

Notice for breach of duty to tenant/s of rented premises

Residential Tenancies Act 1997 (the Act), S208(1) & (2)

Warning: Enter text in spaces provided only. This form will be invalid if you remove or change any questions or other text.

Use this form for giving notice to tenant/s for:

- using the premises in a way that caused a nuisance.
- interfering with peace, privacy and comfort of neighbours.
- causing damage to the property.
- damaging the common areas.
- not keeping the premises clean.
- installing fixtures without consent.
- altering, renovating, or adding to the premises without consent.
- failing to restore the premises to their prior condition.
- failing to supply new keys.
- changing lock without consent.
- failing to permit entry into the premises.

How to use this form

1. Identify your reason

Carefully read the reasons on the back of this page. These are all the breaches of duty specified in the Act under which a duty arises and for which you can give a breach of duty notice. Select the correct reason.

The number beside each reason is the relevant section of the Act. You should consult S207 and S208(1) of the Act to make sure that you are entitled to give a notice.

2. Complete questions 1 to 7

You must complete all boxes.

3. Sign at 8 and write your name at 9

4. Write your reason in 10

In box 10, write the section number and the exact words given to you on the back of this page.

5. Complete 11

Give details of the loss or damage caused by the breach.

6. Write what you require in 12

Select one of the two options for compliance and compensation given at 12 corresponding with the reason you have identified. Write exactly what you want them to do to remedy the breach or the amount of compensation you require if they do not remedy it. The amount of compensation you seek should reflect the amount or value of the loss or damage that you have described at 11.

7. Attachments

For some reasons you must provide evidence or receipts. If you are providing them, attach them to the notice and tick the 'yes' box in 14.

8. When the form is complete

Tear out the top copy of the form (Tenant's copy) and send to the tenant/s.

Keep the last two copies of the form for your records. If the tenant/s do not comply, you can send one of these copies to the Victorian Civil and Administrative Tribunal (VCAT) with an application to hear your case.

Telephone Interpreter Service

If you have difficulty understanding English, contact the Translating and Interpreting Service (TIS) on 131 450 (for the cost of a local call) and ask to be put through to an Information Officer at Consumer Affairs Victoria on 1300 55 81 81.

Arabic

إذا كان لديك صعوبة في فهم اللغة الإنكليزية، اتصل بخدمة الترجمة التحريرية والشفوية (TIS) على الرقم 131 450 (بكلفة مكاملة محلية) واطلب أن يوصلوك بموظف معلومات في دائرة شؤون المستهلك في فكتوريا على الرقم 1300 55 81 81.

Turkish İngilizce anlamakta güçlük çekiyorsanız, 131 450'den (şehir içi konuşma ücretine) Yazılı ve Sözlü Tercümanlık Servisini (TIS) arayarak 1300 55 81 81 numaralı telefondan Victoria Tüketici İşleri'ni aramalarınızı ve sizi bir Danışma Memuru ile görüştürmelerini isteyiniz.

Vietnamese Nếu quý vị không hiểu tiếng Anh, xin liên lạc với Dịch Vụ Thông Phiên Dịch (TIS) qua số 131 450 (với giá biểu của cú gọi địa phương) và yêu cầu được nối đường dây tới một Nhân Viên Thông Tin tại Bộ Tiêu Thụ Sự Vụ Victoria (Consumer Affairs Victoria) qua số 1300 55 81 81.

Somali Haddii aad dhibaato ku qabto fahmida Ingiriiska, La xirii Adeega Tarjumada iyo Afcelinta (TIS) telefoonka 131 450 (qiimaha meesha aad joogto) weydiisuna in lagugu xiro Sarkaalka Macluumaadka ee Arrimaha Macmiilaha Fiktooriya tel: 1300 55 81 81.

Chinese 如果您聽不大懂英語，請打電話給口譯和筆譯服務處，電話：131 450 (祇花費一個普通電話費)，讓他們幫您接通維多利亞消費者事務處 (Consumer Affairs Victoria) 的信息官員，電話：1300 55 81 81。

Serbian Ako vam je teško da razumete engleski, nazovite Službu prevodilaca i tumača (Translating and Interpreting Service - TIS) na 131 450 (po cenu lokalnog poziva) i zamolite ih da vas povežu sa Službenikom za informacije (Information Officer) u Viktorijskoj Službi za potrošačka pitanja (Consumer Affairs Victoria) na 1300 55 81 81.

Amharic አንዳንድ ጊዜ ቋንቋ ለመረዳት ችግር ካለብዎ የአስተርጓሚ አገልግሎትን (TIS) በስልክ ቁጥር 131 450 [በአካባቢ ጥሩ ሂሳብ] በመደወል በሽኩተሪያ ደንበኞች ጉዳይ ጽ/ቤት በስልክ ቁጥር 1300 55 81 81 ደውሎ ለመረጃ አቅራቢ ሠራተኛ ጋር አገላለጽ ማግኘት ይቻላል።

Dari

اگر شما مشکل دانستن زبان انگلیسی دارید، با اداره خدمات ترجمانی تحریری و شفاهی (TIS) به شماره ۱۳۱ ۴۵۰ به قیمت مخابره محلی تماس بگیرید. و بخواهید که شما را به کارمند معلومات دفتر امور مراجعین ویکتوریا به شماره ۱۳۰۰ ۵۵ ۸۱ ۸۱ ارتباط دهد.

Croatian Ako ne razumijete dovoljno engleski, nazovite Službu tumača i prevoditelja (TIS) na 131 450 (po cijeni mjesnog poziva) i zamolite da vas spoje s djelatnikom za obavijesti u Consumer Affairs Victoria na 1300 55 81 81.

Greek Αν έχετε δυσκολίες στην κατανόηση της αγγλικής γλώσσας, επικοινωνήστε με την Υπηρεσία Μετάφρασης και Διερμηνείας (TIS) στο 131 450 (με το κόστος μιας τοπικής κλήσης) και ζητήστε να σας συνδέσουν με έναν Υπάλληλο Πληροφοριών στην Υπηρεσία Προστασίας Καταναλωτών Βικτώριας (Consumer Affairs Victoria) στον αριθμό 1300 55 81 81.

Italian Se avete difficoltà a comprendere l'inglese, contattate il servizio interpreti e traduttori, cioè il "Translating and Interpreting Service" (TIS) al 131 450 (per il costo di una chiamata locale), e chiedete di essere messi in comunicazione con un operatore addetto alle informazioni del dipartimento "Consumer Affairs Victoria" al numero 1300 55 81 81.

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Reasons to use in question 10

60(1)–nuisance

you have used the premises or permitted their use in a way that caused a nuisance.

60(2)–interference with peace

you have used the premises or common areas or permitted their use in a way that caused interference with the reasonable peace, comfort or privacy of neighbours.

61(1)–damaged premises

you have failed to take care to avoid damaging the premises.

61(2)–damaged common areas

you have failed to take reasonable care to avoid damaging the common areas.

63–unclean premises

you have not kept the premises reasonably clean.

64(1)(a)–fixtures without consent

you have installed fixtures without my consent.

64(1)(b)–alterations without consent

you have altered, renovated or added to the premises without my consent.

64(2)–failure to restore premises

you have not restored the premises to the condition they were in prior to the installation of fixtures, or renovation or addition to the premises fair wear and tear excepted, or paid compensation equal to the reasonable cost of restoring the premises.

70(2)–failure to supply key

you have not provided me with a key to an external door or window since you changed the locks.

70(3)–change of lock without consent

you have changed a lock in a master key system without my consent.

89–duty to permit entry—for a person exercising a right of entry under S86

86(1)(b)—you did not permit a person exercising a right of entry to enter the premises to show them to a prospective buyer or lender.

86(1)(d)—you did not permit a person exercising a right of entry to enter the premises for valuation purposes.

86(1)(e)—you did not permit a person exercising a right of entry to enter the premises upon believing on reasonable grounds that you had failed to comply with your duty as a tenant.

- *Please note—the required time within which the tenant must comply is 3 days after this notice is received. You must complete 12b for this notice to be valid.*

86(1)(a)—you did not permit a person exercising a right of entry to enter the premises to show them to a prospective tenant.

86(1)(c)—you did not permit a person exercising a right of entry to enter the premises to enable the landlord to carry out a duty as a landlord.

86(1)(f)—you did not permit a person exercising a right of entry to enter the premises to inspect them, where entry for that purpose has not been made within the last 6 months.

- *Please note—the required time within which the tenant must comply is 14 days after these notices are received. You must complete 12a for this notice to be valid.*

How to serve this notice

You can serve this notice by hand, ordinary post or registered post

If you send a notice by ordinary or registered post, you must take into account the extra days it takes for the notice to be given. For ordinary post this usually means at least one business day after the notice was posted. For registered post this usually means at least two business days after the notice was posted.

If you need help with this notice, call the Consumer Affairs Victoria Helpline on 1300 55 81 81 or visit consumer.vic.gov.au/renting

Notice for breach of duty to tenant/s of rented premises

Tenant's copy

Tenant details

1. This notice is given to: *(tenant/s names)*

2. Regarding the rented premises at: *(write address)*

3. Tenant/s address: *(if same address as 2, write 'as above')*

Landlord details

4. Landlord's name: *(cannot be an agent's)*

5. Address for serving documents: *(can be an agent's)*

6. Contact telephone numbers are:

Business hours:	()
After hours:	()

Service details

7. This notice is given:

by hand:	
by registered post:	
by ordinary post:	
on (date):	/ /

8. Signature of landlord or agent:

9. Name of landlord or agent signing this notice:

Reason for breach of duty notice

10. I believe you have breached your duty as a tenant because: *(write the section number and words from the opposite page)*

11. The loss or damage caused is:

12. Compensation or compliance required

a) For breach of S60, S61, S63, S64, S70 or S89[S86(1)(a),(c),(f)] I require you to remedy the breach within 14 days after receiving this notice by:

or pay me compensation of: (\$)

OR

b) For breach of S89[S86(1)(b),(d),(e)] by refusing to permit entry I require you to remedy the breach within 3 days of receiving this notice by permitting entry;

or pay me compensation of: (\$)

13. You must not commit a similar breach again. If you do not comply with this notice the landlord may apply to the Victorian Civil and Administrative Tribunal for a compensation or compliance order or, if S249 applies, may give notice to vacate.

14. Details are attached to this notice: *(e.g. receipts, other evidence)*

yes:	
no:	

Tenant please note

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Notice for breach of duty to tenant/s of rented premises

Landlord's copy

Tenant details

1. This notice is given to: *(tenant/s names)*

2. Regarding the rented premises at: *(write address)*

3. Tenant/s address: *(if same address as 2, write 'as above')*

Landlord details

4. Landlord's name: *(cannot be an agent's)*

5. Address for serving documents: *(can be an agent's)*

6. Contact telephone numbers are:

Business hours:	()
After hours:	()

Service details

7. This notice is given:

by hand:	
by registered post:	
by ordinary post:	
on (date):	/ /

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9. Name of landlord or agent signing this notice:

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or pay me compensation of: (\$)

OR

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14. Details are attached to this notice: *(e.g. receipts, other evidence)*

yes:	
no:	

Tenant please note

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Notice for breach of duty to tenant/s of rented premises

Landlord's copy

Tenant details

1. This notice is given to: *(tenant/s names)*

2. Regarding the rented premises at: *(write address)*

3. Tenant/s address: *(if same address as 2, write 'as above')*

Landlord details

4. Landlord's name: *(cannot be an agent's)*

5. Address for serving documents: *(can be an agent's)*

6. Contact telephone numbers are:

Business hours:	()
After hours:	()

Service details

7. This notice is given:

by hand:	
by registered post:	
by ordinary post:	
on (date):	/ /

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