**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.
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| 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.
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|  |
| Date of issue –  |       |
|  |  |
|  |  | Registrar |
|  |  |  |
| \*delete if inapplicable  |

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| *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 numberStation name |