

# Evictions in Austria

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Concerning eviction the rent law protects all tenants who lives permanently in flats (main residence place). There exceptions in one/two-family – houses and if the landlord is a non profit organisation working in a charitable or humanitarian field and if it is combined with a kind of social care - in these cases the following rules are not valid.

The Landlord can evict the tenant only through a procedure at the court and he need to have a legal reason ( written in the tenant law).

Following reasons allow to put the contract to the court:

1. not paying the rent
2. destroying the substance of the flat or the building or an behaviour which disturbs permanently and strongly the peace of the house community (eg not cleaning the own flat and the whole building begins to stink, or building a bath without a protection against moisture)
3. an attack against the property, morality or the integrity of the human body of the landlord/other tenants which is punished by law or bad behaviour against other tenants or persons living in the flat
4. if the tenant leaves the flat and sublet the flat
5. if the tenant has his/hers main residence in another flat and no family member lives in the flat
6. if the tenant dies and his/her family-members don't need the flat (eg. they are living somewhere else)
7. if the tenant doesn't use the flat for the agreed use
8. if it is a simple rent-flat and the owner or his near family member need it more urgent as the tenant, and if it will harm more the owner than the tenant not to have this flat  
if it is a rented property-flat there is no check, for whom the loss of the flat has more negative consequences
9. if the landlord need the flat and can prove another similar flat to the tenant.
10. if it is a flat normally used for the workers of the landlord and if it was used before as a home for the workers of the landlord (company flats)
11. if it is a flat own by the state or a province or a community and this territorial authority-needs the flat urgent for the administration and the tenant gets another flat.
12. if it is a sublet-contract and the main tenant need it back for himself or family - members or if the continuing of the sublet contract is unacceptable
13. if there is a public interest an the deconstruction of the building and the tenant gets a new flat
14. if the building is in such bad conditions that a refurbishment isn't technical possible and the tenant gets another flat
15. if the landlord made an agreement about another reason for eviction in the contract which is similar strong as the ones mentioned above

If the landlord brings an eviction to the court, the court sends the eviction without examination to the tenant. The tenant has 4 weeks time to protest against the eviction and only if he protests the procedure starts and the court checks if there is a reason for eviction according to the law.

If the tenant doesn't protest the eviction becomes effective.

In Vienna there has been established a early warning system when evictions are put to the court, the court informs the town hall and there is an office trying to find out if the eviction can be avoided. This system has to be recognised by the tenant that means the tenant has to protest at the court if he doesn't want that the court inform the town hall about the case. So only in Vienna there are statistics about evictions:

According to the announcement to this office in 2004 there has been 8.437 new attempts to evict tenants, in the same year 3.706 tenants have been lost the procedure and had to leave their flats

Vienna has 1,675.000 Mio inhabitants and around 790.000,- primary residence flats and around 75% of them are rented.

The last official figure I could find about attempts of evictions in whole Austria (but including all kind of evictions also such about business office etc) was 45.371 evictions brought to the court – there is no statistic how these attempts are ending.