

Date of Notice

Final Notice to Rectify Breach

Owners Corporations Act 2006 Section 157, Owners Corporations Regulations 2007 and Owners Corporation Rules OC 4 (12/07)

From: Name and Plan Number of Owners Corporation

ABN

To: Name of Lot Owner(s)/Occupier(s)/Manager

Lot number

Lot address

Suburb

State

Postcode

Postal address of Lot Owner(s) /Occupier(s)/Manager (if different from above)

The alleged breach(es) described below have not been rectified

Rules No., Section of Act, Regulations (if known)	Description of breach(es)	Date of breach(es) (if known)

You have 28 days from the date of this Notice to rectify the breach(es) by (describe what action is needed)

If the breaches(es) are not rectified within 28 days the Owners Corporation may apply to the Victorian Civil and Administrative Tribunal (VCAT) for an order requiring you to rectify the breach.

This Notice is served by

Signature of person representing Owners Corporation

Printed name

Position/Title

Address

Contact telephone number

Fax number (if applicable)

Breach Notice and Final Breach Notice Information for Owners Corporations

This page is for information only and does not need to be included as part of Breach Notices sent to Lot Owners.

When can breach Notices be used?

Part 10 of the Owners Corporations Act 2006 (the Act) sets out the requirements for dealing with complaints and breaches.

A Lot Owner, Occupier or Manager can make a complaint to the Owners Corporation about an alleged breach of the Rules, Act or Owners Corporations Regulations 2007 (the Regulations) or it may otherwise come to the attention of the Owners Corporation that a breach has occurred.

If the Owners Corporation decides to take action it must issue a Notice to Rectify Breach in the approved form. If the breach has not been rectified within 28 days, the Owners Corporation can decide to give the person more time to comply, issue a Final Notice to Rectify Breach or not proceed with further action.

If after serving a Final Notice to Rectify Breach and the dispute resolution specified in the Owners Corporation Rules has been followed, the Owners Corporation can apply to the Victorian Civil and Administrative Tribunal (VCAT) to seek an order to rectify the breach.

The Owners Corporation must give Notice of its decision to the person(s) who made the complaint and the person(s) to whom the Notice was given.

Can Owners Corporations change, add or delete information in Breach Notices?

The layout of the forms can be varied to suit computer generated systems and mailing processes but must contain all information specified in the approved forms.

The form can also include details such as:

- Other reference numbers and information needed as part of an internal administration system (e.g. owner reference number)
- The Managers name, ABN, Registration Number and contact details.
- Website and email details

Otherwise no other information can be changed, added or deleted. Breach Notices are approved forms under the Act. Any Notice that contains information which differs from the approved form may be invalid.

How can Notices be given?

Notices can only be delivered by post or in person as set out in section 158 of the Act. When giving by post it can be sent to the lot address, another address specified by the Lot Owner to receive Notices or can be left in a letterbox allocated to the lot. When delivering in person you can give the Notice to the Lot Owner or leave it with an Occupier who is over 16 years of age.

For more information

Consumer Affairs Victoria offers free advice, guides and factsheets. Telephone 1300 55 81 81, visit www.consumer.vic.gov.au or drop into a Consumer Affairs office at 121 Exhibition Street Melbourne or a regional office in Ballarat, Bendigo Geelong, Mildura, Morwell, Wangaratta and Warrnambool.