

Notice to Leave

Residential Tenancies Act 1997 (the Act) S368(3)

Residential Tenancies Regulations 2008, Regulation 16

To resident of managed premises or resident's visitor

Resident/visitor details

1 This notice is given to

the resident

OR

the resident's visitor

Resident's or visitor's name

2 Whose address is (insert address if known)

3 Regarding the managed premises at (if the same as 2, write "as above")

Manager details

4 Manager's name

5 Reason to leave

I, as manager of the managed premises referred to in 3, give you notice to leave the managed premises immediately because I have reasonable grounds to believe that:

you have committed a serious act of violence on the premises

OR

the safety of a person on the premises is in danger from you

6 By the end of the next business day after I have given you this Notice to Leave, I will notify the Registrar of the Tribunal

7 Signature of manager

8 Date of this notice

To the resident/visitor – please note

1 It is an offence under the Act to remain on the managed premises after receiving this Notice to Leave.

2 If you are a resident

a your tenancy or residency right is now SUSPENDED until either:

i) the end of two days from the date of this notice, OR

ii) if your landlord, rooming house owner or caravan park owner applies to the Tribunal for an order under S371 to terminate your tenancy agreement or residency right, the Tribunal decides that application, OR

iii) if your landlord, rooming house owner or caravan park owner applies to the Tribunal for an order before the end of two business days after the suspension of the tenancy agreement or residency right to terminate your tenancy agreement or residency right, the Tribunal decides that application.

b it is an offence to enter the managed premises while a suspension is in force, and

c Despite your tenancy agreement or residency right being suspended, you are still required to pay rent (and hiring charge, in the case of a caravan) during the suspension period, unless the Tribunal makes an order under S376(1)(b) of the Residential Tenancies Act 1997 that the suspension cease and you be allowed to resume occupation.

3 The notice can only be given to residents or visitors of those residents of managed premises. See Part 8 of the Residential Tenancies Act 1997 which defines these terms. A resident is a resident of a rooming house or caravan part. It also includes a tenant who has rented premises in a "managed high density building". This means a building which has two or more rented premises and which has an on-site manager.

4 Resident please note

If you receive a notice to leave, you may apply to the Victorian Civil and Administrative Tribunal to challenge the validity of the notice. An application must be made to the Tribunal within 30 days after the notice to vacate was given.

To the manager – please note

1 This notice cannot be given if a notice to vacate has been given under sections 244, 279 or 303 of the Residential Tenancies Act 1997 in respect of the same act or omission.

2 This notice must be given as soon as it is possible for the manager to safely do so after the serious act of violence has occurred or the safety of a person on the premises has been endangered.

3 It is an offence to give a resident or resident's visitor notice to leave without having reasonable grounds to believe that the resident or visitor has committed a serious act of violence on the premises or the safety of any person on the premises has been endangered.

Notice to Principal Registrar

Victorian Civil and Administrative Tribunal
GPO Box 5408cc, Melbourne Vic 3001

Resident/visitor details

1 This notice is given to

the resident

OR

the resident's visitor

Resident's or visitor's name

2 Whose address is (insert address if known)

3 Regarding the managed premises at
(if the same as 2, write "as above")

Manager details

4 Manager's name

5 Reason to leave

I, as manager of the managed premises referred to in 3, give you notice to leave the managed premises immediately because I have reasonable grounds to believe that:

you have committed a serious act of violence on the premises

OR

the safety of a person on the premises is in danger from you

6 By the end of the next business day after I have given you this Notice to Leave, I will notify the Registrar of the Tribunal

7 Signature of manager

8 Date of this notice

Notice to leave managed premises given to resident

To the resident/visitor – please note

- 1 **It is an offence under the Act to remain on the managed premises after receiving this Notice to Leave.**
- 2 **If you are a resident**
 - a your tenancy or residency right is now **SUSPENDED** until either:
 - i) the end of two days from the date of this notice, OR
 - ii) if your landlord, rooming house owner or caravan park owner applies to the Tribunal for an order under 371 to terminate your tenancy agreement or residency right, the Tribunal decides that application, OR
 - iii) if your landlord, rooming house owner or caravan park owner applies to the Tribunal for an order before the end of two business days after the suspension of the tenancy agreement or residency right to terminate your tenancy agreement or residency right, the Tribunal decides that application.
 - b it is an offence to enter the managed premises while a suspension is in force, and
 - c Despite your tenancy agreement or residency right being suspended, you are still required to pay rent (and hiring charge, in the case of a caravan) during the suspension period, unless the Tribunal makes an order under S376(1)(b) of the Residential Tenancies Act 1997 that the suspension cease and you be allowed to resume occupation.
- 3 The notice can only be given to residents or visitors of those residents of managed premises. See Part 8 of the *Residential Tenancies Act 1997* which defines these terms. A resident is a resident of a rooming house or caravan part. It also includes a tenant who has rented premises in a "managed high density building". This means a building which has two or more rented premises and which has an on-site manager.
- 4 **Resident please note**

If you receive a notice to leave, you may apply to the Victorian Civil and Administrative Tribunal to challenge the validity of the notice. An application must be made to the Tribunal within 30 days after the notice to vacate was given.

To the manager – please note

- 1 This notice cannot be given if a notice to vacate has been given under sections 244, 279 or 303 of the *Residential Tenancies Act 1997* in respect of the same act or omission.
- 2 This notice must be given as soon as it is possible for the manager to safely do so after the serious act of violence has occurred or the safety of a person on the premises has been endangered.
- 3 It is an offence to give a resident or resident's visitor notice to leave without having reasonable grounds to believe that the resident or visitor has committed a serious act of violence on the premises or the safety of any person on the premises has been endangered.