

A Notice to vacate

For tenants who have signed a Residential
tenancy agreement

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 19.



This Easy Read guide is a summary of a notice.



You can find the notice on our website at

www.consumer.vic.gov.au



You can ask for help to read this guide.

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

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What is this guide about?



This guide is about a notice from your **landlord**.



Your landlord is the person who owns the home you live in.



The notice is called a **Notice to vacate**.



When you **vacate** your home, you move out.



Your landlord gives you this notice if they want you to vacate your home.



You need to read the notice carefully.

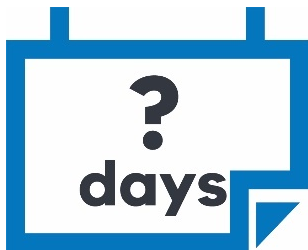
The notice talks about:



- the reason you need to move out



- what you need to do



- how much time you have to move out.

Why do you need to vacate your home?



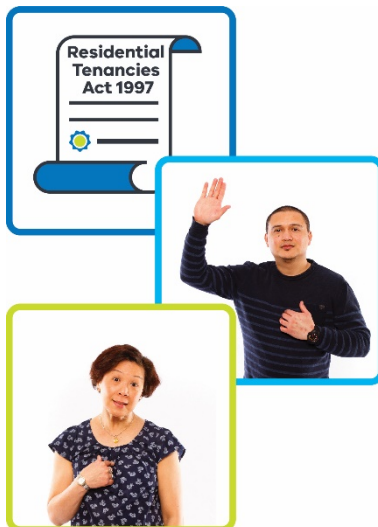
There are lots of reasons why a landlord might give their **tenant** the notice.



You are the tenant if you pay money to live in a home that someone else owns.



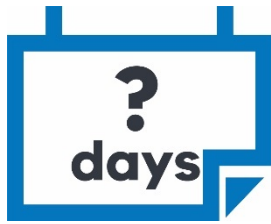
We have a law in Victoria that talks about the reasons a landlord can give when they tell you that you must move out.



The law is called the *Residential Tenancies Act 1997* (the Act).

This law protects the rights of:

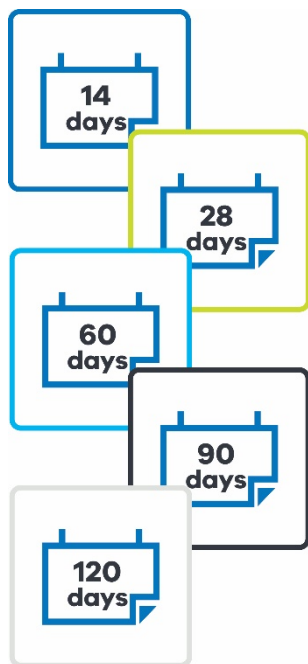
- tenants
- landlords.



When your landlord gives you their reasons, they also say how much time you have to move out.



You might be told to move out straight away.



You might be told to move out within:

- 14 days
- 28 days
- 60 days
- 90 days
- 120 days.



On the following pages, we explain:

- your landlord's reasons for telling you to move out
- how much time your landlord must give you to move out.



Each reason has a number.

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



The reasons can also come from your **Residential tenancy agreement.**



Your Residential tenancy agreement is a written agreement between you and your landlord.



It explains the rules you must follow when you live in the landlord's home.

You must move out straight away



Here is a list of reasons your landlord can give you for moving out straight away.



243 (1) – you have damaged the home on purpose.



244 (1) – you have put your neighbours in danger.



245 (1) – the home is not safe for you or anyone else to live in.

You must move out within 14 days



Here is a list of reasons your landlord can give you for moving out within 14 days.



246 – you owe more than 14 days of **rent** – how much you must pay to live in the home and how often you must pay it.



247 (1) – you haven't paid your **bond** – money you pay before you can move in.



248 (1) – you didn't do what an order from the **Victorian Civil and Administrative Tribunal (VCAT)** told you to do.



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



249 (1) – your landlord gave you 3

Breach of duty notices.



A Breach of duty notice is like a formal complaint.



It explains:

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



Issues can include:

- not keeping your home clean
- damaging your home
- not paying your rent on time.



250 (1) – you did something in the home that is against the law.



251 (1) – you have a child living in the home, but you aren't allowed to.



252 (1) – you have given information to an organisation that isn't true.



This organisation supports the government to work out if you can be one of their tenants.



253 (1) – you have let another tenant move in, but you didn't ask the landlord first.



254 (1) – your landlord wants to live in the home.

You must move out within 28 days



Here is a list of reasons your landlord can give you for moving out within 28 days.



268 (1) – the landlord borrowed money to buy the home and the money lender needs to take over.



228 (1)(b) – the only tenant that lived in the home died.



If this happens, your landlord will give the notice to:

- your legal representative
- a member of your family.

You must move out within 60 days



Here is a list of reasons your landlord can give you for moving out within 60 days.



255 (1) – the home needs work that can't be done while you are living there.



256 (1) – the home needs to be knocked down.



257 (1) – the landlord wants to do something different with the home.



258 (1) – your landlord or a member of their family wants to live in the home.



259 (1) and (2)– your landlord wants to sell the home, or it has already been sold.



260 (1) – an organisation that does work to support the government needs to use the home.

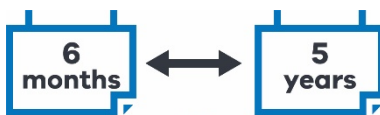


261 (1) and (3)(c) – your Residential tenancy agreement is for less than 6 months.

You must move out within 90 days



Here is a list of reasons your landlord can give you for moving out within 90 days.



261 (1) and (3)(b) – your Residential tenancy agreement:

- lasts for between 6 months and 5 years
- ends on the date set in the notice.



262 (1) – your landlord is an organisation that does work to support the government and you can't be one of their tenants.

You must move out within 120 days



Here is a list of reasons your landlord can give you for moving out within 120 days.



261 (1) and (3)(a) – your Residential tenancy agreement:

- lasts for more than 5 years
- ends on the date set in the notice.



263(1) – you have a 'month to month' Residential tenancy agreement and there is no reason to give.



268A – VCAT has made an order that you must move out within _ _ _ days.



268B – the landlord doesn't have the right licence to run a rooming house.

Sending the notice



Your landlord can give you the notice:

- in person
- in the mail
- by email.



If your landlord sends the notice by mail, it's a good idea to use Registered Post.



This means you must sign for the notice when it comes in the mail.



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



You might have said it is ok:

- in your Residential tenancy agreement
- in writing at another time.

Word list



Bond

Your bond is money you pay before you can move in.



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.



Landlord

Your landlord is the person who owns the home.



Notice to vacate

Your landlord gives you this notice if they want you to vacate your home.



Rent

How much you must pay to live in the home and how often you must pay it



Residential tenancy agreement

Your Residential tenancy agreement is an agreement between you – the tenant – and your landlord.



Tenant

You are the tenant if you pay money to live in a home that someone else owns.



Vacate

When you vacate your home, you move out.



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 40 43 19

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 40 43 19

TTY

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



133 677

Give them our number – **1300 40 43 19**



If you use Speech to Speech Relay call

1300 555 727

Give them our number – **1300 40 43 19**



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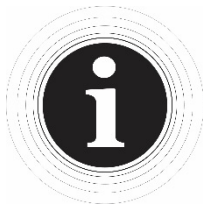
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