|  |  |
| --- | --- |
| **Notice of breach of duty from site tenant to Part 4A site owner** |  |

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

# The site tenant may use this form to let the site owner know that they have breached their duty as a site owner.

**Part A – Information for the site owner**

This is a breach of duty notice. It tells you that the site tenant believes you have breached your duty as a site owner. You can find details of the breach at section 4 of the form, along with the required remedies and/or compensation required to be paid.

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

* Failing to give a written statement of rights and duties in the approved form before entering into the site agreement
* Failing to give a written statement of any other matter prescribed by the Regulations before entering into the site agreement
* Failing to give a plan of the Part 4A park which shows the location of the Part 4A site being rented before entering into the site agreement
* Failing to provide 24-hour vehicular access to a Part 4A site or access to the site tenants to the Part 4A park
* Failing to provide access during all reasonable hours to the recreational areas and laundry and communal facilities the site tenant is entitled to use
* Unreasonably restricting or interfering with the site tenant's privacy, peace and quiet or proper use and enjoyment of a Part 4A dwelling, Part 4A site or communal facility
* Unreasonably restricting or interfering with the site tenant's occupation of a dwelling
* Failing to keep common areas, facilities, gardens, roadways, paths and recreation areas clean and in a safe condition
* Failing to arrange for garbage collection for the site tenants and from the Part 4A park
* Failing to maintain in good repair the Part 4A site and any of the site operator's structures or fixtures on it
* There is a fault in infrastructure or any fixtures or buildings at or connected to the Part 4A site that has caused excessive charges for the site tenant
* Failing to maintain, repair and keep clean and tidy all communal facilities
* Failing to minimise inconvenience or disruption when repairing or renovating communal facilities
* Failing to provide necessary temporary substitute facilities during repairs or renovations to communal facilities
* Failing to repair any damage or breakdown in relation to common areas reported by a site tenant under section 206ZO as soon as practicable
* Failing to provide details for service of documents and urgent repairs
* Failing to inform change of details for service of documents and urgent repairs.

**Seeking advice**

If you disagree with the specific reason 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 Part 4A site

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

1. Site tenant details

|  |  |
| --- | --- |
| Full name of site **tenant 1** |  |

|  |  |
| --- | --- |
| Full name of site **tenant 2** |  |

|  |  |
| --- | --- |
| Full name of site **tenant 3** |  |

|  |  |
| --- | --- |
| Full name of site **tenant 4** |  |

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

Address of site tenant (if different to address of rented site)

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

1. Owner details

 Full name of owner (this cannot be an agent)

|  |
| --- |
|  |

 Address of owner for serving documents (this can be an agent’s address)

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

 Contact details

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

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

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

1. 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 site tenant 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 site tenant 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 site 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 (if any) caused is:

|  |
| --- |
|  |

**Compensation or compliance (if any) required**

I require you to remedy the breach within:  *(site tenant to circle appropriate breach and timeframe)*

|  |  |
| --- | --- |
| **Relevant breach** | **Timeframe** |
| s 206ZU (disturbance) | 7 days |
| All other breaches under this Notice | 14 days |

To remedy this breach I require you to:  *(describe what the site owner needs to do to remedy this)*

|  |
| --- |
|  |
| 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 site tenant may apply to the Victorian Civil and Administrative Tribunal (VCAT) for compensation or a 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 |
|  |

1. 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 site tenant must allow for the delivery time in calculating the proposed termination date.
* If sending by registered post, the site tenant 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 owner) |

|  |  |
| --- | --- |
| Email/postal address  |  |

1. Signature of site tenant

|  |  |
| --- | --- |
| 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](https://vicgov.sharepoint.com/sites/msteams_4e9a2b/Shared%20Documents/Residential%20Tenancies/Archive%20-%20pre-March%2029%20folders/Users/viciuuq/AppData/Roaming/Hewlett-Packard/HP%20TRIM/Offline%20Records%20%28P1%29/Approved%20forms%283%29/www.consumer.vic.gov.au/renting) or call the Consumer Affairs Victoria Helpline 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 site tenant

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/or compensation (if any). You may wish to provide further information such as receipts, or complaints to support your claim.

| **Reason**  |
| --- |
| 206ZR(1)–failure to give statement of rights and dutiesYou have not given me a written statement of the rights and duties of a site owner and a site tenant before I entered into the site agreement. |
| 206ZS–failure to give a Part 4A site planYou have not given me a plan of the park that identifies the site on which my dwelling is or is to be situated before I entered into the site agreement. |
| 206ZT(a)–failure to provide 24 hour vehicular accessYou have not provided 24-hour vehicular access to my site. |
| 206ZT(b)–failure to provide 24 hour accessYou have not provided 24 hour access to the park. |
| 206ZT(c)–failure to provide reasonable access to communal facilitiesYou have not provided access during all reasonable hours to the recreational areas and laundry and communal facilities. |
| 206ZU(1)–disturbanceYou have unreasonably restricted or interfered with my privacy, peace and quiet or proper use and enjoyment of my dwelling, my site and/or the communal facilities. |
| 206ZU(2)–disturbance of occupationYou have unreasonably restricted or interfered with my occupation of a Part 4A dwelling.  |
| 206ZV(1)–unclean/unsafe parkYou have not kept common areas, facilities, gardens, roadways, paths and/or recreation areas in the park clean and/or in a safe condition. |
| 206ZV(2)–no garbage collectionYou have not arranged for the collection of garbage for the site tenants and/or the park. |

|  |
| --- |
| Reason |
| 206ZVA–failure to maintain and repairYou have not kept the site (including any structures or fixtures) in good repair.  |
| 206ZVB(1)–failure to maintain and repairI have been charged for excessive usage of a service because of a fault in the infrastructure, fixtures or buildings at or connected to the Part 4A site or the Part 4A park. I require you to pay for the difference from my ordinary usage charges. |
| 206ZW(1)–poor maintenanceYou have not maintained, repaired and/or kept clean and tidy all communal bathrooms, toilets, laundries and other communal facilities. |
| 206ZW(2)(a)–disruption during repairs or renovationsYou have not minimised inconvenience and disruption when repairing or renovating communal facilities. |
| 206ZW(2)(b)–lack of substitute facilitiesYou have not provided necessary temporary substitute facilities during repairs or renovations to communal facilities. |
| 206ZW(3)-failure to repair reported damage/breakdownYou have not repaired the damage to a site or damage to, or breakdown of communal facilities that I reported to you. |
| 206ZX(1)(a)&(2)(a)–failure to give details for service of documentsYou have not provided me with your contact details (or your agent’s contact details, if applicable) for service of documents. |
| 206ZX(1)(b)&(2)(b)–failure to give details for urgent repairsYou have not provided me with an emergency telephone number to be used for urgent repairs and (if applicable) details of your agent’s capacity to authorise urgent repairs, the maximum amount for repairs the agent can authorise and/or the agent’s telephone number for urgent repairs. |
| 206ZX(3)–failure to inform of change to detailsYou have not provided me with notice within 7 days of any change to the details for service of documents or for urgent repairs. |