

# Notice to vacate to tenant/s of rented premises

**Residential Tenancies Act 1997 (the Act), Section 319 & Residential Tenancies Regulations 2019, Regulation 28**

## Note:

Use this form to give notice to vacate if you are a:

- landlord, owner or mortgagee of rented premises, or
- specialist disability accommodation (SDA) provider who has a tenancy agreement with an SDA resident living in an SDA enrolled dwelling. On this form, an SDA resident is referred to as the 'tenant' and an SDA provider is referred to as the 'landlord'.

Enter text in spaces provided only. This form will be invalid if you remove or change any questions or other text.

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 at [consumer.vic.gov.au/forms](http://consumer.vic.gov.au/forms).

This document is available for download in accessible Microsoft Word format at [consumer.vic.gov.au/forms](http://consumer.vic.gov.au/forms).

## How to use this form

### 1. Identify your reason

Read the reasons for giving notice to vacate on pages 3 to 4 and identify the correct reason for your circumstances.

The number beside each reason is the relevant section and sub-section of the Act – for example, 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 page 4.

### 4. Use the attached notice

The *Residential Tenancies Act 1997* and Residential Tenancies Regulations 2019 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 pages 3 to 4 for the reason you are giving a notice to vacate. You must insert dates and monetary amounts where a blank space appears in the reason.

**Important:** You must also include enough information in box 9 to allow the person receiving the notice to understand why you are giving the notice and the facts you claim are the basis for giving the notice. It is not sufficient to merely write the section number and state the reason from the Act.

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

[Insert factual details to explain why you are giving the notice to vacate – how the tenant's or their visitor's conduct has endangered the safety of neighbours]

## Note:

- If the notice is given under section 263(1), you do not need to provide a reason for giving the notice.
- If the notice is given under section 258(1) because the premises are to be occupied by a member of your family, the notice should at least include the name of the person who is going to be living in the property and details of your family relationship to them.

## When completing box 9, you should also consider:

- **the length of the notice period** – minimum notice periods vary depending on the type of notice, from immediate to 120 days. If you are giving a notice with a shorter minimum notice period (immediate, 14 days or 28 days) then more detailed reasons are required
- **the nature of the reasons** – more detailed reasons are required if the notice is given under section 243(1), 244(1), 246(1), 247(1), 248(1), 249(1), 250(1), 251(1), 252(1) or 253(1) due to alleged misconduct or an alleged breach capable of being remedied by the tenant
- **if the genuine need to vacate the property could be disputed**, then more detailed reasons are required – for example, if the notice is given under section 255(1) because repairs and/or renovations are planned and this cannot be done while the tenant is living in the property.

**Important:** If you do not provide enough details in box 9, the notice to vacate may be found invalid if challenged by the tenant at the Victorian Civil and Administrative Tribunal (VCAT).

## 6. Sign at 11 and write your name at 12

## 7. When the form is complete

Tear out the top form (Tenant's 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 telefondan Victoria Tüketici İşleri'ni aramalarını ve sizi bir Danışma Memuru ile görüşturmelerini 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 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 (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 потрашачка питања (Consumer Affairs Victoria) на 1300 55 81 81.

**Amharic** አንዳንድ ጽንፍ ለመረዳት ችግር ካለብዎ የአስተርጓሚ አገልግሎት (TIS) በስልክ ቁጥር 131 450 [በአካባቢ ጥሪ ሂሳብ] በመደወል በቬክተሪያ ደንበኞች ጉዳይ ጽ/ቤት በስልክ ቁጥር 1300 55 81 81 ደውሎ ከመረጃ አቅራቢ ሠራተኛ ጋር አገዳያዊነን 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.

Information about renting is available in other languages at [consumer.vic.gov.au/languages](http://consumer.vic.gov.au/languages).

# Notice to vacate to tenant/s of rented premises

## 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 destroyed to the extent 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) – use for illegal purposes

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 do so.

#### 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 use this reason if the conditions in S254 are met.

### Reasons for at least 28 days' notice to vacate

#### 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.

#### 262AA(1) – pet kept without consent

the Victorian Civil and Administrative Tribunal made an order on \_\_\_ /\_\_\_ /\_\_\_ under S71E of the Act excluding a pet from the premises. At least 14 days have passed since the order took effect on \_\_\_ /\_\_\_ /\_\_\_, and you have not complied with the order.

#### 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.\*

### 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 a purpose other than principally as a residence 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)(c) – end of a fixed-term tenancy of less than six months**

we have a fixed-term tenancy agreement of less than 6 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)(b) – end of a fixed term tenancy of six months or more (but not exceeding five years)**

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.

## **How to serve this notice**

**You can serve this notice to the tenant by hand, or by registered post, or by email (with consent).**

If you send this notice by registered post, you must take into account the extra days it takes for the notice to be delivered. There are different delivery times depending on whether you send it by priority registered post or regular registered post, which may take up to six days. You may also wish to keep evidence of the method of registered post you relied on to send this notice.

For more information about Australia Post's registered post delivery options and times, visit the [Australia Post website](https://auspost.com.au) (auspost.com.au).

You can only send this notice by email if you already have the tenant/s' written consent to receive notices and other documents this way. The tenant/s may have given consent in the tenancy agreement or separately in writing. A consent form is available from the [Forms and publications section - Consumer Affairs Victoria website](https://consumer.vic.gov.au/forms) (consumer.vic.gov.au/forms).

If you send this notice by email, the provisions of the *Electronic Transactions (Victoria) Act 2000* apply. For legal purposes, the time when a notice is received is when it can be retrieved from the email address the recipient nominated.

To help calculate the total minimum days to allow, depending on the notice period required and the method of delivery, visit the [Giving notices – Residential Tenancies List page – Victorian Civil and Administrative Tribunal website](https://vcat.vic.gov.au/resources/giving-notices-residential-tenancies-list) (vcat.vic.gov.au/resources/giving-notices-residential-tenancies-list).

If you need help with this notice, visit the [Renting section – Consumer Affairs Victoria website](https://consumer.vic.gov.au/renting) (consumer.vic.gov.au/renting) or call the Consumer Affairs Victoria Helpline on 1300 55 81 81.

## **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.

### **261(1)&(3)(a) – end of fixed-term tenancy of more than five years**

I am giving you 120 days' notice to vacate because we have a fixed-term tenancy agreement of more than five years which ends on the termination date.\*

### **263(1) – no specified reason**

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

**\*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.

### **268A – Tribunal order**

I am giving you \_\_\_ days' notice to vacate because the Victorian Civil and Administrative Tribunal has made an order requiring me to serve the notice.

Please insert the number of days that the VCAT order indicates as the minimum notice period.

### **268B – No licence to operate**

I am giving you 120 days' notice to vacate because I have no licence to operate a rooming house.

# Notice to vacate to tenant/s of rented premises

Tenant's copy

*Residential Tenancies Act 1997 S319; Regulation 28*

## Tenant details

1. This notice is given to:

(tenant/s names)

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2. Regarding the rented premises at:

(write address)

--

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:

(cannot be an agent's name)

--

6. Landlord/owner/mortgagee address for serving documents:

(can be an agent's address)

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7. Contact telephone numbers for landlord/owner/mortgagee:

(can be an agent's telephone numbers)

Business hours:	
After hours:	

## 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: (dd/mm/yyyy)	/ /

## Reason for notice to vacate

9. Insert the section number of the *Residential Tenancies Act 1997* and the reason 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 section 263 of the Act, insert the words 'section 263 – no reason is required'; or
- if the notice is given under section 268A of the Act, insert the words 'section 268A – Tribunal order made requiring notice to be given'; or
- if the notice is given under section 268B of the Act, insert the words 'section 268B – there is no licence to operate this rooming house'.

(if supporting information is required, attach a separate sheet)

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10. This notice is given:

(mark one method only and if registered post note the delivery speed)

by hand:	
by registered post:	
by email:	
Insert email address: (if applicable)	
on this date: (dd/mm/yyyy)	/ /

11. Signature of landlord, owner, mortgagee or agent:

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12. Name of landlord, owner, mortgagee or agent signing this notice:

(include the name of the estate agency where applicable)

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## Tenant please note:

- If you have been given notice to vacate you may be entitled to apply to the Victorian Civil and Administrative Tribunal (VCAT) to challenge the notice. The following time limits apply to challenges:
  - 30 days from when the notice was given under S255, S256, S257, S258, S259 or S260, or
  - 28 days for a fixed-term tenancy of six months or more when the notice was given under S261, or
  - 21 days for a fixed-term tenancy of less than six months when the notice was given under S261, or
  - 60 days from when the notice was given for a notice under S263.

- If the landlord, owner, mortgagee or agent seeks an order for possession from VCAT, the tenant has the right to attend a hearing and give evidence.
- If you need help with this notice, call the Consumer Affairs Victoria Helpline on 1300 55 81 81 or visit [consumer.vic.gov.au/renting](https://consumer.vic.gov.au/renting).

# Notice to vacate to tenant/s of rented premises

Information for tenants

## Ending a tenancy before the date given in a Notice to vacate

You may be able to end the tenancy earlier than the date your landlord has given you in a Notice to Vacate under sections 255, 256, 257, 258, 259, 260, 262 or 263 of the Act.

You must give your landlord written notice of your intention to vacate, and can do so using a Notice to Landlord form. Obtain a copy online at [consumer.vic.gov.au/renting](https://consumer.vic.gov.au/renting) or by calling Consumer Affairs Victoria on 1300 55 81 81.

Whether you have a **fixed-term** or **periodic** tenancy, you must give the notice at least 14 days before you vacate and include the date you will do so.

In a fixed-term tenancy, you must also ensure the date you specify is on or after the end date of your tenancy agreement.

# Notice to vacate to tenant/s of rented premises

Support person's copy (if any)

*Residential Tenancies Act 1997 S319; Regulation 28*

## Tenant details

1. This notice is given to:

(tenant/s names)

--

2. Regarding the rented premises at:

(write address)

--

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:

(cannot be an agent's name)

--

6. Landlord/owner/mortgagee address for serving documents:

(can be an agent's address)

--

7. Contact telephone numbers for landlord/owner/mortgagee:

(can be an agent's telephone numbers)

Business hours:	
After hours:	

## 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: (dd/mm/yyyy)	/ /

## Reason for notice to vacate

9. Insert the section number of the *Residential Tenancies Act 1997* and the reason 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 section 263 of the Act, insert the words 'section 263 – no reason is required'; or
- if the notice is given under section 268A of the Act, insert the words 'section 268A – Tribunal order made requiring notice to be given'; or
- if the notice is given under section 268B of the Act, insert the words 'section 268B – there is no licence to operate this rooming house'.

(if supporting information is required, attach a separate sheet)

--

10. This notice is given:

(mark one method only and if registered post note the delivery speed)

by hand:	
by registered post:	
by email:	
Insert email address: (if applicable)	
on this date: (dd/mm/yyyy)	/ /

11. Signature of landlord, owner, mortgagee or agent:

--

12. Name of landlord, owner, mortgagee or agent signing this notice:

(include the name of the estate agency where applicable)

--

## Tenant please note:

- If you have been given notice to vacate you may be entitled to apply to the Victorian Civil and Administrative Tribunal (VCAT) to challenge the notice. The following time limits apply to challenges:
  - 30 days from when the notice was given under S255, S256, S257, S258, S259 or S260, or
  - 28 days for a fixed-term tenancy of six months or more when the notice was given under S261, or
  - 21 days for a fixed-term tenancy of less than six months when the notice was given under S261, or
  - 60 days from when the notice was given for a notice under S263.



- If the landlord, owner, mortgagee or agent seeks an order for possession from VCAT, the tenant has the right to attend a hearing and give evidence.
- If you need help with this notice, call the Consumer Affairs Victoria Helpline on 1300 55 81 81 or visit [consumer.vic.gov.au/renting](https://consumer.vic.gov.au/renting).

# Notice to vacate to tenant/s of rented premises

Information for tenants

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You may be able to end the tenancy earlier than the date your landlord has given you in a Notice to Vacate under sections 255, 256, 257, 258, 259, 260, 262 or 263 of the Act.

You must give your landlord written notice of your intention to vacate, and can do so using a Notice to Landlord form. Obtain a copy online at [consumer.vic.gov.au/renting](https://consumer.vic.gov.au/renting) or by calling Consumer Affairs Victoria on 1300 55 81 81.

Whether you have a **fixed-term** or **periodic** tenancy, you must give the notice at least 14 days before you vacate and include the date you will do so.

In a fixed-term tenancy, you must also ensure the date you specify is on or after the end date of your tenancy agreement.

# Notice to vacate to tenant/s of rented premises

Landlord's copy

*Residential Tenancies Act 1997 S319; Regulation 28*

## Tenant details

1. This notice is given to:

(tenant/s names)

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2. Regarding the rented premises at:

(write address)

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3. Tenant/s address

(if same address as 2, write 'as above')

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## 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:

(cannot be an agent's name)

--

6. Landlord/owner/mortgagee address for serving documents:

(can be an agent's address)

--

7. Contact telephone numbers for landlord/owner/mortgagee:

(can be an agent's telephone numbers)

Business hours:	
After hours:	

## 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: (dd/mm/yyyy)	/ /

## Reason for notice to vacate

9. Insert the section number of the *Residential Tenancies Act 1997* and the reason 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 section 263 of the Act, insert the words 'section 263 – no reason is required'; or
- if the notice is given under section 268A of the Act, insert the words 'section 268A – Tribunal order made requiring notice to be given'; or
- if the notice is given under section 268B of the Act, insert the words 'section 268B – there is no licence to operate this rooming house'.

(if supporting information is required, attach a separate sheet)

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10. This notice is given:

(mark one method only and if registered post note the delivery speed)

by hand:	
by registered post:	
by email:	
Insert email address: (if applicable)	
on this date: (dd/mm/yyyy)	/ /

11. Signature of landlord, owner, mortgagee or agent:

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12. Name of landlord, owner, mortgagee or agent signing this notice:

(include the name of the estate agency where applicable)

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## Tenant please note:

- If you have been given notice to vacate you may be entitled to apply to the Victorian Civil and Administrative Tribunal (VCAT) to challenge the notice. The following time limits apply to challenges:
  - 30 days from when the notice was given under S255, S256, S257, S258, S259 or S260, or
  - 28 days for a fixed-term tenancy of six months or more when the notice was given under S261, or
  - 21 days for a fixed-term tenancy of less than six months when the notice was given under S261, or
  - 60 days from when the notice was given for a notice under S263.

- If the landlord, owner, mortgagee or agent seeks an order for possession from VCAT, the tenant has the right to attend a hearing and give evidence.
- If you need help with this notice, call the Consumer Affairs Victoria Helpline on 1300 55 81 81 or visit [consumer.vic.gov.au/renting](https://consumer.vic.gov.au/renting).

# Notice to vacate to tenant/s of rented premises

Landlord's copy

*Residential Tenancies Act 1997 S319; Regulation 28*

## Tenant details

1. This notice is given to:

(tenant/s names)

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2. Regarding the rented premises at:

(write address)

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3. Tenant/s address

(if same address as 2, write 'as above')

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## 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:

(cannot be an agent's name)

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6. Landlord/owner/mortgagee address for serving documents:

(can be an agent's address)

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7. Contact telephone numbers for landlord/owner/mortgagee:

(can be an agent's telephone numbers)

Business hours:	
After hours:	

## 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: (dd/mm/yyyy)	/ /

## Reason for notice to vacate

9. Insert the section number of the *Residential Tenancies Act 1997* and the reason 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 section 263 of the Act, insert the words 'section 263 – no reason is required'; or
- if the notice is given under section 268A of the Act, insert the words 'section 268A – Tribunal order made requiring notice to be given'; or
- if the notice is given under section 268B of the Act, insert the words 'section 268B – there is no licence to operate this rooming house'.

(if supporting information is required, attach a separate sheet)

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10. This notice is given:

(mark one method only and if registered post note the delivery speed)

by hand:	
by registered post:	
by email:	
Insert email address: (if applicable)	
on this date: (dd/mm/yyyy)	/ /

11. Signature of landlord, owner, mortgagee or agent:

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12. Name of landlord, owner, mortgagee or agent signing this notice:

(include the name of the estate agency where applicable)

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## Tenant please note:

- If you have been given notice to vacate you may be entitled to apply to the Victorian Civil and Administrative Tribunal (VCAT) to challenge the notice. The following time limits apply to challenges:
  - 30 days from when the notice was given under S255, S256, S257, S258, S259 or S260, or
  - 28 days for a fixed-term tenancy of six months or more when the notice was given under S261, or
  - 21 days for a fixed-term tenancy of less than six months when the notice was given under S261, or
  - 60 days from when the notice was given for a notice under S263.

- If the landlord, owner, mortgagee or agent seeks an order for possession from VCAT, the tenant has the right to attend a hearing and give evidence.
- If you need help with this notice, call the Consumer Affairs Victoria Helpline on 1300 55 81 81 or visit [consumer.vic.gov.au/renting](https://consumer.vic.gov.au/renting).