# Owners corporation final fee notice

*Owners Corporations Act 2006* Section 32, Owners Corporations Regulations 2018 and Owners Corporation Rules.

|  |  |
| --- | --- |
| Date of notice |  |

Insert ‘Tax invoice’ or ‘Invoice’ and other tax information (e.g. invoice no.)

|  |
| --- |
|  |

## From:

|  |  |
| --- | --- |
| Name |  |
| Owners corporation plan number |  |
| ABN |  |
| Contact details (name of manager if applicable or contact person) |  |
| Address |  |
| Telephone number |  |
| Fax number (if applicable) |  |

## To the lot owner/s:

|  |  |
| --- | --- |
| Name/s |  |
| Lot number |  |
| Lot address |  |
| Suburb |  |
| State |  |
| Postcode |  |
| Postal address of lot owner(s)/occupier(s)/manager (if different from above) |  |

## Our records show the following fees/charges/interest have not been paid

All amounts listed include GST unless otherwise specified

| Date due | Description of fee/charge/interest/arrears | Amount |
| --- | --- | --- |
|  |  |  |
| Total amount payable |  |

**You must pay the overdue fees, charges and interest immediately**

**If payment is not received within 28 days after the date this final notice is given,** the owners corporation intends to take action under Part 11 of the *Owners Corporations Act 2006* to recover the amount due. This includes applying to the Victorian Civil and Administrative Tribunal (VCAT) seeking an order requiring you to pay.

|  |  |  |
| --- | --- | --- |
| Interest will accrue on overdue/fees charges and interest by  | $ | per day until paid.  |

The amount of interest has been calculated in accordance with the current rate under the *Penalty Interest Rates Act 1983 (Vic)*. This rate is subject to change.

## Payment details

Payment methods (how and where to pay)

|  |
| --- |
|  |

## Important information on fees and charges

This section is part of the fee notice

### Enquiries

If you have enquiries on the fees listed in this notice you can contact the owners corporation on the telephone number or at the address listed on the first page of this form.

### Payment Plans and financial hardship

If you are experiencing financial hardship and struggling to pay your owners corporation levies and fees on time, contact your owners corporation and owners corporation manager as soon as possible. Ask them to have a payment plan put in place. The [National Debt Helpline – Debt Problems - Strata Levies](https://ndh.org.au/debt-problems/strata-levies/) (www.ndh.org.au/debt-problems/strata-levies) page has a step-by-step guide on how to do this. Owners corporations are called strata in some other states. It also has information about other payment options, what to do if you can’t come to an agreement, and what to do if legal action is being threatened or has commenced against you.

If you’re feeling overwhelmed and need help to deal with financial issues, you can get free, independent, and confidential advice from a community based financial counsellor. To speak to a financial counsellor, call the National Debt Helpline on 1800 007 007 or visit the [National Debt Helpline's find a financial counsellor page](https://ndh.org.au/financial-counselling/find-a-financial-counsellor/) (www.ndh.org.au/financial-counselling/find-a-financial-counsellor) to find a financial counsellor near you.

### Disputes

The Owners Corporations Act 2006 (the Act), Owners Corporations Regulations 2018 (the Regulations) and the owners corporation rules (the rules) provide a number of options in dealing with disputes regarding owners corporations, managers, lot owners and occupiers. These are:

* the owners corporation internal dispute resolution process
* conciliation through the Dispute Settlement Centre of Victoria (DSCV)
* applications to the Victorian Civil and Administrative Tribunal (VCAT).

### Internal dispute resolution process

If you believe the manager, a lot owner or occupier has breached their obligations under the Rules, Act, or Regulations, you can try to resolve the problem through the owners corporation internal dispute resolution process.

The internal dispute resolution process is set out in the Rules. Unless the Rules state differently, the following summary applies:

* You can lodge a complaint by completing an ‘Owners corporation complaint’ form (available from the owners corporation).
* A meeting will be held to discuss the matter with all persons involved in the dispute and representatives of the owners corporation. The meeting must be held within 14 days of all persons being notified of the dispute.
* Persons involved in the dispute will be notified of decisions by the owners corporation.
* If you are not satisfied with the outcome you can contact DSCV or VCAT (see below).

### Resolving disputes through the Dispute Settlement Centre of Victoria

You can contact DSCV to seek assistance to resolve your dispute. DSCV may suggest that you use the internal dispute resolution process and may decline to consider your matter if you have not done so. It is not compulsory to seek DSCV’s assistance before applying to the Victorian Civil and Administrative Tribunal (VCAT). However, DSCV may be able to help resolve the issue more quickly and at a lower cost. DSCV can only try to resolve a dispute if all parties agree to take part in this process. Visit the [DSCV website](https://www.disputes.vic.gov.au/) (disputes.vic.gov.au)

### Applications to the Victorian Civil and Administrative Tribunal (VCAT)

For all disputes that affect the owners corporation you can apply directly to the Victorian Civil and Administrative Tribunal (VCAT) to hear your case and make an order. For more information on VCAT applications call 1300 01 8228 (1300 01 VCAT) or visit the [Victorian Civil and Administrative Tribunal website](http://www.vcat.vic.gov.au) (vcat.vic.gov.au). Calling this number costs the same as a local call. Additional charges may apply if you call from overseas, on a mobile or payphone.

## Fee notice and final fee notice information for owners corporations

**This page is for information only and does not need to be included as part of fee notices sent to lot owners.**

### What type of fees can fee notices be used for?

The Fee Notice and Final Fee Notice can only be used to charge for fees in accordance with *Owners Corporations Act 2006* (the Act) and Owners Corporations Regulations 2018 (the Regulations). This includes:

* Annual fees (general administration, maintenance and repairs, insurance and other recurrent obligations of the owners corporation) (section 23).
* Extraordinary fees (for unexpected expenditure) (section 24).
* Recovery of a debt for maintenance/repairs (section 49).

### Can owners corporations change, add or delete information in fee notices?

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

The main title of the Notice must be ‘Owners corporation fee notice’ or ‘Owners corporation final fee notice’.

Payment methods can be inserted into the space provided or incorporated into a tear-off remittance slip. If space is limited, payment methods can be provided on page 2 or on a separate page.

The form can also include details such as:

* other reference numbers and information needed as part of an internal administration system (for example owner reference number)
* the manager’s name, ABN, Registration Number and contact details
* website and email details.

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

## Penalty interest rate

There is no requirement under the Act to charge interest if the fees are not paid on time, however owners corporations are entitled to charge interest on unpaid fees. The maximum rate of interest an owners corporation can charge on unpaid fees is determined by the *Penalty Interest Rates Act 1983* (Vic). The penalty interest rate is fixed by the Attorney-General and reviewed regularly.

Before sending out Fee notices, owners corporations should view the current penalty interest rates on the [Penalties and values - Department of Justice and Community Safety website](https://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values) (justice.vic.gov.au).

If no interest will be charged write 0 in the boxes on the Notice form. The rate of interest charged must not exceed the maximum rate of interest payable under the *Penalty Interest Rates Act 1983 (Vic)*.

## Due dates on notices

If there is only one due date, this date must be at least 28 days after the date that the first notice is given. If there is more than one due date, the first due date listed for payment must be at least 28 days after the date that the first notice is given. All fees in final fee notices must be paid immediately.

## How can notices be given?

Notices can be delivered electronically, by post or in person. 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.

## Keeping records

The owners corporation must keep records including fee notices for a period of seven years.

## For more information

More information is available in the [Owners corporations section of the Consumer Affairs Victoria website](http://www.consumer.vic.gov.au/ownerscorp) ([consumer.vic.gov.au/ownerscorp](http://www.consumer.vic.gov.au/ownerscorp)).