# Notice to rectify breach – owners corporations

*Owners Corporations Act 2006* Sections 155 and 159D, Owners Corporations Regulations 2018 and Owners Corporation Rules

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

## From:

|  |  |
| --- | --- |
| Name |  |
| Owners corporation plan number |  |
| ABN |  |

## To:

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

**It is alleged you have breached your obligations under the Owners Corporation Rules (the Rules), the *Owners Corporations Act 2006* (the Act) or the Owners Corporations Regulations 2018 (the Regulations).**

**The details of the alleged breach are specified below.**

### Details of alleged breach(es)

| Rules no., section of the 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)

|  |
| --- |
|  |

### This notice is served by

|  |  |
| --- | --- |
| Signature of person representing owners corporation |  |
| Printed name |  |
| Position/Title |  |
| Address |  |
| Contact telephone number |  |
| Fax number (if applicable) |  |

### Important information on breaches, complaints and disputes

This page is part of the notice

If you believe you did not commit or wish to dispute the alleged breach, you can contact the Owners Corporation who will advise you of the next steps in the internal dispute resolution process.

If you are not satisfied with the outcome you can:

* contact Consumer Affairs Victoria on 1300 55 81 81 or visit the [Consumer Affairs Victoria website](http://www.consumer.vic.gov.au/contact) (consumer.vic.gov.au/contact) for information and advice, or
* apply directly to the Victorian Civil and Administrative Tribunal (VCAT) to hear your case. 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.

A neighbouring Occupier or Lot Owner may independently apply to VCAT seeking an order to stop the breach of the rules, Act or Regulations before the 28 days of this notice.

Your personal information is required by law to be disclosed to resolve the alleged breach.

Details of all breaches are required to be reported to lot owners at the annual general meeting.

Records of breaches must be kept by the owners corporation for 7 years.

If you are a tenant/occupier, the owners corporation has also given a copy of this notice to the lot owner in accordance with section 155 of the *Owners Corporations Act 2006* (the Act).

**Note:** If this notice is given under section 159D of the Act, the person to whom it is given must rectify the breach if this has not been done so already. The owners corporation may decide to apply to VCAT to resolve a short-stay accommodation dispute in relation to the breach and may seek one or more of the following orders— (i) a prohibition order under section 169D of the Act, (ii) an order for a civil penalty under section 169G of the Act, or (iii) any applicable order which VCAT may make under section 165 of the Act.

## 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 2018 (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 manager’s 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.

### 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).