|  |  |
| --- | --- |
| **Notice of breach of duty to rooming house resident** |  |

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

The rooming house operator may use this form to let the resident know that they have breached their duty as a resident.

**Part A – Information for the resident**

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

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

* Using the room for a purpose other than a residential purpose
* Unpaid rent
* Interfering or allowing your visitors to interfere with the privacy and peace and quiet of other residents, or their proper use and enjoyment of the rooming house
* Keeping and/or leaving the room in a poor or not reasonably clean condition
* Interfering with a safety device
* Installing fixtures in the room or rooming house without written consent
* Damage by you or their visitors
* Not reporting known damage to or breakdown of facilities, fixtures, furniture or equipment provided
* Keeping an animal on the premises without consent
* Failing to supply a key to the door to the room to allow access to the operator
* Failing to observe the house rules
* Refusing to permit entry to persons and for reasons authorised under the Act.

**Seeking advice**

If you disagree with the specific reasons listed at 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 rooming house

|  |  |  |  |
| --- | --- | --- | --- |
| Room number |  | Street number and name |  |
| Suburb |  |  | Postcode |

2 Rooming house operator details

|  |  |
| --- | --- |
| Full name |  |

Address (this can be an agent’s address)

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

3 Resident(s) details

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

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

Address

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

Contact details

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

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

|  |
| --- |
|  |

Email

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 operator 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 operator 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 resident 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 a resident because:

|  |
| --- |
|  |

The loss or damage caused is:

|  |
| --- |
|  |

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

I require you to remedy the breach within 3 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 142ZH (successive breaches by resident) applies, may give notice to vacate.  provide details of the evidence attached (e.g. receipts, photographs) | | |

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

5 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 rooming house operator must allow for the delivery time in calculating the proposed termination date.
* If sending by registered post, the rooming house operator 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 resident) |

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

6 Signature of rooming house operator 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 rooming house operator

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

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.

|  |
| --- |
| **Reason** |
| 110–non-residential use You have used the room for a purpose other than a residential purpose. |
| 112–unpaid rent You have not paid the rent on the due date and/or in the agreed manner. |
| 113–interference with peace You have interfered, or allowed your visitor to interfere with, the privacy and peace and quiet of other residents or their proper use and enjoyment of the rooming house. |
| 114(1)–room in poor condition You have not kept the room in a reasonably clean condition. |
| 114(2)-room left in poor condition You did not leave your room reasonably clean and in the same condition as when you entered into occupation of the room, taking into account fair wear and tear. |
| 114A-interefere with a safety device You have removed, deactivated or interfered with a prescribed safety device in the rooming house, which was not reasonable to do so in the circumstances. |
| 115–modifications without consent You have installed a fixture in the room or rooming house without my prior written consent. |
| 116(1)–unreported damage caused by resident You or your visitor caused damage other than fair war and tear to the room or the rooming house, and you did not notify and compensate me. |
| 116(2)–unreported damage or breakdown You did not report damage to a room or damage to, or breakdown of, facilities, fixtures, furniture or provided equipment of which you had knowledge. |
| 117–animal without consent You kept an animal at the rooming house without my consent. |
| 118–failure to supply key You failed to give me a key to the door of your room to allow access as permitted by the Act. |

|  |
| --- |
| **Reason** |
| 119–failed to observe house rules You failed to observe house rules made in accordance with the Act. The house rule(s) you did not observe is/are:  *Note: write the rule in section 4 or attach to this notice.* |
| 140–refusal to permit entry  * 137(a)–you did not permit a person exercising a right of entry to enter the room to show the room to a prospective resident. * 137(b)–you did not permit a person exercising a right of entry to enter the room to show the rooming house to a prospective buyer or lender. * 137(c)–you did not permit a person exercising a right of entry to enter the room to enable the rooming house operator to carry out their duties under the Act or any other Act. * 137(d)–you did not permit a person exercising a right of entry to enter the room upon believing on reasonable grounds that you had failed to comply with your duty as a resident. * 137(e)–you did not permit a person exercising a right of entry to enter the room to inspect the room, where entry for that purpose has not been made within the last 4 weeks.   *Note – the rooming house operator should refer to section 137 to ensure that you have a right of entry.* |