|  |  |
| --- | --- |
| **Notice to vacate a rooming house** *Residential Tenancies Act 1997* Section 142ZT(a)*Residential Tenancies Regulations 2021* Regulation 52 | Consumer Affairs Victoria |

**The rooming house operator** must use this form to let the **resident know that they want to end the rooming house agreement**.

# Part A – Information for the resident

This is a notice to vacate. It tells you that the rooming house operator (operator) wants you to move out on a certain date. You can find details of this date at section 4 of the form.

## Challenging a notice to vacate

You may be able to challenge this notice at the Victorian Civil and Administrative Tribunal (VCAT). Reasons to challenge a notice include:

* you believe you were given this notice due to unlawful discrimination or because you tried to exercise your rights as a resident; or
* you believe it was not given to you properly; or
* you disagree with the reason given or the information in the form is incorrect or incomplete; or
* you have experienced family or personal violence and this caused the behaviour listed in the notice to vacate. If that is the case, you should apply to VCAT within 30 days after the notice has been given.

If you have been given notice because your fixed term agreement is coming to an end, then you must apply to VCAT within 14 days after receiving the notice.

Specific timeframes may apply to certain reasons to challenge a notice. You may also challenge the validity of the notice if the rooming house operator applies to VCAT for a possession order (see below, Possession orders and warrants).

You should seek advice if you are considering challenging a notice to vacate.

## Possession orders and warrants

* If you do not vacate on the date stated in the notice, the operator may apply to VCAT asking for an order requiring you to leave (also known as a possession order). VCAT will notify you of the hearing date for this application so that you can attend. You are encouraged to attend the hearing.
* Operators must give you the appropriate notice to vacate before they apply to VCAT for a possession order.
* At the hearing, VCAT decides whether the operator was entitled to give you a notice to vacate. VCAT will make a possession order if it is satisfied that it is reasonable and proportionate to do so.
* VCAT may consider whether the notice to vacate was given in response to the act of a person who has subjected you to family or personal violence.
* VCAT will decide if you must leave the rooming house and on what date that should occur. You may ask for more time in the rooming house if you will be in hardship.
* Operators cannot personally use force to remove you if you refuse to leave the rooming house. Only Victoria Police can carry out a forcible eviction, and only when they are acting on a VCAT order (a warrant for possession).

## Seeking advice

If you think you have grounds to challenge a notice to vacate at VCAT, you should seek advice immediately by contacting one of the community legal organisations listed on the Consumer Affairs Victoria website. For further information visit the renting section of the Consumer Affairs Victoria website at [www.consumer.vic.gov.au/renting](http://www.consumer.vic.gov.au/renting) or call 1300 55 81 81.

# Part B – Details

1 Address of rooming house

|  |  |  |  |
| --- | --- | --- | --- |
| Room number |  | Street |  |
| Suburb |  |  | Postcode |

2 Resident(s) details

|  |  |
| --- | --- |
| Full name of resident 1 |  |

|  |  |
| --- | --- |
| Full name of resident 2 |  |

3 Rooming house operator/mortgagee’s/building owner’s/building lessee’s details

 I am giving you this notice as:

|  |
| --- |
| [ ]  the rooming house operator  |
| [ ]  the rooming house mortgagee |
| [ ]  the owner/lessee of the building in which rooming house is operating  |

Full name of rooming house operator/mortgagee/owner/lessee of the building (this cannot be an agent)

|  |
| --- |
|  |

Company name

|  |
| --- |
|  |

Address of rooming house operator/mortgagee/owner/lessee of the building for serving documents (this can be an agent’s address)

|  |  |  |
| --- | --- | --- |
|  | Postcode |  |

Contact details

|  |  |
| --- | --- |
| Business hours |  |

|  |  |
| --- | --- |
| After hours |  |

|  |  |
| --- | --- |
| Email address |  |

4 Termination date

The termination date must allow for:

* the minimum notice required under the Residential Tenancies Act 1997 (the Act),
* the proposed method of delivery and the date the resident(s) is expected to receive the notice.

(Refer to pages 6-8 for information on minimum notice periods)

|  |  |
| --- | --- |
| The minimum number of days’ notice required under the Act is:  |  |

|  |  |
| --- | --- |
| **I request that you vacate on or before the following termination date:** |  |

**Note:** If you want to **challenge** this notice you should seek legal advice as soon as possible.

5 Reason for notice

* The rooming house operator must select the relevant reason, section number and the minimum notice required under the Act from the information provided on pages 6 to 8 of this form and write it in the box below.
* The rooming house operator must also explain why the notice has been given. It is not enough to quote from the Act. The explanation must be sufficient so the resident can understand why the notice has been given.
* VCAT may find a notice to vacate invalid where it does not provide enough details or is not accompanied by the required documentary evidence.

**I am giving you this notice for the following reason:**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| Paperclip | In many cases this notice must be accompanied by documentary evidence. Please refer to the information on pages 6 to 8 to determine if documentary evidence is required.Is documentary evidence attached? [ ]  No[ ]  Yes ­- provide details of the evidence attached |
|  |  |

6 Delivery of this notice

* + - The notice period begins when the resident is estimated to receive this notice.
		- For information on postage times from different locations, please refer to the Australia Post website (<https://auspost.com.au/parcels-mail/calculate-postage-delivery-times>)
		- If sending by post, the rooming house operator must allow for the delivery time in calculating the proposed termination date.
		- If sending by registered post, the rooming house operator should keep evidence of the mail delivery method used to send this notice.

|  |  |
| --- | --- |
|  |  |

This notice was sent on: (insert date)

 **This notice will be delivered:**

|  |
| --- |
| [ ]  personally, for example by hand  |

|  |  |  |  |
| --- | --- | --- | --- |
| [ ]  by registered post | Expected delivery time  |  | (please see the Australia Post website) |

|  |  |
| --- | --- |
| Registered post tracking number (if applicable) |  |

|  |
| --- |
| [ ]  by email (if consent has been provided by the resident) |

|  |  |
| --- | --- |
| Postal/email address resident 1 |  |

|  |  |
| --- | --- |
| Postal/email address resident 2 |  |

7 Signature of rooming house operator/ mortgagee/owner/lessee of the building/agent

|  |  |
| --- | --- |
| Signature |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Name |  | Date |  |

# Help or further information

For further information, visit the renting section – Consumer Affairs Victoria website at [www.consumer.vic.gov.au/renting](http://www.consumer.vic.gov.au/renting) or call Consumer Affairs Victoria on **1300 55 81 81**.

# 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 450 131 (بكلفة مكالمة محلية) واطلب أن يوصلوك بموظف معلومات في دائرة شؤون المستهلك في فكتوريا على الرقم 81 81 55 1300.

**Turkish** İngilize anlamakta güçlük çekiyorsanız, 131 450’den (şehir içi konuşma ücretine) Yazılı ve Sözlü Tercümanlık Servisini (TIS) arayarak 1300 55 81 81 numerali telefondan Victoria Tüketici İşleri’ni aramalarını ve size bir Danişma Memuru ile görüştürmelerini isteyiniz.

**Vietnamese** Nếu quí 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 xiriir Adeega Tarjumida 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（衹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** Ако вам је тешко да разумете енглески, назовите Службу преводилаца и тумача (Translating and Interpreting Service – TIS) на 131 450 (по цену локалног позива) и замолите их да вас повежу са Службеником за информације (Information Officer) у Викторијској Служби за потрошачка питања (Consumer Affairs Victoria) на 1300 55 81 81.

**Amharic**  በእንግሊዝኛ ቋንቋ ለመረዳት ችግር ካለብዎ የአስተርጓሚ አገልግሎትን (TIS) በስልክ ቁጥር 131 450 (በአካባቢ ስልክ ጥሪ ሂሳብ) በመደወል ለቪክቶሪያ ደንበኞች ጉዳይ ቢሮ በስልክ ቁጥር 1300 55 81 81 ደውሎ ከመረጃ አቅራቢ ሠራተኛ ጋር እንዲያገናኝዎት መጠየቅ።

**Dari**

اگر شما مشکل دانستن زبان انگلیسی دارید، با اداره خدمات ترجمانی تحریری و شفاهی (TIS)به شماره 450 131 به قیمت مخابره محلی تماس بگیرید و بخواهید که شما را به کارمند معلومات دفتر امور مهاجرین ویکتوریا به شماره 1300 55 81 81 ارتباط دهد.

**Croatian** Ako nerazumijete 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 (ΤΙS) 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 essee messi in comunicazione con un operatore addetto alle informazioni del dipartimento “Consumer Affairs Victoria” al numero 1300 55 81 81

Information for the rooming house operator/mortgagee/owner/lessee of the building

This section is to be removed from the form before it is given to the resident.

The reference in brackets after each reason refers to the relevant section of the Act*.*

Any reference to VCAT refers to the Victorian Civil and Administrative Tribunal.

Please select the reason below and add the entire text to question 5 of this notice to vacate together with supporting factual information regarding the specific premises to validate the reason give. Include the minimum notice required under the Act to the termination date at question 4. You may wish to provide further information in addition to the documentary evidence required

| Reason | Minimum notice required under the Act |
| --- | --- |
| ****End of fixed term rooming house agreement**** (142ZA)We have a fixed term rooming house agreement which ends on or before the termination date outlined below. This fixed term rooming house agreement is not being renewed. You must vacate the premises on or before that date. Note: This notice cannot be used to shorten the length of your fixed term agreement. | 28 days |
| ****Damage**** (142ZB)You or your visitor have act or omission intentionally or recklessly caused or allowed serious damage to the rooming house or a common area.  | Immediately |
| ****Danger**** (142ZC)You or your visitor have caused by act or omission danger to:another resident in the rooming housean occupier of a neighbouring propertyme/my manager/my manager’s contractor/my manager’s employee.Note: This notice may not be given if a notice to leave under S368 has been given in respect of the same act or omission. | Immediately |
| ****Threats and intimidation**** (142ZD)You or your visitor have seriously threatened or intimidated me, my manager, my contractor or my employee. | 14 days |
| ****Disruption of peace**** (142ZE)You or your visitor have seriously disrupted the quiet and peaceful enjoyment of the rooming house by other residents. | Immediately |
| ****Non-payment of rent**** (142ZF)You owe at least 7 days rent.Rent is $..................... per weekMoney on account is .........................Date rent paid to ……………………………Amount you owe …………………………… | 2 days |
| ****Failure to comply with a VCAT order**** (142ZG)You have failed to comply with a compliance order of the VCAT under s212 of the Act. | 2 days |
| ****Successive breaches of your duty**** (142ZH)You have breached a duty owed under a duty provision within Part 5 of the Act. This is a duty that you have previously breached two or more times, and you have been given a breach of duty notice for each breach.  | 2 days |
| ****Use for illegal purposes** (142ZI)**You have used the room, or permitted its use, for an illegal purpose. | 2 days |
| ****Premises to be sold**** (142ZJ(1))The rooming house is to be sold or offered for sale with vacant possession immediately after the termination date.Note: This notice cannot be used to shorten the length of your fixed term agreement.

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv> |

 | 60 days |
| 285(1B) ****Premises to be sold (conditional contract)**** (142ZJ(2))The last of the conditions of a conditional contract for the sale of the premises was satisfied on:Date ……………..Note: This notice must be given within 14 days after the last condition is satisfied.Note: This notice cannot be used to shorten the length of your fixed term agreement.

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv> |

 | 60 days |
| ****Premises to be sold (unconditional contract)**** (142ZJ(3))An unconditional contract for the sale of the premises was entered into on: Date ……………..Note: This notice must be given within 14 days after an unconditional contract of sale is entered into.Note: This notice cannot be used to shorten the length of your fixed term agreement. Date ……………..

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv>  |

 | 60 days |
| **Notice by mortgagee** (142ZP)I am the mortgagee, entitled to possession of, or to exercise a power of sale in respect of, the rooming house.Note: Notice under this section must expire before the mortgagee can apply to VCAT for a possession order. | 60 days |
| **Repairs or demolition** (142ZK)The rooming house is to be repaired, renovated, reconstructed, or demolished immediately after the termination date and this cannot be done while you are living there. I have all the necessary permits and consents and the work cannot be carried out unless you vacate.Note: If the proposed repairs will only affect some rooms in a rooming house, the operator must not give a notice to vacate unless the resident has been offered an equivalent room in the rooming house and it has been refused. Note: This notice cannot be used to shorten the length of your fixed term agreement.

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv> |

 | 60 days |
| **Transitional housing – refusal of alternative accommodation** (142ZN)You are in transitional housing and you are required to seek alternative housing according to the requirements of the Director of Housing, published on: Date ………………….You have unreasonably refused to seek alternative housing or refused a reasonable offer of alternative accommodation. | 30 days |
| **End of building lease** (142ZO)I am the owner of the building, and it is no longer being operated as a rooming house. Note: There are several conditions which must be met in relation to this notice to vacate. Please refer to the Consumer Affairs Victoria website | 45 days or end of building lease. |
| **Tribunal order** (142ZQ)I am giving you notice to vacate because the VCAT has made an order requiring me to serve the notice.Reason for VCAT order …………………..Number of days you have to vacate…………….(Please insert the number of days that the VCAT order indicates as the minimum notice period.)  | As indicated on VCAT order |
| **No licence to operate** (142ZR)I am giving you notice to vacate because I have no licence to operate a rooming house. | 120 days |