKE NOTICE THAT on | | [date] | | the Magistrates’ Court of | | |
| Victoria ordered that the \*renter/\*resident/\*site tenant vacate \*rented premises/ | | | | | | |
| \*a room and rooming house/\*a building/\*a site or caravan at – | | | | | | |
| [insert details] | | | | | | |
|  | | | | | | |
| AND that a warrant of possession issue. | | | | | | |
| YOU are authorised, within | | | [insert number of days, not to exceed 30] | | | days of |
| the day on which this warrant was issued – | | | | | | |
|  | | | | | | |
| 1. to enter the \*rented premises/\*room and rooming house/\*building/\*site or caravan, by force if necessary and 2. with such assistance as is necessary –    1. to compel all persons for the time being occupying the \*rented premises/\*room (other than a shared room)/\*building/\*site or caravan to vacate and give possession of them to the applicant; or    2. to compel any person named in the possession order to vacate the shared room. | | | | | | |
|  | | | | | | |

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| --- | --- | --- |
| **NOTES** | | |
| 1. Section 355(3) of the **Residential Tenancies Act 1997** provides that a warrant of possession does not authorise the person to whom it is directed to remove any goods from rented premises or a room in a rooming house or a site or caravan. | | |
| 1. Section 355(4) of the **Residential Tenancies Act 1997** provides that entry under a warrant of possession must not be made –    1. between the hours of 6 p.m. and 8 a.m. ; or    2. on a Sunday or public holiday. | | |
| 1. Despite note 1, section 360 of the **Residential Tenancies Act 1997** provides for the sheriff, after a warrant of possession has been returned to the principal registrar, to remove a caravan and any goods of value in it from a caravan park and to store the caravan and goods in a safe place. | | |
|  | | |
| Date of issue – |  | |
|  |  | |
|  |  | Registrar |
|  |  |  |
| \*delete if inapplicable | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| *This section below must be completed and the warrant returned to the Court of issue within 60 days after the date of issue.* | | | | | |
| To: The Principal Registrar, Magistrates’ Court of Victoria at | | |  | | |
| This warrant was executed by me on |  | | at |  | am/pm |
| [OR] |  | | | | |
| This warrant has not been executed and returned on | |  | | | |
|  | |  | | | |
|  | | Officer name, rank and number  Station name | | | |