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

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

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

**Part A – Information for the operator**

This is a breach of duty notice. It tells you that the resident believes you have breached your duty as a rooming house operator. 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**

* The rooming house, its rooms, or any facilities, fixtures, furniture or equipment are not being maintained in good repair
* The resident has been inconvenienced or disrupted during repairs or renovations
* You did not provide the resident with temporary substitute facilities during repairs or renovations where necessary
* A room, facility, service or common area does not comply with an applicable rooming standard
* You did not provide the resident with 24 hour access to the resident's room, or the toilet and bathroom facilities, or access during reasonable hours to other facilities for residents' use in the rooming house
* You have unreasonably restricted or interfered with the resident's privacy, peace and quiet, or proper use and enjoyment of their room or the residents' facilities in the rooming house
* You have not taken all reasonable steps to ensure security of the resident's property in their room
* You did not give a written statement to the resident of their rights and duties and/or the house rules
* You did not display the residents' rights and duties, and/or house rules prominently in their room
* You have not provided the resident with the information required by the Act regarding details for service of documents and urgent repairs
* You did not give at least 7 days written notice about proposed changes to house rules
* You have not taken steps to ensure house rules are observed
* You have not taken steps to ensure that house rules are reasonable and enforced and interpreted consistently and fairly.

**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 street 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 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 operator 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 rooming house operator because:

|  |
| --- |
|  |

The loss or damage (if any) caused is:

|  |
| --- |
|  |

**Compliance and 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 compensation or a compliance order.

|  |
| --- |
| **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 rooming house operator 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 rooming house operator) |

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

6 Signature of resident(s)

|  |  |
| --- | --- |
| Signature of resident 1 |  |

|  |  |
| --- | --- |
| Date |  |

|  |  |
| --- | --- |
| Signature of resident 2 |  |

|  |  |
| --- | --- |
| 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 rooming house operator.

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**  |
| --- |
| **120(1)–poor repair**You have not ensured that the rooming house, its rooms or, any facilities, fixtures, furniture or equipment provided by you, have been maintained in good repair, being specifically:* + *List the affected rooms, or any facilities, fixtures, furniture, or equipment as applicable*.
 |
| **120(2)(a)–disruption during repair**You have not minimised inconvenience and disruption to the residents while repairing or renovating the residents' facilities. * + *Provide further detail about the inconvenience and disruption AND the repairs or renovations*.
 |
| **120(2)(b)–lack of substitute facilities**You have not provided temporary substitute facilities to the residents where necessary while carrying out repairs or renovations to residents' facilities, being the [*specify the facility]* |
| **120A–rooming house standards** A room, facility or service, or common area you have provided does not comply with applicable rooming house standards prescribed by Division 8 of Part 3 of the Act. The standard/s that is/are not being complied with is/are:* + *write the standard/s in section 4 or attach to this notice*.

*Note: The standards are set out in the Residential Tenancies (Rooming House Standards) Regulations 2012. They can be found at* [www.consumer.vic.gov.au/minimumstandards](http://www.consumer.vic.gov.au/minimumstandards) |
| 121–not provided accessYou have not provided me with 24-hour access to my room or to the toilet/bathroom facilities, or access during reasonable hours to other facilities for residents' use |
| **122(1)–interference by operator with quiet enjoyment**You have unreasonably restricted or interfered with my privacy, peace and quiet or proper use and enjoyment of my room and the residents' facilities |
| **122(2)–failure to ensure quiet enjoyment**You have not taken all reasonable steps to ensure that another resident of my shared room or their visitor does not interfere with my privacy, peace and quiet or proper use and enjoyment of the room |
| **123–poor security**You have not taken all reasonable steps to ensure the security of my property in my room |
| **124(1)-not given written statement of rights and duties** You did not give me a written statement of my rights and duties and/or a copy of the house rules on or before the day I agreed to take up occupation of a room in the rooming house  |
| **124(2)–failure to display rights and duties**You have not prominently displayed in my room a one-page written statement of my rights and duties and/or a copy of the house rules *Note: if one these have been displayed* *delete the reference to the document that has been provided already* |
| **125–failure to give details for service and repairs**You have not provided me with the details for service of documents and urgent repairs required by section 125 of the Act ORYou have not given me at least 7 days written notice of any change to the details for service of documents and urgent repairs |
| **127(1)–failure to give 7 days’ notice of rule change**You have not given me at least 7 days written notice of a proposed change to the house rules |
| **127(2)(a)–failure to ensure house rules observed**You have not taken all reasonable steps to ensure the house rules are observed by all residents. The house rule/s that is/are not being observed is/are:*Note: write the rule/s in section 4 or attach to this notice.* |
| **127(2)(b)–failure to enforce rules fairly**You have not ensured the house rules are reasonable and are enforced and interpreted consistently and fairly. The house rule/s concerned is/are:*Note: write the rule/s in section 4 or attach to this notice.* |