|  |  |
| --- | --- |
| **Notice to vacate – residents of a caravan park or site**Residential Tenancies Act 1997 Section 206AZI(a)*Residential Tenancies Regulations 2021* Regulation 72 | Consumer Affairs Victoria |

**Owners and mortgagees** must use this form to let the resident know that they want to end the caravan or site agreement.

# Part A – Information for the resident

This is a notice to vacate. It tells you that the caravan park or caravan owner wants you to move out by 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:

* if you believe you were given this notice due to unlawful discrimination or because you tried to exercise your rights as a resident; or
* if you believe it was not given to you properly; or
* if 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 caravan park or caravan 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 caravan/park 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.
* Caravan park owners, caravan owners or their mortgagees must give you the appropriate notice to vacate before they apply to VCAT for a possession order.
* At the hearing, VCAT will decide whether the caravan/park owner or mortgagee was entitled to give you a notice to vacate. VCAT will make a possession order if it is satisfied that it is reasonable and proportionate to do so. 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 property and on what date that should occur. You may ask for more time in the property if you will be in hardship.
* Caravan/park 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 ( a warrant for possession).

## Seeking advice

If you think you have grounds to challenge this 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 resident(s) listed on this form to vacate a caravan park.

1. Address of caravan (include site no.)

|  |  |  |  |
| --- | --- | --- | --- |
| Site no. |  | Park name |  |
|  |  |  | Postcode |

1. Resident details

|  |  |
| --- | --- |
| Full name of **resident 1** |  |

|  |  |
| --- | --- |
| Full name of **resident 2** |  |

|  |  |
| --- | --- |
| Full name of **resident 3** |  |

|  |  |
| --- | --- |
| Full name of **resident 4** |  |

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

1. Owner/mortgagee details

 I am giving you this notice as:

|  |
| --- |
| [ ]  the caravan park owner  |
| [ ]  the caravan owner |
| [ ]  the caravan park mortgagee |
| [ ]  the caravan mortgagee |

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

|  |
| --- |
|  |

Address of owner/mortgagee 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 caravan 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 resident is expected to receive the notice.

|  |  |
| --- | --- |
| 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 owner or mortgagee must select the relevant reason, section number and the minimum notice required under the Act from the information provided on pages 6 to 9 of this form and write it in the box below.
* The owner or mortgagee must also explain why the notice has been given. It is not enough to just 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 resident 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 owner/mortgagee must allow for the delivery time in calculating the termination date.

• If sending by registered post, the owner/mortgagee 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) |  |

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

|  |  |
| --- | --- |
| Email address resident 1 |  |

|  |  |
| --- | --- |
| Email address resident 2 |  |

|  |  |
| --- | --- |
| Email address resident 3 |  |

|  |  |
| --- | --- |
| Email address resident 4 |  |

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

1. Signature of owner, mortgagee 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 resident.

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 section 5 of this notice to vacate together with supporting factual information regarding the specific reasons for terminating the agreement. You may wish to provide further information in addition to the documentary evidence required.

| Reason | Minimum notice required under the Act |
| --- | --- |
| ****Damage to park**** (206AQ(1))I am the caravan park owner and you or your visitor have intentionally or recklessly caused serious damage to the site, caravan park or facilities. | Immediate |
| ****Damage to caravan**** (206AQ(2))I am the caravan owner and you or your visitor have intentionally or recklessly caused or allowed serious damage to the caravan. | Immediate |
| ****Danger**** (206AR)I am the caravan park owner and you or your visitor have endangered persons or property in the caravan park, or me, my agent, my contractor or employee, or my agent’s contractor or employee.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. | Immediate |
| ****Disruption**** (206AT)I am the caravan park owner and you or your visitor have seriously interrupted the quiet and peaceful enjoyment of the park by other occupiers. | Immediate |
| ****Threats and intimidation**** (206AS)I am the caravan park owner and you or another person residing at your site has seriously threatened or intimidated me, my agent, contractor or employee, or my agent’s contractor or employee.  | 14 days |
| ****Non-payment of rent**** (206AU)I am the caravan park owner and you owe at least 7 days rent on your site.Date rent paid to……………………Amount you owe……………………… | 7 days |
| ****Non-payment of hiring charges**** (206AV)I am the caravan owner and you owe at least 7 days hiring charges on the caravan. Date hiring charges paid to……………………Amount you owe……………………… | 7 days |
| ****Failure to comply with a VCAT order**** (206AW)You have failed to comply with a compensation or compliance order of the VCAT under s212 of the Act. | 7 days |
| ****Successive breaches of your duty**** (206AX)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. (wording from Notice to vacate rented premises) | 7 days |
| ****Use for illegal purposes** (206AY)**You have used the caravan or site, or permitted their use, for an illegal purpose. | 7 days |
| ****Caravan park to be sold**** (206AZ(1))I am the caravan park owner and the caravan park is to be sold immediately after the termination date.****Note:**** If the occupancy agreement specifies a date that the term of occupancy will end, the resident must not be required to vacate before that date.

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv> |

 | 60 days |
| ****Caravan park to be sold (conditional contract)**** (206AZ(2))I am the caravan park owner and the last of the conditions of a conditional contract for the sale of the caravan park was satisfied on…………………………………Note: This notice must be given within 14 days after the last condition is satisfied.****Note:**** If the occupancy agreement specifies a date that the term of occupancy will end, the resident must not be required to vacate before that date.

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv> |

 | 60 days |
| ****Caravan to be sold**** (206AZ(4))I am the caravan owner and the caravan is to be sold immediately after the termination date.****Note:**** If the occupancy agreement specifies a date that the term of occupancy will end, the resident must not be required to vacate before that date.

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv> |

 | 60 days |
| ****Caravan to be sold (conditional contract)**** (206AZ(5))I am the caravan owner and the last of the conditions of a conditional contract for the sale of the caravan was satisfied on ………………………………Note: This notice must be given within 14 days after the last condition is satisfied.****Note:**** If the occupancy agreement specifies a date that the term of occupancy will end, the resident must not be required to vacate before that date.

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv> |

 | 60 days |
| Closure of caravan park (206AZA)I am the caravan park owner and the caravan park is to be closed.Written notice of the proposed closure was given to local council on …………………Note: * if the occupancy agreement specifies a date that the term of occupancy will end, the resident must not be required to vacate before that date.
* the owner must notify the local council in writing of the proposed park closure at least 14 days before giving notice to a resident.
* the owner must apply to VCAT within 30 days of serving the notice, for an order determining compensation payable to eligible residents, unless certain exemptions apply. Otherwise, the Notice to Vacate will be void.
 | 6 months |
| Occupation by owner (206AZB)I am the owner of the caravan hired for a fixed term and after the termination date the caravan is to be occupied by me, my partner, son, daughter, parent, partner’s parent, or a person who normally lives with and is dependent on me.Note: The termination date must be at least 14 days after the end of the fixed term agreement.

|  |  |
| --- | --- |
| Paperclip | Documentary evidence may be required to support this notice. Please refer to the Consumer Affairs Victoria website <https://www.consumer.vic.gov.au/ntv> |

 | - |
| ****End of occupancy period (caravan park)**** (206AZD(1))I am the owner of the caravan park and the period of occupancy in your site agreement is coming to an end on ………………………………….Note: The resident must not be required to vacate before the date that the occupancy period ends under the site agreement.  | 60 days |
| ****End of occupancy period (caravan)**** (206AZD(2))I am the owner of the caravan and the period of occupancy in your site agreement is coming to an end on …………………………….Note: The resident must not be required to vacate before the date that the occupancy period ends under the site agreement. | 60 days |
| ****Notice by caravan park mortgagee**** (206AZF)I am the caravan park mortgagee and I am entitled to possession of the caravan park or to exercise a power of sale in respect of the caravan park. This mortgage was given after your occupancy started.orThis mortgage was given before your occupancy started. | 6 monthsor90 days |
| ****Notice by caravan mortgagee**** (206AZG)I am the caravan mortgagee and I am entitled to possession of the caravan under a security. This security was given after your occupancy started. orThis security was given before your occupancy started. | 6 monthsor30 days |