FORM 5
WARRANT OF POSSESSION

IN THE MAGISTRATES' COURT
OF VICTORIA
AT

Court Number:

RESIDENTIAL TENANCIES

BETWEEN

OF

Applicant

And

OF

Respondent

TO: *OFFICER IN CHARGE, POLICE STATION at

,or

TAKE NOTICE THAT on   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 –

AND that a warrant of possession issue.

YOU are authorised, within   days of

the day on which this warrant was issued –

a) to enter the *rented premises/*room and rooming house/*building/*site or
   caravan, by force if necessary and

b) with such assistance as is necessary –

   i.   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

   ii.   to compel any person named in the possession order to vacate the
         shared room.

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.

2. Section 355(4) of the **Residential Tenancies Act 1997** provides that entry under a warrant of possession must not be made –

    a) between the hours of 6 p.m. and 8 a.m. ; or

    b) on a Sunday or public holiday.

3. 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