

Notice of Objection

To the use of the alternative procedure for possession



Residential Tenancies Act 1997 (the Act), Sections 336(3)(b), 337(4)(a) and 338(1)
Residential Tenancies Regulations 2008, Regulation 12

1 Tribunal Landlord

Landlord's name *(insert name and address of landlord)*

2 Regarding rented premises at *(of rented premises)*

Termination date

3 The landlord's Notice to Vacate gave this termination date

Tenant details

4 My name is *(insert name of tenant/s)*

5 My address for service of documents is *(insert address, may be an agent's)*

I object to the application

6 I have received a copy of the landlord's application to the Tribunal for a possession order using the alternative procedure for possession in Division 2 of Part 7 of the *Residential Tenancies Act 1997*. In accordance with section 338 of the Act I OBJECT to the use of that procedure for a possession order. *(write additional information here if you wish)*

7 This notice is delivered to the landlord

by hand by registered post

on this date *(insert date of notice)*

8 Signature

9 Name of agent

(if an agent is serving this notice)

Notice of objection to Tribunal

To the use of the alternative procedure for possession

Residential Tenancies Act 1997

Residential Tenancies Regulations 2008, Regulation 12

1 Tribunal Landlord

Landlord's name *(insert name and address of landlord)*

2 Regarding rented premises at *(of rented premises)*

Termination date

3 The landlord's Notice to Vacate
gave this termination date

Tenant details

4 My name is *(insert name of tenant/s)*

5 My address for service of documents is
(insert address, may be an agent's)

I object to the application

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7 This notice is delivered to the landlord

by hand by registered post

on this date *(insert date of notice)*

8 Signature

9 Name of agent

(if an agent is serving this notice)

Notice of objection tenant's copy

To the use of the alternative procedure for possession

Residential Tenancies Act 1997

Residential Tenancies Regulations 2008, Regulation 12

1 Tribunal Landlord

Landlord's name *(insert name and address of landlord)*

2 Regarding rented premises at *(of rented premises)*

Termination date

3 The landlord's Notice to Vacate
gave this termination date

Tenant details

4 My name is *(insert name of tenant/s)*

5 My address for service of documents is
(insert address, may be an agent's)

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6 I have received a copy of the landlord's application to the Tribunal for a possession order using the alternative procedure for possession in Division 2 of Part 7 of the *Residential Tenancies Act 1997*. In accordance with section 338 of the Act I OBJECT to the use of that procedure for a possession order. *(write additional information here if you wish)*

7 This notice is delivered to the landlord

by hand by registered post

on this date *(insert date of notice)*

8 Signature

9 Name of agent

(if an agent is serving this notice)

Statement of tenant's rights

Alternative procedure for possession at the end of fixed term tenancy

Residential Tenancies Act 1997 Section 337(4)(b) & Residential Tenancies Regulations 2008, Regulation 14

To the tenant

1. The landlord has applied to the Tribunal for a possession order for your rented premises. This is an alternative possession procedure which allows the Registrar of the Tribunal to make a possession order effective immediately (or, if requested by the landlord, at a later date) if you do not object within a certain time.
THERE WILL NOT BE A HEARING IF THIS PROCEDURE IS USED.
2. You will have already received a Notice to Vacate under section 261 of the *Residential Tenancies Act 1997* specifying a termination date which is the end of the fixed term.
The landlord will also have given you notice that he or she intends to apply to the Victorian Civil and Administrative Tribunal for a possession order if you do not deliver up vacant possession of the rented premises by the end of the termination date set out in the notice to vacate.
3. If the landlord has given you a notice of his or her intention to apply for a possession order, this notice of intention must be given to you:
 - (a) if your fixed term tenancy agreement is for 6 months or more, at least 14 days and not more than 21 days before the termination date, OR
 - (b) if your fixed term tenancy agreement is for less than six months, at least seven days and not more than 14 days before the termination date.
4. The landlord can only apply for a possession order under the alternative possession procedure if he or she has given you the notice to vacate and notice of intention to apply to the Tribunal AND you have not delivered up vacant possession of the rented premises by the end of the termination date specified in the notice to vacate.
5. The landlord must give you:
 - (1) a copy of the landlord's application to the Tribunal for a possession order for the rented premises
 - (2) Two Notice of Objection forms for your use if you wish to object to the landlord applying to the Tribunal to get the rented premises back under the alternative possession procedure
 - (3) this statement of rights.

6. **IF YOU WISH TO OBJECT** to the making of the possession order under the alternative possession procedure, you must:
 - (1) complete and lodge one of the Notice of Objection forms with the Tribunal, and
 - (2) complete and serve the other Notice of Objection form on the landlord.

YOU HAVE UNTIL THE END OF FOUR BUSINESS DAYS AFTER THE DATE YOU RECEIVED THE LANDLORD'S COPY OF THE APPLICATION TO THE TRIBUNAL FOR A POSSESSION ORDER TO LODGE YOUR OBJECTION WITH THE TRIBUNAL.

Resident's note: you should retain a copy of this form for future reference purposes.

What happens next?

- If you lodge the Notice of Objection with the Tribunal within the required time, there will be a Tribunal hearing and you will be required to go to the Tribunal to show why the landlord should not be given a possession order to regain the rented premises.
- If you do not wish to object or do not object within the required time, the landlord has 28 days to lodge a request for a determination of the matter with the Tribunal.
- The Registrar of the Tribunal may then make a possession order directing you to vacate the premises immediately or on the date specified in the order.
- If you are also in arrears of rent, the Registrar will determine the amount of rent you owe and direct the Residential Tenancies Bond Authority to pay an amount of your bond to the landlord for the rent owing. You will still be liable for any outstanding amount of rent that the bond does not cover.
- Once a possession order is made the landlord can get a warrant of possession which must be executed within the time specified in the order which must not exceed 30 days from its issue.

IF YOU FAIL TO COMPLY WITH A POSSESSION ORDER TO VACATE THE PREMISES, YOU MAY BE FORCIBLY REMOVED BY THE POLICE OR OTHER PERSON AUTHORISED TO CARRY OUT A WARRANT OF POSSESSION