

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