|  |  |
| --- | --- |
| **Notice of breach of duty to owner of caravan or caravan park** |  |

***Residential*** ***Tenancies Act 1997***Section 208(1) and (2)

# The resident may use this form to let the caravan or caravan park owner know that they have breached their duty as an owner.

**Part A – Information for the owner**

This is a notice of breach of duty. It tells you that the resident believes you have breached your duty as an owner. You can find details of the breach at section 4 of the form, along with the required remedies and compensation required to be paid (if any).

**Reasons that a breach of duty notice may be issued**

**To caravan park owner for:**

* not providing 24-hour vehicle access
* not providing 24-hour access to the park and communal facilities
* not providing access during all reasonable hours to other park facilities
* unreasonably restricted or interfered with my privacy, peace and quiet or proper use and enjoyment of the site or communal facilities
* not keeping the common areas, gardens, roadways, paths or recreation area clean and in a safe condition
* not arranging for garbage collection
* not providing and keeping the site in good repair
* not maintaining, repairing or cleaning communal facilities
* failing to ensure reported damage or breakdown was repaired as soon as practicable
* not minimising inconvenience or disruption during repairs or renovations to communal facilities
* not providing temporary substitute facilities during repairs or renovations to communal facilities where necessary
* not maintaining the hired caravan in good repair
* failing to provide residents with prescribed statement of rights and park rules before the resident moves in
* failing to provide statement to resident before the resident moves in which sets out rent/charges for visitors, storage/removal of caravan fees and commission for sale of caravan
* failing to give 7 days' notice of changes to rent/charges/fees/scale of commission
* failing to provide contact details for service of documents and for urgent repairs
* failing to give 7 days’ notice of rule change
* failing to ensure the rules are observed by all residents
* failing to enforce rules fairly
* failing to consult with residents about proposed rule change (s 186(3)).

**To the caravan owner for:**

* not ensuring that the caravan has been maintained in good repair (s 180(2))
* not ensuring a replacement water appliance meets prescribed minimum efficiency rating.

**To the caravan park owner/caravan owner for:**

* Excessive usage charges.

**Seeking advice**

If you disagree with the specific reasons listed in section 4 of this notice, 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**

1 Address of caravan (include site no.)

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

2 Resident details

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

3 Owner details

Full name of owner (this cannot be an agent’s name)

|  |
| --- |
|  |

Owner address for serving documents (this may be an agent’s address)

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

Contact details

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

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

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

4 Reason for notice

A notice of breach of duty must be in writing and:

* specify the breach,
* give details of the loss or damage, if any, caused by the breach, and
* require the person, within the required time after receiving the notice, to remedy the breach if possible and to compensate the person to whom the duty is owed, if the breach has resulted in loss or damage to that person.

The resident should refer to page 6 for the reasons to give the form, choose the relevant reason and section number required under the Act, copy it in the box below and add the required detail. The resident must explain why the notice has been given. It is not enough to just quote from the Act. There must be enough information for the owner to understand why the notice has been given. Information to help explain the reasoning behind the notice has been provided on page 6.

I believe you have breached your duty as an owner because:

|  |
| --- |
|  |

The loss or damage caused is:

|  |
| --- |
|  |

**Compliance or compensation (if any) required**

I require you to remedy the breach within 7 days after receiving this notice by:

|  |
| --- |
|  |
| AND pay me compensation of: ($) |  |

*Note: You can only claim compensation for your loss and damage suffered, and provide evidence to support it.*

You must not commit a similar breach again. If you do not comply with this notice the resident may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a compensation or compliance order or, if s 207U (successive breaches by site owner) applies, may give notice of intention to vacate.

|  |
| --- |
| Is documentary evidence attached? [ ]  No[ ]  Yes - provide details of the evidence attached (e.g. receipts, photographs) |
|  |

5 Delivery of this notice

* The notice period begins when the owner 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 resident must allow for the delivery time in calculating the proposed termination date.
* If sending by registered post, the resident 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 ordinary/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 owner) |

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

6 Signature of resident

|  |  |
| --- | --- |
| 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 resident

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

The number before each reason refers to the relevant section of the *Residential Tenancies Act 1997.*

Please select the reason below and add the text to section 4 of this breach of duty notice together with any supporting factual information regarding remedies and compensation (if any). You may wish to provide further information in addition to the documentary evidence required.

**Breach by a caravan park owner**

| **Reason–breach by a caravan park owner** |
| --- |
| 176(a)–not 24 hour vehicle accessYou have not provided 24 hour vehicular access to my site. |
| 176(b)–not 24 hour access to park and facilitiesYou have not provided 24 hour access to the caravan park and the communal toilet and bathroom facilities. |
| 176(c)–no reasonable access to other facilitiesYou have not provided access during reasonable hours to recreational areas, laundry and communal facilities, other than toilets and bathrooms. |
| 177–Quiet enjoymentYou have unreasonably restricted or interfered with my privacy, peace and quiet, or proper use and enjoyment of my site or the communal facilities. |
| 178–park not kept cleanYou have not kept the common areas, gardens, roadways, paths and recreation areas clean and in a safe condition and/or you have not arranged for the garbage to be collected at my site and the caravan park. |
| 178A–poor maintenance of siteYou have not provided and maintained my site in good repair, including the structures or fixtures on the site that you own.*Note: This does not include the caravan you occupy.* |
| 179(1)–poor maintenance of communal areasYou have not maintained, repaired and kept clean and tidy all communal bathrooms, toilets, laundries and other communal facilities in the caravan park. |
| 179(1A)–failure to repair I reported damage or breakdown of communal facilities to you, but you did not ensure the damage or breakdown was repaired as soon as practicable.  |
| 179(2)–lack of substitute facilitiesYou have not minimised inconvenience and disruption to residents and/or provided temporary substitute facilities (if necessary) while carrying out repairs or renovations to communal facilities. |
| 180(1)–caravan in poor repairYou have not maintained the caravan hired to me in good repair. |
| 182–failure to provide rights and rulesYou did not give me a written statement of my rights and duties in the prescribed form and/or a copy of the caravan park rules before I moved in. |

| Reason–breach by a caravan park owner |
| --- |
| 183(1)(a) and (b)–failure to provide rent/charges for visitorsYou did not give me a written statement before I moved in, setting out the additional rent or hiring charges for visitors. |
| 183(1)(c)–failure to provide storing/removing chargesYou did not give me a written statement before I moved in setting out charges for storing or removing a caravan by you. |
| 183(1)(d)–failure to provide commission statementYou did not give me a written statement before I moved in setting out the commission on the sale of the caravan by you. |
| 183(2)–notice of proposed changes to rent/charges/fees/scale of commissionYou have not provided me with at least 7 days written notice of a proposed change to the rent or hiring charges for visitors, charges for storing or removing a caravan and/or the scale of commission on the sale of a caravan. |
| 184–failure to provide detailsYou have not provided me with written notice of your (or your agent's) full name and address for the service of documents and/or an emergency telephone number to be used in the case of the need for urgent repairs.*Note: If there is an agent, the owner's notice must advise whether the agent can authorise urgent repairs and to what maximum amount.* |
| 186(1)–failure to give 7 days’ notice of rule changeYou have not given me at least 7 days written notice of a proposed change to the caravan park rules. |
| 186(2)(a)–failure to ensure rules observedYou have not taken all reasonable steps to ensure the caravan park rules are observed by all residents. The rule/s not being observed is/are: *Note: list the relevant rule/s here or attach to this notice.* |
| 186(2)(b)–failure to enforce rules fairlyYou have not ensured that the caravan park rules are reasonable and, are enforced and interpreted consistently and fairly. The caravan park rule/s concerned is/are:*Note: list the relevant rule/s here or attach to this notice.* |
| 186(3)-failure to consult with residents You have not consulted with me about a proposed change to the caravan park rules.  |

**Breach by a caravan owner**

|  |
| --- |
| Reason – breach by a caravan owner |
| 180(2)–poor repairYou have not ensured that the caravan has been maintained in good repair. |
| **181–failure to ensure replacement water appliance meets prescribed minimum efficiency rating**You have provided a replacement appliance, fitting or fixture that uses or supplies water that does not meet the prescribed minimum efficiency rating.*Note:** *Replacement water appliances - the prescribed minimum rating is three stars under the Water Efficiency Labelling and Standards (WELS) scheme, except in certain limited circumstances.*
 |

**Breach by a caravan park owner/caravan owner**

|  |
| --- |
| Reason – breach by a caravan park owner/caravan owner |
| **180A- Excessive usage charges** I have been charged for excessive usage of a service caused by a fault in infrastructure, or fixtures or buildings at, or connected to, the site or caravan park (including the caravan). The fault(s) that caused the excessive usage is/are:*Note: write details of the fault*You are liable to pay that part of the excessive charge that is additional to my ordinary usage. The fault was not caused by me.  |