

## **Notice to Vacate Mortgaged Property: Fact Sheet**

### **What does it mean if you've been given a Notice to Vacate Property?**

A Notice to Vacate Property is a notice issued by the Sheriff which informs you that on or after the vacate date, the sheriff will return to your house, ask you to leave and change the locks to your house.

If you have been given a Notice to Vacate Property it is likely a creditor such as a bank or lender has obtained a court order against you and has asked the Sheriff to remove you from your house so they can sell it to repay your debt.

You should cooperate with the Sheriff. If you do not cooperate, the Sheriff may call the police for assistance. You should not be asked to leave your house before the vacate date specified on the notice.

### **What can you do if you receive a Notice to Vacate Property?**

1. Check the vacate date on the notice to see how much time you have before the Sheriff returns.
2. Contact the creditor or their representative (the name and contact details of the creditor or their representative are on the notice):
  - a. Ask the creditor to cancel or postpone the eviction to allow you time to get advice or assistance. Get their confirmation of this in writing if you can.
  - b. You can ask the creditor to provide you with hardship assistance. If they do not offer you hardship assistance you can make an internal complaint to the creditor. The creditor should not take any further action against you while they are considering your complaint.
3. If the creditor refuses to help you and they are a member of the Australian Financial Complaints Authority (AFCA), you can ask AFCA to intervene. You can find information about the types of complaints you can make [here](#), and how to make a complaint [here](#).



# Mortgage Stress Victoria

If you meet Mortgage Stress Victoria's eligibility criteria, call us on 1800 572 292, email [info@mortgagestress.org.au](mailto:info@mortgagestress.org.au), or submit a webform via [Mortgage Stress Victoria – Get help with your mortgage stress](#) to seek advice specific to your circumstances.

## **How can you find out if the creditor is a member of AFCA?**

You can search AFCA's database [here](#).

***\*This fact sheet is a guide to the law in Victoria, Australia. It is not a substitute for legal advice. Written by Mortgage Stress Victoria in December 2024.***