

Notice to Vacate to tenant/s of rented premises



Residential Tenancies Act 1997 (the Act), Section 319(a) & Residential Tenancies Regulations 2008, Regulation 9(1)

Use this form to give notice to vacate

- Note – if you intend to list more than one reason for the tenant/s to vacate under sections 255, 256, 257, 258, 259 or 260, you will need to use a *Composite Notice to Vacate* form available from Consumer Affairs Victoria.

How to use this form

1 Identify your reason

Read the reasons for giving notice to vacate on the back of this page and identify the correct reason for your circumstances.

The number beside each reason is the relevant section and sub-section of the Act—eg 244(1) is section 244, sub-section (1). The title after the section number describes the content of the section.

2 Consult the Act

You should consult the Act to make sure that you are entitled to give a notice to vacate.

3 Work out the minimum time for the notice

The reasons are grouped according to the minimum amount of notice time you must give your tenant. The minimum notice period commences on the day after the notice is given and the first available termination date is the day after the minimum notice period expires. Additional time must be allowed if the notice is posted - see note on *How to serve this notice* at the bottom of the next page.

4 Use the attached notice

The *Residential Tenancies Act 1997* and *Residential Tenancies Regulations 2008* set out exactly what must be on a notice to vacate. The prescribed notice to vacate is attached. You must use this notice to give your tenant notice to vacate.

5 Complete the notice

You must complete all boxes on the notice.

In box 9, write the section number and the exact words given on the back of this page for the reason you are giving a notice to vacate. You must insert dates and monetary amounts where a dotted line appears in the reason. You must also provide supporting factual information regarding the specific premises to validate the reason given.

For example, if you are giving a notice to vacate because of danger [s244(1)], write in box 9

S244(1) – you or your visitor have endangered the safety of neighbours

IMPORTANT: You must also add enough information to allow the person receiving the notice to understand the facts you claim are the basis for giving the notice.

6 Sign at 11 and write your name at 12

7 When the form is complete

Tear out the top form (Tenant copy) and send to the tenant. Keep the last two copies of the form for your records. If the tenant does not comply, you can send a copy to VCAT with an application for VCAT to hear your case.

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 131 450 (بكلفة مكالمة محلية) واطلب أن يوصلوك بموظف معلومات في دائرة شؤون المستهلك في فكتوريا على الرقم 1300 55 81 81.

Turkish İngilizce anlamakta güçlük çekiyorsanız, 131 450'den (şehir içi konuşma ücretine) Yazılı ve Sözlü Tercümanlık Servisini (TIS) arayarak 1300 55 81 81 numaralı Tercüman Victoria Tüketici İşleri'ni aramalarını ve sizi bir Danışma Memuru ile görüşmelerini isteyiniz.

Vietnamese Nếu quý 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 joogo) 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 (祇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 አንገልገሎት ተገቢ ለመረዳት ችግር ካለብዎ የአስተርጓሚ አገልግሎትን (TIS) በስልክ ቁጥር 131 450 [በአካባቢ ጥሪ ሂሳብ] በመደወል በሲክተሪዎ ደንበኞች ጉዳይ ጽ/ቤት በስልክ ቁጥር 1300 55 81 81 ደውሎ ከመረጃ አቅራቢ ሠራተኞች ጋር አገዳዥነትን መጠየቅ።

Dari

اگر شما مشکل دانستن زبان انگلیسی دارید، با اداره خدمات ترجمانی تحریری وشفاهی (TIS) به شماره ۱۳۱ ۴۵۰ به قیمت مخابره محلی تماس بگیرید. وبخواهید که شما را به کارمند معلومات دفتر امور مراجعین ویکتوریا به شماره ۱۳۰۰ ۵۵ ۸۱ ۸۱ ارتباط دهد.

Croatian Ako ne razumijete dovoljno engleski, nazovite Službu tumača i prevoditelja (TIS) na 131 450 (po cijeni mjesnog poziva) i zamolite da vas spoje sdjelatnikom 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 (TIS) 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 essere messi in comunicazione con un operatore addetto alle informazioni del dipartimento "Consumer Affairs Victoria" al numero 1300 55 81 81.



Notice to Vacate

reasons and minimum times for notices

Reasons for notice to vacate today or a later date

243(1)–damage

you or your visitor have (by act or omission) maliciously caused damage to the premises or common areas.

244(1)–danger

you or your visitor have endangered the safety of neighbours
Please note – this notice may not be given if a notice to leave under S368 has been given in respect of the same act or omission.

245(1)–unsafe premises

the premises are unfit for human habitation, destroyed totally, or damaged so much that they are unsafe.

Reasons for at least 14 days notice to vacate

246(1)–overdue rent

you owe at least 14 days rent. Your rent is paid up to, and including...../...../..... You owe \$.....

247(1)–unpaid bond

you have not paid the bond required by the tenancy agreement.

248(1)–failure to comply with a VCAT order

you have failed to comply with a compensation or compliance order of the Victorian Civil and Administrative Tribunal under S212 of the Act.

249(1)–successive breaches

you have breached a duty owed under a duty provision within Part 5 of the Act for the third time. You have been given notice twice before to remedy the breach or pay compensation.

250(1)–illegal use

you have used the premises, or permitted their use, for an illegal purpose.

251(1)–child residing on premises

you have allowed a child under 16 years to live on the premises contrary to the tenancy agreement.

252(1)–false statement

you knowingly gave false or misleading information relating to eligibility to rent the premises from a public statutory authority.

253(1)–assignment or subletting without consent

you have assigned or sublet part or all of the premises without my permission or purported to.

254(1)–landlord’s principal place of residence

I intend to resume occupancy of the premises as my principal place of residence.
Please note – a landlord can only give this notice if the conditions in S254 are met.

Reasons for at least 28 days notice to vacate

268(1)–notice by mortgagee

I am the mortgagee and I am entitled to possession of, or to sell, the premises under a mortgage entered into before the tenancy agreement was entered into.*

228(1)(b)–termination after death of sole tenant

there is only one tenant under the tenancy agreement and the tenant has died.

Please note – a copy of this notice to vacate must be given to the legal personal representative or the next of kin of the tenant.

*Please note –*notices given under sections 261, 263 or 268 must expire before the landlord or mortgagee can apply to VCAT for a possession order.*

How to serve this notice

You can serve this notice by hand or registered post to the tenant

If you send this notice by registered post, you must take into account the extra days it takes for the notice to be given. This usually means at least two business days after the notice was posted.

For more information refer to *Renting a home: a guide for tenants and landlords* available from Consumer Affairs Victoria on 1300 55 81 81.

Reasons for at least 60 days notice to vacate

Please note – if you give notice under S256 to S259, S264 of the Act prohibits letting the premises again unless certain exemptions apply.

If you give notice under S255 to S261 in the case of a fixed term tenancy agreement, S266 of the Act states that the reasons for a 60 day notice cannot be used to shorten an agreed fixed term tenancy agreement.

255(1)–repairs or renovations

the premises are to be repaired, renovated or reconstructed immediately after the termination date and this cannot be done while you are living there. I have all the necessary permits and consents.

256(1)–demolition

the premises are to be demolished immediately after the termination date. I have all the necessary permits and consents.

257(1)–change of use of premises

the premises are to be used for non-residential purposes immediately after the termination date.

258(1)–occupation by landlord or family

the premises are 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 immediately after the termination date.

259(1)–premises to be sold

the premises are to be sold or offered for sale with vacant possession immediately after the termination date.

259(2)–premises sold (conditional contract)

the last of the conditions of a conditional contract for the sale of the premises was satisfied on/...../.....
Please note - this notice must be given within 14 days after the last condition is satisfied.

259(2A)–premises sold (unconditional contract)

an unconditional contract for the sale of the premises was entered into on/...../.....
Please note - this notice must be given within 14 days after an unconditional contract of sale is entered into.

260(1)–required for public purposes

the premises are the property of a public statutory authority and are required for public purposes immediately after the termination date.

261(1)&(3)(b)–end of a fixed term tenancy of less than six months

we have a fixed term tenancy agreement of less than six months which ends on the termination date.*

Reasons for at least 90 days notice to vacate

Please note – if you give notice under S261 or S262 in the case of a fixed term tenancy, S266 of the Act states that the reasons for a 90 day notice cannot be used to shorten an agreed fixed term tenancy agreement.

A notice given under S261 cannot be used to retaliate against tenants exercising their legal rights or saying they will do so.

261(1)&(3)(a)–end of a fixed term tenancy of six months or more

we have a fixed term tenancy agreement of six months or more which ends on the termination date.*

262(1)–tenant no longer eligible

you are no longer eligible to rent the premises from the landlord which is a public statutory authority.

Reasons for at least 120 days notice to vacate

Please note - if you give notice under S263(1), in the case of a fixed term tenancy agreement, S266 of the Act states that the reasons for a notice for no specified reason cannot be used to shorten an agreed fixed term tenancy agreement.

A notice given under S263 cannot be used to retaliate against tenants exercising their legal rights or saying they will do so.

263(1)–no specified reason

I am giving you at least 120 days notice to vacate without specifying a reason.*

Notice to Vacate

Residential Tenancies Act 1997 S319(a)

Residential Tenancies Regulations 2008, Regulation 9(1)

To tenant of rented premises

Tenant's copy

Tenant details

1 This notice is given to *(tenant/s names)*

2 Regarding the rented premises at *(insert address of rented premises)*

3 Tenant/s address
(if same address as 2, write "as above")

Landlord/owner/mortgagee details

4 I am giving you this notice as *(mark one only)*

- the landlord
 the owner
 the mortgagee

5 Landlord/owner/mortgagee name

6 Landlord/owner/mortgagee address for serving documents *(can be an agent's address)*

7 Contact telephone numbers for landlord/owner/mortgagee

() BH ()

AH

Termination date

8 *The Residential Tenancies Act 1997 requires me to give you at least (insert the number of days notice that is required under the Act)*

days notice to vacate.

I require you to vacate on
(termination date)

9 Reason for notice to vacate

(Insert the reason and section number of the Residential Tenancies Act 1997 for the notice to vacate. You must also provide supporting factual information regarding the specific premises to validate the reason given. However, if the notice is given under S263 of the Act, insert that section number and the words 'No reason is required'.)

10 This notice is delivered to the tenant

- by hand by registered post

on this date

11 Signature of landlord, owner, mortgagee or agent

12 Name of landlord, owner, mortgagee or agent signing the notice *(include the name of the estate agency where applicable)*

13 Tenant please note: If you receive a notice to vacate, you may apply to the Victorian Civil and Administrative Tribunal to challenge the validity of the notice. An application must be made to the Tribunal within 30 days after the notice to vacate was given.

Notice to Vacate

Residential Tenancies Act 1997 S319(a)

Residential Tenancies Regulations 2008, Regulation 9(1)

To tenant of rented premises

Landlord's copy

Tenant details

1 This notice is given to *(tenant/s names)*

2 Regarding the rented premises at *(insert address of rented premises)*

3 Tenant/s address
(if same address as 2, write "as above")

Landlord/owner/mortgagee details

4 I am giving you this notice as *(mark one only)*

- the landlord
 the owner
 the mortgagee

5 Landlord/owner/mortgagee name

6 Landlord/owner/mortgagee address for serving documents *(can be an agent's address)*

7 Contact telephone numbers for landlord/owner/mortgagee

() BH ()

AH

Termination date

8 *The Residential Tenancies Act 1997 requires me to give you at least (insert the number of days notice that is required under the Act)*

days notice to vacate.

I require you to vacate on
(termination date)

9 Reason for notice to vacate

(Insert the reason and section number of the Residential Tenancies Act 1997 for the notice to vacate. You must also provide supporting factual information regarding the specific premises to validate the reason given. However, if the notice is given under S263 of the Act, insert that section number and the words 'No reason is required'.)

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11 Signature of landlord, owner, mortgagee or agent

12 Name of landlord, owner, mortgagee or agent signing the notice *(include the name of the estate agency where applicable)*

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Notice to Vacate

Residential Tenancies Act 1997 S319(a)

Residential Tenancies Regulations 2008, Regulation 9(1)

To tenant of rented premises

Landlord's copy

Tenant details

1 This notice is given to *(tenant/s names)*

2 Regarding the rented premises at *(insert address of rented premises)*

3 Tenant/s address
(if same address as 2, write "as above")

Landlord/owner/mortgagee details

4 I am giving you this notice as *(mark one only)*

- the landlord
 the owner
 the mortgagee

5 Landlord/owner/mortgagee name

6 Landlord/owner/mortgagee address for serving documents *(can be an agent's address)*

7 Contact telephone numbers for landlord/owner/mortgagee

() BH ()

AH

Termination date

8 *The Residential Tenancies Act 1997 requires me to give you at least (insert the number of days notice that is required under the Act)*

days notice to vacate.

I require you to vacate on
(termination date)

9 Reason for notice to vacate

(Insert the reason and section number of the Residential Tenancies Act 1997 for the notice to vacate. You must also provide supporting factual information regarding the specific premises to validate the reason given. However, if the notice is given under S263 of the Act, insert that section number and the words 'No reason is required'.)

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11 Signature of landlord, owner, mortgagee or agent

12 Name of landlord, owner, mortgagee or agent signing the notice *(include the name of the estate agency where applicable)*

13 Tenant please note: If you receive a notice to vacate, you may apply to the Victorian Civil and Administrative Tribunal to challenge the validity of the notice. An application must be made to the Tribunal within 30 days after the notice to vacate was given.