|  |  |
| --- | --- |
| Notice to vacate to a Part 4A site tenantResidential Tenancies Act 1997 Section s207ZK(a)Residential Tenancies Regulations 2021 Regulation 89 | Consumer Affairs Victoria |

**The owner or mortgagee** must use this form to let the site **tenant(s)** know that they want to end the Part 4A site agreement.

# Part A – Information for the site tenant

This is a notice to vacate. It tells you that the site owner 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 site tenant; 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. In this case you should apply to VCAT within 30 days after the notice has been given.

Specific timeframes may apply to certain reasons to challenge a notice. You may also challenge the validity of the notice if the site owner 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 site owner or mortgagee 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.
* Site owners or mortgagees must give you the appropriate notice to vacate before they apply to VCAT for a possession order.
* At the hearing, VCAT must decide whether the site owner or mortgagee was entitled to give you a notice to vacate. 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 site and on what date that should occur. You may ask for more time on the site if you will be in hardship.
* Site owners or mortgagees cannot personally use force to remove you if you refuse to leave the property. Only Victoria Police can carry out a forcible eviction, and only when they are acting on a VCAT order.

## 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 website at [www.consumer.vic.gov.au/renting](http://www.consumer.vic.gov.au/renting) or call 1300 55 81 81.

# Part B – Notice

This is a notice to the site tenant(s) listed on this form to vacate a site in a Part 4A park.

1. Address of Part 4A site

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

1. Site tenant details

|  |  |
| --- | --- |
| Full name of **site tenant 1** |  |

|  |  |
| --- | --- |
| Full name of **site tenant 2** |  |

|  |  |
| --- | --- |
| Full name of **site tenant 3** |  |

|  |  |
| --- | --- |
| Full name of **site tenant 4** |  |

**Note:** If there are more than four site tenants, include details on an extra page.

Address of site tenant (if different to address of rented site)

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

1. Owner/mortgagee/land owner’s details

 I am giving you this notice as:

|  |
| --- |
| [ ]  the site owner  |
| [ ]  the mortgagee of the park |
| [ ]  the land owner, who is not the site owner |

Full name of owner/mortgagee/land owner (this cannot be an agent)

|  |
| --- |
|  |

Address of owner/mortgagee/land owner for serving documents (this can be an agent’s address)

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

Contact details

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

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

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

1. Date you must vacate the site in the Part 4A park

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 site tenant is expected to receive the notice.

(Refer to pages 6 and 7 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.

1. Reason for notice
* The site owner, mortgagee or land owner must select the relevant reason, section number and the minimum notice required under the Act from the information provided on pages 5 to 7 of this form and write it in the box below.
* The site owner, mortgagee or land owner 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.Is documentary evidence attached? [ ]  No[ ]  Yes -­ provide details of the evidence attached |
|  |  |

1. Delivery of this notice
* The notice period begins when the site tenant 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 site owner must allow for the delivery time in calculating the proposed termination date.
* If sending by registered post, the site owner should keep evidence of the mail delivery method used to send this notice.

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

This notice was sent on: (insert date)

 This notice has been delivered:

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

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

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

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

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

1. Signature of owner, mortgagee, land owner or 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 the 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 owner or mortgagee

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

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. Include the minimum notice required under the Act in the termination date at question 4. You may wish to provide further information in addition to the documentary evidence required. Explanation of why the notice has been given must be sufficient so the resident can understand why the notice has been given.

| Reason | Minimum notice required under the Act |
| --- | --- |
| ****End of fixed term site agreement**** (207ZG)I am entitled to issue you with a notice to vacate on or after the end date of your fixed term site agreement. | 365 days |
| ****Damage**** (207W(1))You or your visitor have intentionally or recklessly caused or allowed serious damage to the site, Part 4A park or facilities.  | Immediately |
| ****Danger**** (207X(1))You or your visitor have endangered persons in the Part 4A park, me, my agent, or a contractor or employee of mine or my agent. Note: This notice may not be given if a notice to leave under S368 (serious acts of violence) has been given in respect of the same act or omission. | Immediately |
| ****Threats and intimidation**** (207Y(1))You or your visitor have seriously threatened or intimidated me, my agent, my contractor, my employee or an employee or contractor of my agent | 14 days |
| ****Disruption of peace**** (207Z(1))You or your visitor have seriously disrupted the quiet and peaceful enjoyment of the park by other occupiers. | Immediately |
| ****Failure to comply with a VCAT order**** (207ZA)You have failed to comply with a compensation or compliance order of VCAT under s212 of the Act. | 14 days |
| ****Successive breaches of your duty**** (207ZB)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. | 14 days |
| ****Use for illegal purposes** (207ZC)**You have used the Part 4A dwelling, or permitted its use, for an illegal purpose. | 14 days |
| ****Assignment or subletting without consent**** (207ZD)You have assigned or sublet part or purported to assign or sublet the whole or any part of the Part 4A site without my consent. | 14 days |
| ****Notice by mortgagee of Part 4A park**** (207ZI)I am the mortgagee of the Part 4A park and I am entitled to possession of, or to exercise a power of sale in respect of, the Part 4A park. The site agreement was entered into, or the periodic site agreement commenced, before the mortgage was granted.orThe site agreement was entered into, or the periodic site agreement commenced, after the mortgage was granted, and is inconsistent with the terms of the mortgage. | 365 days90 days |
| ****Closure of Part 4A park**** (207ZE)The Part 4A park is to be closed.Written notice of the proposed closure was given to local council on ……………………Note: You may be eligible for compensation if you own a movable dwelling that is fixed to a site (not an annexe) in the park. Check the Consumer Affairs Victoria website at [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au) for details. | 365 days |