

Service times for notices

Breach of Duty and Notice to Vacate

When sending a Breach of Duty notice or a Notice to Vacate, a minimum notice period applies as set by the Residential Tenancies Act 1997 (Vic) (RTA).

The minimum notice period starts the day after the notice is:

- Given electronically (in accordance with the Electronic Transactions Act 2000);
- Given by hand; or
- Calculated to have been given when send by priority registered post or registered post.

For minimum notice periods, refer to the following CHIA Vic resources available from the Member Hub – Tenancy Resource Library:

- Breach of Duty Reasons – Residential rental agreements
- Breach of Duty Reasons – Rooming house agreements
- NTV Reasons – Residential rental agreements
- NTV Reasons – Rooming house agreements.

When giving a breach of duty notice, this is the to determine the compliance date. When giving a notice to vacate, it is to determine a termination date.

Below provides a summary of how many extra days to allow on top of the minimum notice period before further action can be taken after sending a notice.

Minimum notice period	By hand or electronic means	Registered post (sent Monday to Friday)	Registered post (sent on Saturday)	Registered post (sent on Sunday)
0 days	0 days	7 days later	6 days later	5 days later
2 days	3 days later	10 days later	9 days later	8 days later
7 days	8 days later	15 days later	14 days later	13 days later
14 days	15 days later	22 days later	21 days later	20 days later
28 days	29 days later	36 days later	35 days later	34 days later
30 days	31 days later	38 days later	37 days later	36 days later
60 days	61 days later	68 days later	67 days later	66 days later
90 days	91 days later	98 days later	97 days later	96 days later

Notes about extra day calculations

- The calculations on these tables don't include the date of postage or the date the notice to vacate is given by hand or electronic means. This is with the exception of a hand delivered or emailed notice to vacate for immediate termination, which can specify the date on which the notice is given as the termination date.
- The renter or resident is expected to receive the notice to vacate on the fifth business day after the notice is posted.
- If a public holiday falls on any of the five business days after the notice is posted, add one day to the earliest date.
- The table calculations are based on expected delivery timeframes taken from the Australia Post website as at February 2021, when postal delivery was affected by COVID 19 delays.
- The table calculations are based on the maximum expected delivery time frames for letters posted from one intrastate regional country area to another. The expected delivery time frames may be less for letters posted, for example, from one suburb of Melbourne to another or from a Melbourne suburb to a regional area.



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Further Assistance

Should you have any questions or comments in relation to the information in this resource please email leadingpractice@chiavic.com.au.

This resource will be periodically reviewed and continually updated based on sector feedback.



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