

A Breach of duty notice from your SDA provider

An Easy Read guide for you



How to use this guide



Consumer Affairs Victoria (CAV) wrote this guide. When you see the word 'we', it means CAV.



We have written this guide in an easy to read way.

We use pictures to explain some ideas.



We have written some words in **bold**.

We explain what these words mean.

There is a list of these words on page 16.



This Easy Read guide is a summary of a notice.



You can find the notice on our website at

www.consumer.vic.gov.au/sda



You can ask for help to read this guide.

A friend, family member or support person may be able to help you.

What's in this guide?

What is specialist disability accommodation?	4
What is this guide about?	5
Things you must do	6
Why are you getting this notice?	10
Reasons	11
Sending the notice	14
Word list	16
Contact us	18

What is specialist disability accommodation?



Specialist disability accommodation (SDA)

is accessible housing for people with disability.



SDA is part of the National Disability Insurance Scheme (NDIS).



When you live in SDA, we call you an SDA resident.



The housing is provided by an SDA provider.

What is this guide about?



This guide is about a notice from your SDA provider.



The notice is called a **Breach of duty notice**.



A Breach of duty notice is like a formal complaint.



It explains:

- what the issue is
- how it needs to be fixed.

Things you must do



There are things you must do when you live in your SDA.



They are part of your **SDA residency agreement**.



Your SDA residency agreement is an agreement between you and your SDA provider.



It explains:

- how you can expect to be treated
- the things you must do.



You must look after your SDA.



You must pay your rent on time.



You must respect:

- other people who live in the SDA
- staff who work in the SDA.



You must not do anything in your SDA that is against the law.



You must try not to cause any damage.



You must tell your SDA provider about any damage that happens.



You must keep your SDA clean.



You must not get a pet unless your SDA provider says it is ok.



If you don't do these things, your SDA provider can give you a Breach of duty notice.



If you don't fix the issue, your SDA provider can go to the **Victorian Civil and Administrative Tribunal (VCAT)**.



VCAT helps solve legal problems for people in Victoria in a way that is quick and fair.

Why are you getting this notice?



On the following pages, we explain the reasons why your SDA provider might give you a Breach of duty notice.



Each reason has a number.

This number is about the part of the law the reason comes from.



When your SDA provider fills out the notice, they need to write the:

- number
- reason.



The law that applies is the *Residential Tenancies Act 1997*.



This law protects the rights of:

- people living in SDA
- SDA providers.

Reasons



498N(1)(a) – you haven't looked after your SDA well enough and have created a **hazard**.



A hazard is something that might hurt someone.

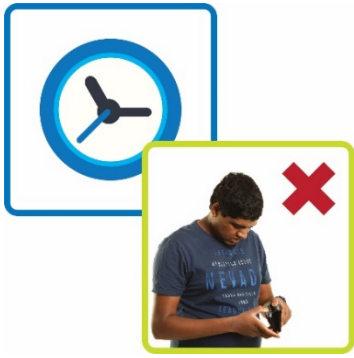


It could be a:

- health hazard
- safety hazard
- fire hazard.



498N(1)(c) – you haven't paid the cost to fix damages that you caused to your SDA.



498N(1)(d) – you haven't paid your **rent**:

- on time
- in the right way.



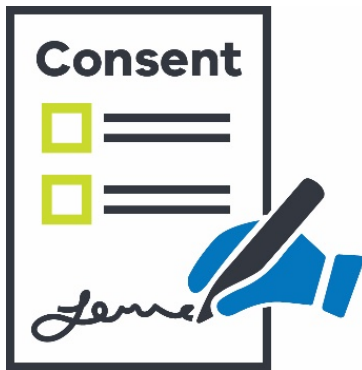
Your rent is the money you pay to live in the SDA.



498N(2)(d) – you have damaged or destroyed part of your SDA.



498N(1)(e) – you have added things to your SDA without asking your SDA provider for their **consent**.



When you give your consent, you say it is ok to do something.



498N(1)(e) – you have kept a pet in your SDA without asking your SDA provider for their consent.



498Y – you didn't let someone into your SDA who should have been let in.

Sending the notice



Your SDA provider can give you the notice:

- in person
- in the mail
- by email.



Your SDA provider must explain the notice to you in a way that you can understand.



Your SDA provider can only send you the notice by email if you have said it is ok in your agreement.

If they need to, your SDA provider will also give the notice to:



- a member of your family



- your carer or support person



- your **guardian** or **administrator** – someone who makes decisions for you



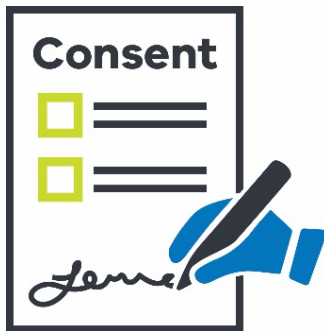
- an **advocate** – someone who speaks up for people with disability who can't speak up for themselves.

Word list



Advocate

Someone who speaks up for people with disability who can't speak up for themselves.



Consent

When you give your consent, you say it is ok to do something.



Guardian or administrator

Someone who makes decisions for you.



Hazard

A hazard is something that might hurt someone.



Rent

Your rent is the money you pay to live in the SDA.



Specialist disability accommodation (SDA)

Accessible housing for people with disability. It is part of the NDIS.



SDA residency agreement

Your SDA residency agreement is an agreement between you and your SDA provider.



Victorian Civil and Administrative Tribunal (VCAT)

VCAT helps solve legal problems for people in Victoria in a way that is quick and fair.

Contact us



1300 55 81 81

The cost is the same as a local call.

If you speak a language other than English, please contact TIS – Translating and Interpreting Service.



131 450

Ask to talk to an Information Officer at Consumer Affairs Victoria on

1300 55 81 81

TTY

If you use textphone or modem, call the National Relay Service.



133 677

Give them our number – **1300 55 81 81**



If you use Speech to Speech Relay call

1300 555 727

Give them our number – **1300 55 81 81**



www.consumer.vic.gov.au/sda



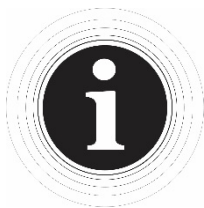
[/ConsumerAffairsVictoria](https://www.facebook.com/ConsumerAffairsVictoria)



[@consumervic](https://twitter.com/consumervic)



www.youtube.com/user/consumervic



The Information Access Group created this Easy Read document using stock photography and custom images.

The images may not be reused without permission.

For any enquiries about the images, please visit

www.informationaccessgroup.com. Quote job number 3131-B.