



COMMUNITY HOUSING
Industry Association Victoria

Practice Guidance

Preparing & presenting at VCAT



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1. Purpose

The purpose of this guide is to support Community Housing Organisations (CHOs) to prepare and present effectively to the Victorian Civil & Administrative Tribunal (VCAT).

VCAT can hear and determine civil and administrative disputes in Victoria. The types of cases that can be heard in relation to residential tenancies are disputes between renters and rental providers with respect to residential rental agreements, where the money involved in the dispute is less than \$40,000.¹

This guide summarises the role and structure of VCAT, the types of tenancy issues that may involve a VCAT process, the human rights considerations when dealing with disputes, and the required processes to follow when dealing with VCAT.

Should you have any questions or comments on any of the information in this guide, please email leadingpractice@chiavic.com.au. This guide is not intended as a substitute for legal advice and CHOs may need to obtain legal advice when making or conducting VCAT matters.

This guide should be read in conjunction with our guide to the Residential Tenancies Act 1997 (Vic) for Community Housing Organisations 2024, (**RTA Guide**).

1.1 Key resources

The key resources referred to in this guide can be found below.

Key resources	Links
Charter of Human Rights and Responsibilities Act 2006 (Vic) (' Charter ') 	CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 (austlii.edu.au) Charter of Human Rights and Responsibilities Act 2006 (legislation.vic.gov.au)
Consumer Affairs Victoria Director's Guidelines	Guideline 1 - Maintenance Guideline 2 - Cleanliness Guideline 3 - Damage and fair wear & tear Guideline 4 - Urgent repairs Guideline 5 - Endanger

¹ Residential Tenancies Act 1997 (Vic), s 447(1A)(a).

Compensation order	An order granted by VCAT giving the renter or rental provider the right to seek reimbursement from the rental provider or renter.
Compliance order	A VCAT order directing the renter or rental provider to comply with the specified provision of the RTA or rental agreement within a specified period of time.
Consumer Affairs Victoria (' CAV ')	A Victorian Government agency responsible for regulating accommodation under the RTA and other consumer protection laws.
Duty provision	A provision of the RTA which has specific legislative requirements and consequences for either the renter or the rental provider.
Notice to Vacate (' NTV ')	A legal notice to a renter that the rental provider wants them to vacate the property by a certain date, issued in accordance with the RTA.
Possession order	An order granted by VCAT giving the rental provider the right to obtain a warrant to regain possession of the property.
Prescribed form	The style of form required to be used when issuing a notice or providing information to renters.
Residential Tenancies List	VCAT hears disputes under its specialist 'lists'. Residential tenancy disputes are heard under the Residential Tenancies List.
Respondent	The party a VCAT application is made against.
Residential Tenancies Act (' RTA ')	The <i>Residential Tenancies Act 1997</i> (Vic). The principal legislation governing rental housing in Victoria.
RTA Guide	CHIAV guide to the Residential Tenancies Act 199 (Vic) for Community Housing Organisations 2024

Summary of proofs	A written summary for a VCAT claim. It should contain all the information the VCAT member needs to make a decision.
Victorian Civil & Administrative Tribunal (' VCAT ')	A legal institution set up to administer several Acts. For residential tenancies, the Tribunal administers the RTA
Warrant of possession	A legal document issued by VCAT authorising police to proceed with an eviction.

1.3 Background

The *Residential Tenancies Act 1997* (Vic) (**RTA**) sets out the law about residential tenancies.

Residential tenancy disputes that fall under the RTA are civil matters heard by the Victorian Civil & Administrative Tribunal (**VCAT**) under the Residential Tenancies List.

VCAT aims to provide fair, efficient and affordable justice by helping people to resolve disputes and makes decisions in an objective manner.

2. About VCAT

2.1 VCAT hierarchy

VCAT is established by the *Victorian Civil and Administrative Tribunal Act 1998* (Vic).

The Tribunal is led by VCAT's President (a judge of the Supreme Court of Victoria) and Vice Presidents (a number of judges from the County Court of Victoria).

Members are lawyers or other specialists appointed by the Governor in Council to apply the law and make impartial, independent decisions in the cases that VCAT hear.

VCAT has 5 divisions, each led by an experienced member appointed as a deputy president. These divisions are:

- Administrative;
- Civil;
- Human Rights;
- Residential Tenancies; and
- Planning and Environment.

The Residential Tenancies Division deals with matters through its Residential Tenancies List. This includes matters between:



- renters and residential rental providers;
- rooming house operators and residents;
- the Director of Housing and public housing tenants;
- caravan park owners and residents; and
- site tenants and site owners.

2.2 VCAT members

Members of the Tribunal have a responsibility to ensure that all parties receive a fair hearing. This means they must ensure that each party is given a reasonable opportunity to present their case and make submissions in opposition to that case.

When a VCAT member makes a decision about a claim, they can make orders that:

- require a party to pay money (compensation);²
- require a party to do something (e.g. carry out repairs, vacate the property);³
- require a party to refrain from doing something (compliance);⁴
- declare that a debt that is or is not owing;⁵
- review, carry or cancel a contract;⁶ or
- dismiss a claim.⁷

2.3 Why go to VCAT?

Residential tenancy claims that VCAT can assist with include, but are not limited to:

- rent arrears;
- bond claims;
- repairs, maintenance, damage, or property modifications;
- pets;
- excessive market rent increases;
- possession orders for a breach of the RTA, such as:
 - damage to property;
 - using the premises for an illegal activity; or
 - endangering the safety of occupiers of neighbouring premises;
- changes to the rental agreement for someone affected by personal or family violence;
- unreasonable rooming house rules;
- when a renter or rental provider doesn't meet their responsibilities;
- abandonment; and

² Residential Tenancies Act 1997 (Vic), part 5.

³ Residential Tenancies Act 1997 (Vic), part 7.

⁴ Residential Tenancies Act 1997 (Vic), part 5.

⁵ Victorian Civil and Administrative Tribunal Act 1998 (Vic), s 124.

⁶ Victorian Civil and Administrative Tribunal Act 1998 (Vic), s 124.

⁷ Residential Tenancies Act 1997 (Vic), part 7 division 1.



- death of a sole renter.

3. Before making an application

CHOs should make all reasonable efforts to settle disputes with renters without going to VCAT. Where an agreement cannot be reached, CHOs may proceed with taking the matter to VCAT, who can help to resolve disputes when other steps have not worked.

Before making an application to VCAT, CHOs should consider:

- whether the issue has been clearly communicated to the renter;
- the types of evidence required to support the application;
- the individual circumstances which could affect the renter's ability to resolve the problem;
- whether the renter has been given reasonable opportunity to resolve the issue;
- any relevant human rights, and the potential negative impacts on the household if the outcome being sought at VCAT is granted;
- whether the renter is eligible for support and whether that service has been engaged;
- whether the renter requires a referral to a service where they can seek advice and support;
- any other actions that could be taken to resolve the dispute and sustain the renter's tenancy; and
- if authorisation by a delegated senior decision maker in the organisation is required.

3.1 Human rights considerations

Before applying to VCAT, CHOs should ensure that relevant human rights impacts have been considered.

Section 38 of *The Charter of Human Rights and Responsibilities Act 2006* (Vic) (**Charter**) prohibits public authorities from acting in a way that is incompatible with human rights or failing to give proper consideration to human rights when making a decision.

Human rights must be considered when CHOs are making decisions about ending a tenancy or taking steps toward ending a tenancy. This includes when making the decision to apply to VCAT for a possession order, and the decision to purchase a warrant of possession.

What rights are engaged will depend on the individual circumstances of the renter. For those in community housing, the relevant rights generally include:

3.1.1 Recognition and Equality before the law (s8)

Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.

Renters are entitled to fair and consistent treatment by CHOs, and for decisions to be made without undue discrimination. Section 6 of the



Equal Opportunity Act 2010 sets out the attributes which must not be discriminated against.

Potential consideration:

Has the breach and its possible implications been explained to the renter in a way they understand?

3.1.2 Protection from torture and cruel, inhuman or degrading treatment (s10)

Everyone is entitled to protection from cruel, inhuman or degrading treatment.

Eviction into homelessness may amount to cruel, inhuman or degrading treatment.

Potential consideration:

Is the renter able to secure alternative accommodation? Will the renter be evicted into homelessness if a possession order is granted?

3.1.3 Privacy and Reputation (s13)

Everyone has the right not to have their privacy, family, home, or correspondence unlawfully or arbitrarily interfered with.

While the Charter does not outline a right to housing, s13 of the charter supports certain rights to a home. Any decision to bring an action against a renter must not be arbitrary and should be proportionate.

Potential consideration:

Is seeking to terminate the rental agreement proportionate in the circumstances?

3.1.4 Protection of families and children (s17)

Families are the fundamental group unit of society and are entitled to be protected by society and the State. Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

CHOs should take all reasonable steps to support family tenancies. This means that if there are children connected with the tenancy, workers must be very careful to detail and consider the consequences of eviction for them and take all reasonable steps to support family tenancies

Potential considerations:

Are there children connected with the tenancy? What would the consequences be for the children if a possession order was granted?

3.1.5 Right to protection of cultural rights (s19)



All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy his or her culture, to declare and practise his or her religion and to use his or her language.

Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community to enjoy their identity and culture.

Potential considerations:

*Have the renter's cultural and religious practices been considered?
What are the possible implications of eviction on the renter's cultural and religious circumstance, and are these justifiable in context?*

3.2 Person centred practice

Person-centred practice is fundamental to the community housing model, placing the needs, preferences, and rights of each renter at the heart of service delivery. It means working in partnership with individuals to support their housing stability and wellbeing in ways that respect their unique circumstances and goals.

Person centred practice when managing disputes before and at VCAT includes:

- making decisions that consider the circumstances of the renter and the CHO;
- sustaining tenancies whenever possible;
- providing links to external services and supports; and
- following fair and transparent processes in line with policies and procedures.

3.3 Procedural fairness

Procedural fairness means acting fairly in administrative decision making. A person may seek review of a decision on the basis that procedural fairness has not been observed.

In considering whether there has been a denial of procedural fairness, VCAT will examine:

- whether a duty to afford procedural fairness exists; and
- if such a duty exists, what amounts to procedural fairness in the particular case.

Generally, there are 3 rules to follow:

3.3.1 The hearing rule

Provide a renter with the opportunity to present their case and have their response taken into account before a decision is made:

- set a timeframe which takes into account any special circumstances and the seriousness or urgency of the alleged breach;
- ask the renter to respond and give reasons for why the issue occurred, why the notice should not be issued, or recommend if any other action should be taken;



- any notices issued should not come as a surprise to a renter; and
- interviewing the renter is an important first step in the investigation process and must be conducted in response to every complaint before a breach is issued.

Failure to interview a renter or give them opportunity to respond to allegations can give rise to arguments that the renter has not been provided with procedural fairness or natural justice.

3.3.2 The bias rule

Decision makers must be impartial and free from any actual or perceived bias. This rule is breached if a fair-minded observer might reasonably suspect that the decision-maker has prejudged the case or has a personal interest that could influence the outcome.

3.3.3 The evidence rule

The decision should be rational or based on evidence that supports the facts.

CHOs must ensure the renter understands the nature of the alleged breach, the action that will be taken, and the supporting evidence that will be relied upon.

3.4 Validity of any Notice to Vacate

Before making an application for a possession order, a rental provider must have issued the renter with a valid Notice to Vacate.

CHOs are directed to the RTA Guide 2024 (section 11.1) which provides guidance as to the requirements for a valid Notice to Vacate under the RTA.

CHOs should also check that the termination date takes into account the notice period under the relevant section of the RTA and the minimum service period depending upon how the notice was served such as by hand, email or registered post.

How many extra days to allow on top of the minimum notice period for each method of service is summarised in the [Service times for notices](#) resource (which reproduces information published by VCAT [When to send notices](#)) and is available on the CHIA Vic Member Hub.

3.5 Director's Guidelines

Under [s486](#) of the RTA, the Director of Consumer Affairs Victoria has issued guidelines which VCAT must consider when determining certain types of disputes, as follows:

- [Guideline 1 - Maintenance](#)
- [Guideline 2 - Cleanliness](#)
- [Guideline 3 - Damage and fair wear and tear](#)



- [Guideline 4 - Urgent repairs](#)
- [Guideline 5 - Endanger.](#)

The purpose of the guidelines is to establish the Director's position on compliance and non-compliance with the RTA, ensuring greater consistency in VCAT decision making and dispute resolution.

The guidelines summarise relevant case law that may be useful in interpreting the RTA and providing practical guidance that parties to a rental agreement can rely on when determining how to comply with their duties.

3.6 Settling a dispute before VCAT

All efforts to resolve a dispute should be made before making an application to VCAT, or in cases where an application has already been made, reasonable attempts should be made to resolve the dispute before the hearing.

Where an agreement is reached, it should be in writing and VCAT should be advised as soon as possible.

Agreements made for unpaid rent or about getting the bond, can be formalised by completing and submitting the relevant VCAT payment plan agreement:

VCAT function	Link to form
Payment plan for unpaid rent	Payment plan agreement
Agreement on how bond money should be paid	Bond or compensation payment agreement

In both cases, VCAT will make a VCAT order reflecting the agreement, without a VCAT hearing.

Note that there have been circumstances where agreements have been rejected by VCAT. This can be resolved by ensuring the agreement is accompanied with the renter's signed consent.

4. Applying to VCAT

All applications for bond, compensation, repairs, and excessive rent must be made to Rental Dispute Resolution Victoria (**RDRV**).

All other types of applications are made directly to VCAT.



4.1 Rental Dispute Resolution Victoria (RDRV)

Rental Dispute Resolution Victoria (RDRV) is a new and free VCAT service that came into effect in June 2025, established as one of the many Victorian Government reforms outlined in [Victoria's Housing Statement](#).

RDRV assists renters and rental providers to resolve disputes over bonds, compensation, repairs and rent increases in a more informal setting, freeing up VCAT to deal with other cases.

An RDRV application is an application to VCAT, case managed in a new way. It is an alternative dispute resolution process aimed at reducing time and stress for parties to disputes.

Matters are case managed by a dedicated resolution coordinator as a single point of contact, who works with both parties from start to finish to try and resolve the case, rather than have it go to a VCAT hearing.

Matters not able to be resolved through RDRV will be automatically referred to VCAT for a hearing.

More information can be found on the [RDRV website](#).

4.1.1 myRDRV portal

An application can be made and managed via the [myRDRV portal](#), including being able to check the status of an application and upload documents directly.

4.1.2 What happens after an RDRV application is lodged

After an application is submitted to RDRV, a resolution coordinator will contact both parties to further understand the dispute and discuss the options and pathways available. This could include providing additional information or facilitating a mediation.

4.1.3 RDRV support

RDRV can be contacted:

- by email at cases@courts.vic.gov.au;
- by phone on 1300 017 378; or
- in person at 55 King Street Melbourne, or one of the four community locations in Oakleigh, Bundoora, Frankston or Bendigo.

For support using myRDRV (the portal), including setting up an account, email RDRVsupport@courts.vic.gov.au.



Ongoing updates will continue to be provided by VCAT, including a launch toolkit with eLearning modules and supporting resources. VCAT welcome any feedback which members may communicated directly, or through CHIA Vic.

4.2 VCAT Residential Tenancies Hub

For matters not dealt with under the RDRV, VCAT recommends that you use the [VCAT Residential Tenancies Hub](#). The RT Hub can be used to:

- create and lodge renting applications;
- receive notice of hearing and search upcoming hearings;
- create notices;
- withdraw an application before its first hearing;
- view applications and notices made using the RT Hub;
- request a warrant of possession;
- request to renew a case; and
- produce fee statements.

It is important to remember that if you create and lodge an application through the Residential Tenancies Hub, all notifications and notices will be sent to the email address on that account.

4.3 Communicating with VCAT and other parties

All communication (other than submitting evidence) in a VCAT proceeding must be through the Tribunal Registry, using the following contact information:

- by email at renting@courts.vic.gov.au;
- by phone on 1300 018 228; or
- by post at GPO Box 5408, Melbourne VIC 3001.

Tribunal Members must not be contacted directly.

All written communications should be addressed to the Principal Registrar, and:

- include the VCAT reference number for the relevant proceeding;
- state the date of any scheduled hearing or alternative dispute resolution; and
- copy in all other relevant parties.

4.3.1 Example email to Registry

To: renting@courts.vic.gov.au;

Cc: otherside@email.com

Subject: R2025/1234/56 CHOs v John Smith

Dear VCAT Registry



We refer to the above proceeding and the upcoming hearing on 1 January 2025.

Please find our application for an adjournment attached.

We copy in the respondent by way of service.

Thank you for considering this request.

Kind regards

4.4 Serving an application

Once an application has been lodged with VCAT, a copy must also be served on the Respondent.

A notice, order or any other document may be served by:

- delivering it personally;
- sending it by post;⁸
- sending it via electronic communication (where consent has been given in accordance with the Electronic Transactions Act 2000).⁹

CHOs must serve an application on the other party within 7 days of lodging the application with VCAT.¹⁰ When serving by post, make sure you check the Australia Post website to determine the “ordinary course of post” postage times.

Some applications will have a minimum notice period between serving a document and the date on which further action can be taken. A minimum notice period for service is set by the RTA.

How many extra days to allow on top of the minimum notice period for each method of service is summarised in the [Service times for notices](#) resource (which reproduces information published by VCAT [When to send notices](#)) and is available on the CHIA Vic Member Hub.

4.5 Amending an application

To make changes to an application, the request must be made in writing, quote the reference number, and include any documents to support the change.¹¹

⁸ See section 141 of the VCAT Act and section 49 of the Interpretation of Legislation Act 1984 provide that where a document is served by way of post, the document ***is taken to have been served at the time which the letter would be delivered in the ordinary course of post***

⁹ Victorian Civil and Administrative Tribunal Act 1998, s 140.

¹⁰ Victorian Civil and Administrative Tribunal Rules 2018, r 4.09.

¹¹ Victorian Civil and Administrative Tribunal Act 1998, s 127.



VCAT will provide confirmation if they accept the change.

4.6 Withdrawing an application

A VCAT application can be withdrawn at any time before a final decision is made.¹²

To withdraw the application, a written request must be submitted to the Tribunal “seeking leave to withdraw” and include written consent given by the renter.

A form is available for download from VCAT [Application for leave to withdraw](#).

Once a withdrawal order has been made, the proceeding cannot be reinstated.

4.7 Notice of Hearing

If VCAT accepts the application, they will issue a notice of hearing to both parties that provides the date, time and whether the hearing will be held by phone, video, or in person.¹³

Expected wait times are detailed on VCAT’s website [After you apply - Residential tenancy cases](#). Where hearing delays occur, the VCAT Registrar can be contacted by emailing renting@courts.vic.gov.au.

5. VCAT proceedings

5.1 Preparing your case

When VCAT make a decision they may take into account copies of all documents, reports and other materials provided by parties. It’s important to be clear on what outcome you are seeking.

Copies of all documentation must be provided to VCAT and to the Respondent. See “Communicating with VCAT and Other Parties” for more information.

5.1.1 Summary of proofs

A summary of proofs must be completed which provides VCAT with a summary of the claim.

The correct summary of proofs template relevant to the type of application must be used, and are available to download from the VCAT website:

¹² Victorian Civil and Administrative Tribunal Act 1998, s 74.

¹³ Victorian Civil and Administrative Tribunal Act 1998, s 99.



- [Summary of proofs - rent arrears](#)
- [Summary of proofs - abandonment](#)
- [Summary of proofs - bond or compensation](#)
- [Summary of proofs - reasons other than rental arrears](#)
- [Summary of proofs - possession of a room in a rooming house.](#)

CHO's should file the summary of proofs and evidence as one PDF.

If you are seeking a possession order, you will be required to explain why a possession order is "reasonable and proportionate" in the circumstances (see section 5.5.1 of this guide for further details).

5.1.2 Evidence

The Tribunal is not bound by the rules of evidence and must conduct proceedings with a little formality and technicality as possible.¹⁴ Evidence requirements will vary depending on the individual circumstances of each case.

If the CHO wishes to rely on the evidence of eyewitnesses, those witnesses need to attend the hearing and be prepared to answer any questions asked by the Member and the Respondent or any lawyer or person representing the Respondent.

In some circumstances CCTV footage may be accepted, depending on factors such as the source/reliability of the footage (a statutory declaration about witnessing an incident on CCTV footage, without presenting the actual evidence would not allow the other party to test the evidence and may not be accepted). Respondents have the right to disclosure of evidence documents, and the opportunity to test evidence. The use of anonymous statutory declarations and redacted information may not meet this disclosure requirement. A CHO is also unlikely to be able to rely upon any evidence which has not been disclosed to the Respondent.

Witness safety can sometimes be supported by arranging for witnesses to attend hearings and present their evidence from a separate room (including virtually), but a request needs to be made to VCAT in relation to such arrangements.

Under s102 of the VCAT Act, The Tribunal must allow a party reasonable opportunity:

- to call or give evidence; and
- to examine, cross-examine or re-examine witnesses; and
- to make submissions to the Tribunal.

5.1.3 Summoning evidence

¹⁴ Victorian Civil and Administrative Tribunal Act 1998, s 98.

A summons is a legal document issued by VCAT that orders a person to attend a hearing (this can be by phone, video conference or in person at a VCAT location) as a witness to give evidence and/or to produce documentary evidence.¹⁵

Before applying for a summons, you should ask the person to be a witness or to provide the required evidence. If they unwilling to do so, an application may be made to VCAT for a summons.

CHO's should only proceed with a summons where it is reasonable and necessary. If a person is refusing to voluntarily give evidence, consider the reasons for their refusal and also consider the risk that their evidence will not support your case.

There are costs to apply for a summons, which includes a VCAT fee, plus reasonable costs of the person summonsed (for example, return travel to VCAT, accommodation, if required, printing and photocopying costs). How much to pay depends on who is being summonsed and what they are required to do.

People who could be summonsed to appear as a witness may include neighbours, support workers, or Victoria Police. Documentation that could be summonsed may include photos, offense charges, and reports.

Once notification of the hearing date is received, a [Summons to appear form](#) can be filed with VCAT along with the relevant fee.

VCAT will issue a signed copy of the summons which must be served on the witness personally, by post, or by email, along with the payment (or equivalent such as pre-paid travel) for reasonable expenses. A copy must also be given to each party.

Complete and sign the Affidavit of Service with a person authorised to take affidavits as proof that the summons has been sent.

Once a summons to give documents has been served on a witness, they must provide any documents to VCAT and VCAT will then provide copies of the documents to the parties.

5.1.4 Submissions

A party can give VCAT a "submissions" document which outlines how they think VCAT should make their decision.

An example submission is provided in [Appendix V](#).

¹⁵ Victorian Civil and Administrative Tribunal Act 1998, s 104.



5.2 Uploading evidence

CHOs can use the Residential Tenancies Hub to upload documents to VCAT for a hearing. When an application is made, VCAT will email a link specific to the application for uploading evidence documents.

5.2.1 What to consider when uploading documents

There are a number of things to keep in mind when uploading documents to the Residential Tenancies Hub, including:

- **When are you uploading?** Evidence documents must be uploaded to the residential tenancies hub at least 3 business days before the hearing date, unless the matter has been listed urgently.
- **How is the document saved?** Each document should be identifiable by its name. It is recommended that you use a standard naming convention, for example “[VCAT Case reference] [Document descriptor] [date]” or “R2025/1234/56 Notice to Vacate 25.12.2024”;
- **What format is the file?** Documents can only be uploaded as a PDF, DOC, DOCX, CSV, XLS, XLSX, JPG, or PGN. The documents cannot be password protected or have security settings.
- **How big is the file?** The residential tenancies hub currently (as of July 2025) has a file size limit of up to 90MB per file and 500MB total. VCAT are working with their IT department to increase the file size limitations. In the meantime, anything too large to be uploaded can be emailed to renting@courts.vic.gov.au and it will be added to the file.
- **Are the photos and videos in colour?** Photos and videos must be in colour and identify the date they were taken and which room/ area of the property they were taken in;
- **What category is the documents?** When uploading the documents, choose the appropriate category for each document. The categories highlighted indicate that a document in that category is required by VCAT for the type of hearing;
- **Have you sent a copy to the other side?** You must still email a copy of all documents uploaded to the other side in advance of the hearing.

CHO’s must send the following documents to VCAT via email:

- updates to party details;
- updates to details of the case;
- procedural requests (for example, adjournment requests); and
- applications for review or payment plans prior to hearing.

5.3 VCAT support services

VCAT offer a range of support services available to renters, including:

- **Interpreters** – a professional interpreter (at no cost) can be arranged. VCAT will not allow a relative or friend to interpret on behalf of someone at a hearing.



- **Family violence support** – a family violence support worker can support renters affected by family violence and work with them to make sure they are safe at the hearing and have access to justice.
- **Disability** – disability liaison officers can support renters to access VCAT's services and venues. Most hearing locations are accessible. Facilities such as an assistive listening device or hearing loop can be made available. A telephone hearing can be requested.
- **Koori support** – culturally safe and inclusive support is offered for Aboriginal and Torres Strait Islander people. A Koori Engagement Officer can help with booking a Koori meeting room, attending the hearing with the renter, and general information and advice about VCAT processes.
- **Technology** – hearing room technology options include assistive listening devices, audio visual equipment, hearing loops, smart boards, remote witness facilities, and phone and video conference facilities (fees may apply to some types of technology).

If a renter requires access to these services, it is important to let VCAT know as early as possible.

5.4 Getting an Adjournment

Applications for adjournments (changing a hearing date) are not encouraged by VCAT, should only be made in exceptional circumstances, and may not necessarily be granted, even if all parties consent.¹⁶

An [application to ask to change the date](#) can be made no later than 4:00pm, at least two business days before a hearing.

The reasons for the adjournment, with supporting evidence and information must be provided along with written [consent](#) from the renter if they agree.¹⁷

Reasons for which an adjournment may be granted by VCAT include:

- the renter is unable to attend the hearing;
- a key witness is unable to attend the hearing;
- the renter and/or their representative have proposed a reasonable alternative solution;
- the renter and/or their representative need more time so they can properly assess the renter's situation.
- if you are seeking a possession order on the grounds of unpaid rent, you can apply to delay the date of a hearing in VCAT by up to three months. This is usually done when the tenant pays up to the rent arrears or both parties have come to an agreement about how the unpaid rent will be paid. If you do not renew the application to come before VCAT within the three-month period, your application will be withdrawn.¹⁸

¹⁶ Victorian Civil and Administrative Tribunal Rules 2018, r 4.31.

¹⁷ VCAT Practice Note PNRSTI 'Residential Tenancies List – Adjournments.

¹⁸ Victorian Civil and Administrative Tribunal, 'Change a hearing date (adjournment)' *Three month adjournments in residential tenancy cases*, (Webpage, 2025), < <https://www.vcat.vic.gov.au/the-vcat->



5.5 Attending a hearing

When attending the hearing, parties and their representatives must:

- treat the Tribunal and the other parties with courtesy and respect at all times;
- act honestly in relation to the proceeding and not knowingly give false or misleading information to the Tribunal;
- abide by all rulings and directions of the Tribunal;
- act promptly, comply with all Tribunal directions for the timely resolution of the dispute and minimise delay;
- cooperate with other parties and the Tribunal to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute;
- participate in alternative dispute resolution when directed to do so.

Members are called “Member”. If you know their specific title such as “Deputy President” or “Senior Member” you can use this title instead.

Mobile phones must be switched off or on silent at all times inside the hearing room.

Use of a laptop or tablet is permitted for legal business related to the hearing, but it must not disrupt proceedings.

5.5.1 Reasonable & Proportionate Test

Section 330A of the RTA sets out the circumstances that VCAT is required to consider to be satisfied whether it is reasonable and proportionate to make a possession order.

Applicants need to prepare arguments to demonstrate that the order being sought is reasonable and proportionate.

The Tribunal will consider:

- the nature, frequency, duration and conduct that led to the application, including recurrent breaches of obligations;
- whether the breach is trivial;
- whether it was caused by someone other than the renter;
- any family violence or personal violence intervention orders or related matters;
- whether the breach has been remedied as far as is practicable;
- whether the breaching party has, or will soon have, capacity to remedy the breach and comply with any obligations;
- the effect of the conduct on other renters;
- whether VCAT could take any other action instead of making a possession order;
- the behaviour of the rental provider;

[process/when-things-change/change-a-hearing-date-adjourment#three-month-adjourments-in-residential-tenancy-cases>](#)



- anything else VCAT considers relevant.

In general, the Tribunal will assess the facts of the case and apply them to each of these parts of the test. When looking at “anything else VCAT considers relevant” a review of decisions shows that factors VCAT found to be relevant and considered also include:

- the financial circumstances of the renter and the rental provider;
- the ability of the renter to access alternative accommodation;
- the impact on neighbours;
- the impact on the renter’s family members.

CHOs may wish to consider making written submissions to VCAT in cases where this test will be applied to ensure that all relevant matters in relation to each part are considered.

The decision *Homes Victoria v Galasso (Residential Tenancies)* [2024] VCAT 642 discusses the factors which must be considered in more detail.¹⁹

6. VCAT decisions and orders

Each party presents their case, provides evidence and has an opportunity to ask questions. Once all facts are presented, the VCAT member will make a decision and issue an order which parties involved in the case must follow.

High profile case decisions with written reasons are published on [Australasian Legal Information Institute](#).

Researching previous relevant cases and understanding what factors VCAT took into consideration when making their decision can assist with preparing arguments to support the outcome you are seeking for your own application.

6.1 Reasons

When making a decision, the VCAT member may give verbal reasons. Written reasons for rental disputes can be requested before or at the time of the hearing. Written reasons are time-consuming for VCAT to produce, they should only be requested where necessary.

¹⁹ [Homes Victoria v Galasso \(Residential Tenancies\)](#) [2024] VCAT 642(11 July 2024), 80-149.



6.2 The difference between a dismissal and strike out

If VCAT decides to dismiss a case, it is closed and can't be re-opened except in limited circumstances such as where a party applies to re-open a decision because they did not attend the hearing (see 6.7). Usually, a dismissal means that the applicant can't bring the case again.

However, if an application is "struck out" by VCAT there may be a right for the application to fix its application and come back to VCAT. For example, if the application is struck out with a right of reinstatement, the applicant has a chance to fix any problems with its application and bring it back to VCAT.

6.3 Consent Order

Where an agreement has been reached with the other party, this can be formalised as a Consent Order.

When making a written request to the Tribunal, it should include:

- the VCAT reference or file number;
- the exact terms of what is agreed with the other party. Everyone must agree on the exact wording;
- that each party has agreed to the consent order – shown by every party signing the consent order.

The request should be made at least 2 business days before any scheduled hearing. If the request is not made within this timeframe, the hearing will proceed, and the parties will still be required to attend.

The making of a consent order is at the discretion of the Tribunal. If the proposed consent orders are inappropriate or unclear, VCAT may refer the application to a hearing for decision.

6.4 Possession Order

If a possession order is granted by VCAT, the order states that the renter must move out of the property.

If the renter does not move out by the date in the possession order, an application can be made to VCAT for a warrant of possession which allows police to proceed with evicting the renter from the property.²⁰

An application for a warrant can be made:

²⁰ Residential Tenancies Act 1997, s 351.



- immediately, if the order allows for it; or
- within 6 months from the date of the order, if the renter has not moved out.

Once a warrant is granted, they are valid for a period of time, usually between 14 to 30 days. If no action is taken within the required timeframe, the warrant will lapse.

An example warrant of possession renter letter template is provided in [Appendix W](#).

Flowcharts that detail the application to VCAT for an order of possession process are provided in [Appendix A](#) (rent arrears), [Appendix H](#) (breach of compliance) and [Appendix O](#) (successive breaches).

6.5 Compliance Order

Under s332A of the VCAT Act, VCAT may make a compliance order instead of granting a possession order, where the Tribunal finds it appropriate to do so. Such an order will usually contain orders that must be complied with by the renter such as not allowing named visitors to attend the rented premises.

6.6 Compensation Order

VCAT has the power to award damages for financial loss, injury, or property damage in residential tenancies cases. The amount of a compensation awarded will depend on the facts of the case.

6.7 Re-opening applications

If a VCAT decision is made when a renter did not attend the hearing they can apply to have the application re-opened under section 120 of the VCAT Act provided they can demonstrate to VCAT that:

- they had a reasonable excuse for not attending the hearing; and
- they have a reasonable case to argue in relation to the subject matter of the VCAT application.²¹

An application for re-opening should be made within 14 days of receipt of the order,²² and cannot be made more than once without leave of VCAT.²³

6.8 Mistakes by VCAT

On rare occasions VCAT orders may include a minor drafting error, including:

²¹ Victorian Civil and Administrative Tribunal Act 1998, ss 120 (1)(4) and (4A).

²² Victorian Civil and Administrative Tribunal Rules 2018, r 4.24 (1).

²³ Victorian Civil and Administrative Tribunal Rules 2018, r 4.24 (2).



- clerical mistakes;
- errors arising from an accidental slip or omission; or
- a material miscalculation of figures or material mistake in the description of any person, thing or matter referred to in the order.²⁴

This can be resolved in some cases by contacting VCAT to seek a correction order.

6.9 Making a complaint

A complaint can be lodged with VCAT about:

- the quality of an action taken or service provided by VCAT staff;
- conduct or behaviour of VCAT staff;
- delay or failure to meet VCAT service requirements;
- a Tribunal member's behaviour.

VCAT cannot respond to complaints about:

- the merits of a case;
- a VCAT order or decision of a Tribunal member.

Complaints can be lodged by completing VCAT's [Complaint form](#) and sending it to complaint@courts.vic.gov.au along with any supporting documents. More information about VCAT's complaint policy can be found on their [website](#).

Complaints about the conduct and capacity of VCAT members can be made to the Judicial Commission of Victoria by completing an [online complaint form](#) available on their website.

VCAT cannot address complaints about VCAT decisions or the way VCAT proceedings were conducted.

6.10 Appeals

If a party in a proceeding believes that a decision is wrong on a question of law or believes the proceedings were not fair, they may be able to make an application to appeal the decision to the Supreme Court of Victoria.²⁵

The Supreme Court website has a [self-help information pack on how to seek leave to appeal VCAT decisions](#). There are strict time limits for appealing in this way.

CHOs who want to appeal any decision should seek immediate legal advice.

²⁴ Victorian Civil and Administrative Tribunal Act 1998, s 119.

²⁵ Victorian Civil and Administrative Tribunal Act 1998, s 148



7. VCAT contact information

VCAT can be contacted by:

- **phone:** 1300 018 228;
- **post:** GPO Box 5408, Melbourne VIC 3001;
- **email:** renting@courts.vic.gov.au (include the case number and hearing date in the subject line); or
- **in person:** at the following locations:

MELBOURNE

55 King Street

Melbourne VIC 3000

FRANKSTON

1 Balmoral Street

Frankston VIC 3199

OAKLEIGH

Level 1, 20 Atherton Road

Oakleigh VIC 3166

BUNDOORA

Level 2, Uni Hill Town Centre, 1-3 Janefield Drive

Bundoora VIC 3083

BENDIGO

Level 3, 188 Hargreaves Street

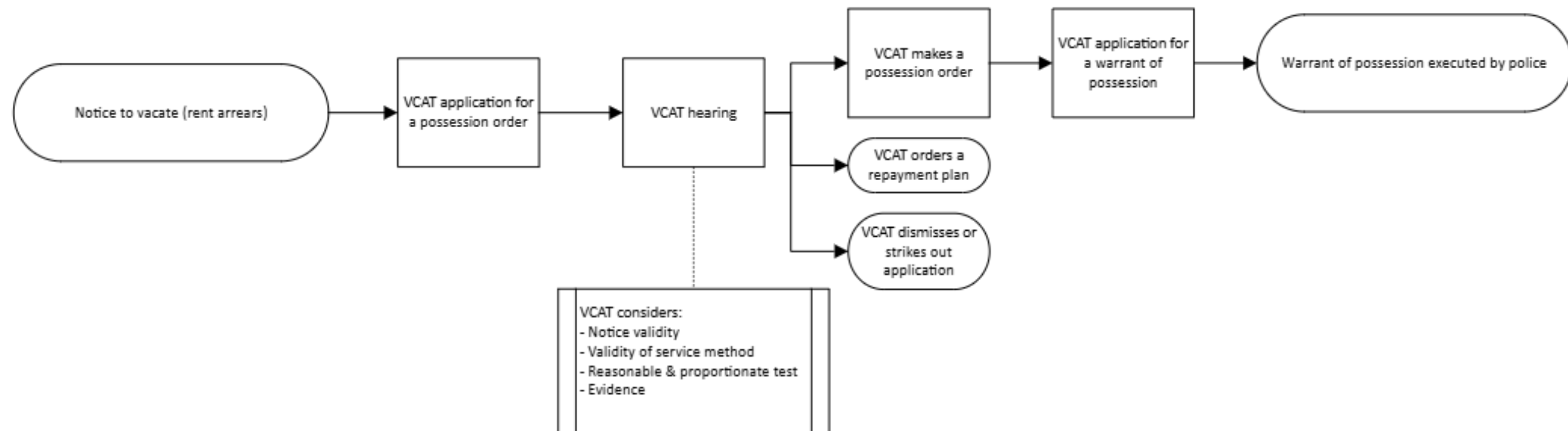
Bendigo VIC 3550

Acknowledgement: CHIA Victoria would like to acknowledge and thank Australian law firm, Maddocks, for reviewing and providing advice on this guide.



Appendix A: Application to VCAT for an order of possession process (rent arrears)

Below is a flow chart of the process steps for an application to VCAT seeking an order of possession for rent arrears. Community housing providers seek to sustain tenancies at every stage of this process, and eviction is always only a measure of last resort.



The following example templates are also attached:

- [Appendix B](#): Notice to vacate renter cover letter (rent arrears)
- [Appendix C](#): Notice to vacate (rent arrears) general tenancies
- [Appendix D](#): Notice to vacate (rent arrears) rooming houses
- [Appendix E](#): Application to VCAT for possession renter cover letter (rent arrears)
- [Appendix F](#): Application to VCAT for possession (rent arrears) general tenancies
- [Appendix G](#): Application to VCAT for possession (rent arrears) rooming houses
- [Appendix V](#): VCAT submission
- [Appendix W](#): Warrant of possession renter letter
- [Appendix X](#): Renter support services information sheet

Appendix B: Notice to vacate renter cover letter (rent arrears)

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures].

[Date]

[Renter name]

[Postal address]

[Suburb, State, Postcode]

Dear [Renter]

Re: Rental arrears – Notice to vacate

We have made multiple attempts to contact you about your unpaid rent.

As you have not resolved the matter or entered into a repayment agreement, we are writing to serve you a Notice to Vacate. Please find the notice enclosed.

What happens next?

You must make payment in full of \$[Arrears amount owed to NTV termination date] by [NTV termination date]. If you pay all of the unpaid rent on or before this date, the notice will have no effect.

If you do not make payment in full, or if you do not contact us, we will make an application to the Victorian Civil & Administrative Tribunal (VCAT) for a rent arrears hearing.

To avoid further action, please contact your [Tenancy Manager] worker to discuss:

- Options to rectify your payments, such as entering into a repayment agreement.
- Referral options if you need financial assistance or other support.
- Any other circumstances which might be affecting your ability to pay your rent.

You can contact your [Tenancy Manager], [Name] on [contact details].

[Tenancy Manager]



Appendix C: Notice to vacate (rent arrears) general tenancies

[Note: This is example wording to be used on a Notice to Vacate for rent arrears (general tenancies), under section 5 Reason for notice, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

5 Reason for notice

- The rental provider must select the relevant reason, section number and the minimum notice required under the Act from the attached information sheet and write it in the box below.
- The rental provider must also explain why the notice has been given. It is not enough to quote just from the Act or from the reasons on the information sheet; this must be accompanied by specific details.
- VCAT may find a notice to vacate invalid where it does not provide enough details or is not accompanied by the required documentary evidence.

I am giving you this notice for the following reason:

Non-payment of rent (91ZM)

This notice is given pursuant to section 91ZM of the Residential Tenancies Act 1997 (Vic).

You now owe at least 14 days rent. The amount owing is \$[arrears amount].

At the date of this notice your rent is paid up to and including [paid to date].

This is notice number [1 / 2 / 3 / 4].

If this is notice 1, 2, 3 or 4 and you pay your rent before the termination, then this notice will have no effect.

If this is notice number 5 or you do not pay your rent then you must vacate on or before the terminate date or your rental provider may apply to VCAT to evict you.

The rent is outstanding pursuant to a rental agreement dated [rental agreement date] between the Rental Provider, [CHO] and the Renter, [renter name]. Rent is payable in advance by the Renter to the Rental Provider pursuant to clause [rental agreement clause number] of the rental agreement.

The current weekly rental is \$[rent amount payable]. The Renter has not paid rent since [date last rental payment was received].



Appendix D: Notice to vacate (rent arrears) rooming houses

[Note: This is example wording to be used on a Notice to Vacate for rent arrears (rooming houses), under section 5 Reason for notice, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

5 Reason for notice

- The rooming house operator must select the relevant reason, section number and the minimum notice required under the Act from the information provided on pages 6 to 8 of this form and write it in the box below.
- The rooming house operator must also explain why the notice has been given. It is not enough to quote from the Act. The explanation must be sufficient so the resident can understand why the notice has been given.
- VCAT may find a notice to vacate invalid where it does not provide enough details or is not accompanied by the required documentary evidence.

I am giving you this notice for the following reason:

Non-payment of rent (142ZF)

This notice is given pursuant to section 142ZF of the Residential Tenancies Act 1997 (Vic).

You owe at least 7 days rent. The amount owing is \$[arrears amount].

At the date of this notice your rent is paid up to and including [paid to date].

The rent is outstanding pursuant to a rooming house agreement dated [rooming house agreement date] between the Rooming House Operator, [RHO] and the Resident, [resident name]. Rent is payable in advance by the Resident to the Rooming House Operator pursuant to clause [rooming house agreement clause number] of the rooming house agreement.

The current weekly rental is \$[rent amount payable]. The Resident has not paid rent since [date last rental payment was received].



Appendix E: Application to VCAT for possession renter cover letter (rent arrears)

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures].

[Date]

[Renter name]

[Postal address]

[Suburb, State, Postcode]

Dear [Renter]

Re: Rental arrears – Application to VCAT

We have made multiple attempts to contact you about your unpaid rent.

As you have not resolved the matter or entered into a repayment agreement, we are writing to inform you that an application has been made to the Victorian Civil & Administrative Tribunal (VCAT) for a rent arrears hearing. A copy of the application is enclosed.

Your rent is currently in arrears to the amount of \$[Arrears amount] as at today's date.

What happens next?

VCAT will review the application and send you a Notice of Hearing, telling you when and where your hearing will take place.

It is important that you attend the hearing so that you can have your say. If you do not attend, VCAT can proceed with making a decision in your absence.

If you make payment of all unpaid rent in full before the hearing date, the application will be withdrawn to cancel the hearing.

If you contact your [Tenancy Manager] and enter into a repayment agreement at least 7 business days before the hearing, the agreement can be lodged with VCAT to make an order without proceeding with the hearing.

If you need help

If you require support or advice, attached is a list of services you can contact. If you need help with a referral, please contact your Tenancy Manager.

[Attach list of services - refer to the CHIA Vic Renter support services information sheet [Appendix X](#)].

For any further information, you can contact your [Tenancy Manager], [Name] on [contact details].



[Tenancy Manager]



Appendix F: Application to VCAT for possession (rent arrears) general tenancies

[Note: This is example wording to be used on a VCAT application for rent arrears (general tenancies), under part 9 Claim details, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

PART 9: CLAIM DETAILS - WHAT DO YOU WANT VCAT TO DO?

20. What orders do you want VCAT to make?

You need to tell us the relevant section number of the *Residential Tenancies Act 1997* that relates to your claim, if you can, and what orders you want VCAT to make.

You may also have to provide specific information or documents to support your application. If you do not provide information or documents that VCAT needs, your application may be delayed.

To see a list of common disputes we hear and their section numbers, go to www.vcat.vic.gov.au/rentingnotice.

The Applicant has served a notice to vacate on the Respondent for non-payment of rent under section 91ZM of the Residential Tenancies Act (RTA). As such, the Applicant is seeking a possession order under section 322(1) of the RTA as follows:

1. The Applicant is granted a possession order; and
2. The Respondent must vacate the premises within [insert period] from the date of this order.

21. Provide more details about your claim.

You must give complete details about your claim, including:

- how you have calculated any amounts you are asking for
- why you are asking for the above orders.

This will help the respondent understand why you have made this application. If you need more space, you can attach a document setting out the details of the claim.

The Applicant and the Respondent entered into a rental agreement on [insert date] for the premises at [insert address]. The rent amount payable under the rental agreement is \$[insert amount] per [week/fortnight].

A Notice to Vacate for rent arrears was issued on [insert date] because the Respondent owed more than 14 days of rent. At the date of issuing the Notice to Vacate, the Respondent had paid up until [insert date] with \$[insert amount] on account. The amount of \$[insert NTV arrears amount] was not paid by the termination date specified on the notice, being [insert date].

[The Respondent has not made any rental payments since the Notice to Vacate was issued / insert details of any payments].

At the date of this Application, the amount owing is \$[arrears balance], rent paid up to [insert date], the rent account is currently [insert number of days] days in arrears.

A rent statement and a copy of the Notice to Vacate is attached to this Application. The Applicant is seeking possession of the rented premises on the basis that the Respondent owes more than 14 days of rent.



Appendix G: Application to VCAT for possession (rent arrears) rooming houses

[Note: This is example wording to be used on a VCAT application for rent arrears (rooming houses), under part 9 Claim details, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

PART 9: CLAIM DETAILS - WHAT DO YOU WANT VCAT TO DO?

20. What orders do you want VCAT to make?

You need to tell us the relevant section number of the *Residential Tenancies Act 1997* that relates to your claim, if you can, and what orders you want VCAT to make.

You may also have to provide specific information or documents to support your application. If you do not provide information or documents that VCAT needs, your application may be delayed.

To see a list of common disputes we hear and their section numbers, go to www.vcat.vic.gov.au/rentingnotice.

The Applicant has served a notice to vacate on the Respondent for non-payment of rent under section 142ZF of the Residential Tenancies Act (RTA). As such, the Applicant is seeking a possession order under section 323(a) of the RTA as follows:

1. The Applicant is granted a possession order; and
2. The Respondent must vacate the premises within [insert period] from the date of this order.

21. Provide more details about your claim.

You must give complete details about your claim, including:

- how you have calculated any amounts you are asking for
- why you are asking for the above orders.

This will help the respondent understand why you have made this application. If you need more space, you can attach a document setting out the details of the claim.

The Applicant and the Respondent entered into a rooming house agreement on [insert date] for the premises at [insert address]. The rent amount payable under the rooming house agreement is \$[insert amount] per [week/fortnight].

A Notice to Vacate for rent arrears was issued on [insert date] because the Respondent owed more than 7 days of rent. At the date of issuing the Notice to Vacate, the Respondent had paid up until [insert date] with \$[insert amount] on account. The amount of \$[insert NTV arrears amount] was not paid by the termination date specified on the notice, being [insert date].

[The Respondent has not made any rental payments since the Notice to Vacate was issued / insert details of any payments].

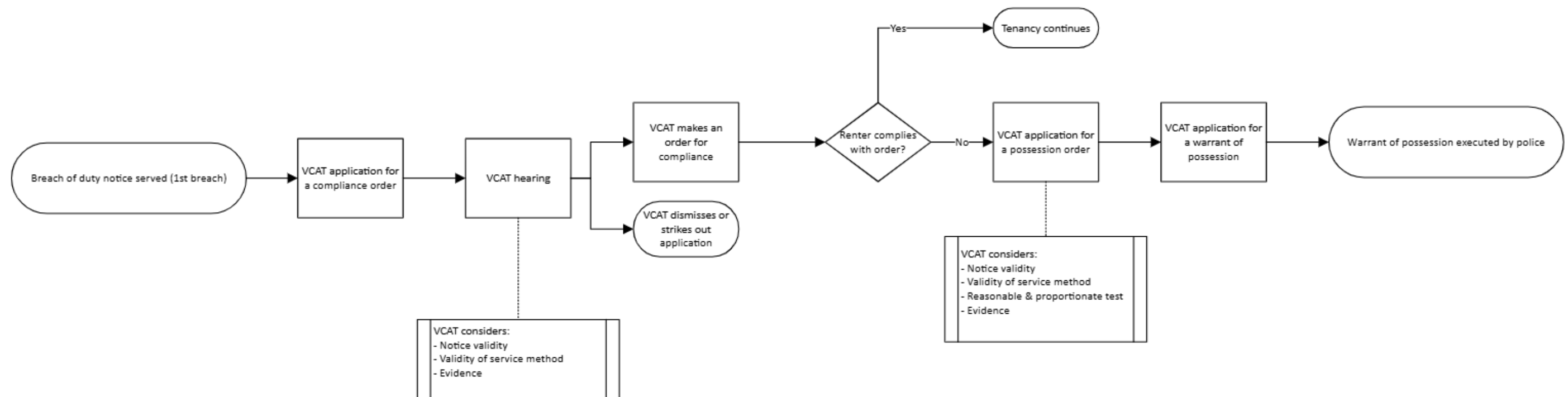
At the date of this Application, the amount owing is \$[arrears balance], rent paid up to [insert date], the rent account is currently [insert number of days] days in arrears.

A rent statement and a copy of the Notice to Vacate is attached to this Application. The Applicant is seeking possession of the rented premises on the basis that the Respondent owes more than 7 days of rent.



Appendix H: Application to VCAT for an order of possession process (breach of compliance)

Below is a flow chart of the process steps for an application to VCAT seeking an order of possession for breach of compliance. Community housing providers seek to sustain tenancies wherever possible, and eviction is always only a measure of last resort.



The following example templates are also attached:

- [Appendix I](#): Notice to vacate renter cover letter (breach of compliance)
- [Appendix J](#): Notice to vacate (breach of compliance) general tenancies
- [Appendix K](#): Notice to vacate (breach of compliance) rooming houses
- [Appendix L](#): Application to VCAT for possession renter cover letter (breach of compliance)
- [Appendix M](#): Application to VCAT for possession (breach of compliance) general tenancies
- [Appendix N](#): Application to VCAT for possession (breach of compliance) rooming houses
- [Appendix V](#): VCAT submission
- [Appendix W](#): Warrant of possession renter letter
- [Appendix X](#): Renter support services information sheet



Appendix I: Notice to vacate renter cover letter (breach of compliance)

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and situation and linked to appropriate policies and procedures].

[Date]

[Renter name]

[Postal address]

[Suburb, State, Postcode]

Dear [Renter]

Re: [Reason for notice]

As you are aware, a Compliance Order was made by VCAT on [date] requiring you to [details of compliance requirements].

Unfortunately, this order has not been complied with. As a result, we are now issuing you with a Notice to Vacate, as enclosed with this letter.

We understand that this is a serious and distressing matter. Issuing a Notice to Vacate is always a last resort, and we have considered your circumstances carefully.

If you believe there are reasons why this matter should be reviewed or reconsidered, or if your circumstances have changed in a way that may affect the situation, please contact us as soon as possible.

What happens next?

We have served this Notice as we intend to apply to the Victorian Civil & Administrative Tribunal (VCAT) for a possession order for the rental premises.

Please contact your [Tenancy Manager] worker to discuss:

- Alternative options to rectify the issue.
- Referral options if you need assistance or other support.
- Any personal circumstances affecting your ability to comply with your tenancy obligations.

You can contact your [Tenancy Manager], [Name] on [contact details].

[Tenancy Manager]

Appendix J: Notice to vacate (breach of compliance) general tenancies

[Note: This is example wording to be used on a Notice to Vacate for breach of compliance (general tenancies), under section 5 Reason for notice, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

5 Reason for notice

- The rental provider must select the relevant reason, section number and the minimum notice required under the Act from the attached information sheet and write it in the box below.
- The rental provider must also explain why the notice has been given. It is not enough to quote just from the Act or from the reasons on the information sheet; this must be accompanied by specific details.
- VCAT may find a notice to vacate invalid where it does not provide enough details or is not accompanied by the required documentary evidence.

I am giving you this notice for the following reason:

Section 91ZO – Failure by renter to comply with VCAT order

You [renter] of [rented premises] have been given a Notice to Vacate (Notice) under section 91ZO of the *Residential Tenancies Act 1997 (RTA)*. The reason for the giving of this Notice is that you have failed to comply with the order of the Victorian Civil and Administrative Tribunal (VCAT) made on [insert date of order] under section 212 of the RTA.

On [insert date] VCAT ordered (the Order) that you :

[insert relevant details of the VCAT order]

You are in breach of the Order because you have :

[insert all relevant details of the renter's conduct which is in breach of the order and include sufficient details of the dates and conduct said to be in breach of the Order so as to enable the renter to understand the asserted breach of the order]

A copy of the Order is attached to this Notice. [if you include this sentence make sure you attach the order]

Therefore, as the residential rental provider, [CHO] is providing you with this Notice. A minimum period of 14 days' notice is required under this section.

Appendix K: Notice to vacate (breach of compliance) rooming houses

[Note: This is example wording to be used on a Notice to Vacate for breach of compliance (rooming houses), under section 5 Reason for notice, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

5 Reason for notice

- The rooming house operator must select the relevant reason, section number and the minimum notice required under the Act from the information provided on pages 6 to 8 of this form and write it in the box below.
- The rooming house operator must also explain why the notice has been given. It is not enough to quote from the Act. The explanation must be sufficient so the resident can understand why the notice has been given.
- VCAT may find a notice to vacate invalid where it does not provide enough details or is not accompanied by the required documentary evidence.

I am giving you this notice for the following reason:

Section 142ZG – failure by resident to comply with VCAT Order

You [resident] of [insert room details] have been given a Notice to Vacate (Notice) under section 142ZG of the Residential Tenancies Act 1997 (RTA).

The reason for the giving of this Notice is that you have failed to comply with the order of the Victorian Civil and Administrative Tribunal (VCAT) made on [insert date of order] under section 212 of the RTA.

On [insert date] VCAT ordered (the Order) that you :

[insert relevant details of the VCAT order]

You are in breach of the Order because you have :

[insert all relevant details of the resident's conduct which is in breach of the Order and include sufficient details of the dates and conduct said to be in breach of the Order so as to enable the resident to understand the asserted breach of the Order]

A copy of the Order is attached to this Notice. [if you include this sentence make sure you attach the order]

Therefore, as the residential rental provider, [CHO] is providing you with this Notice. A minimum period of 2 days' notice is required under this section.

Appendix L: Application to VCAT for possession renter cover letter (breach of compliance)

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures].

[Date]

[Renter name]

[Postal address]

[Suburb, State, Postcode]

Dear [Renter]

Re: [Reason for application] – Application to VCAT

We are writing to you about [breach of VCAT compliance order tenancy issue].

You were sent a Notice to Vacate on [date of notice]. A copy of the notice is enclosed.

We are writing to inform you that an application has been made to the Victorian Civil & Administrative Tribunal (VCAT) for a hearing. A copy of the application is enclosed.

What happens next?

VCAT will review the application and send you a Notice of Hearing, telling you when and where your hearing will take place.

It is important that you attend the hearing so that you can have your say. If you do not attend, VCAT can proceed with making a decision in your absence.

If you need help

If you require support or advice, attached is a list of services you can contact. If you need help with a referral, please contact your Tenancy Manager.

[Attach list of services - refer to the CHIA Vic Renter support services information sheet [Appendix Q](#)].

For any further information, you can contact your [Tenancy Manager], [Name] on [contact details].

[Tenancy Manager]

Appendix M: Application to VCAT for possession (breach of compliance) general tenancies

[Note: This is example wording to be used on a VCAT application for breach of compliance (general tenancies), under part 9 Claim details, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

PART 9: CLAIM DETAILS - WHAT DO YOU WANT VCAT TO DO?

20. What orders do you want VCAT to make?

You need to tell us the relevant section number of the *Residential Tenancies Act 1997* that relates to your claim, if you can, and what orders you want VCAT to make.

You may also have to provide specific information or documents to support your application. If you do not provide information or documents that VCAT needs, your application may be delayed.

To see a list of common disputes we hear and their section numbers, go to www.vcat.vic.gov.au/rentingnotice.

The Applicant served a Notice to Vacate on the Respondent under section 91ZO of the Residential Tenancies Act 1997 (RTA) for failing to comply with an order of the Tribunal made under section 212 of the RTA. As such, the Applicant is seeking a possession under section 322(1) of the RTA as follows:

1. the Applicant is granted a possession order; and
2. the Respondent must vacate the premises within [insert period] from the date of this order.

21. Provide more details about your claim.

You must give complete details about your claim, including:

- how you have calculated any amounts you are asking for
- why you are asking for the above orders.

This will help the respondent understand why you have made this application. If you need more space, you can attach a document setting out the details of the claim.

The Respondent has failed to comply with an order of the Tribunal made on [insert date] (the Order) that the Respondent [insert relevant details of the VCAT order].

The Respondent has failed to comply with the Order by [restate the facts from the Notice to Vacate that demonstrate the renter's breach of the Compliance Order].

On [insert date] the Applicant gave a Notice to Vacate (attached) to the Respondent with a termination date of [insert termination date]. The Respondent has not given vacant possession by the termination date.

Appendix N: Application to VCAT for possession (breach of compliance) rooming houses

[Note: This is example wording to be used on a VCAT application for breach of compliance (rooming houses), under part 9 Claim details, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

PART 9: CLAIM DETAILS - WHAT DO YOU WANT VCAT TO DO?

20. What orders do you want VCAT to make?

You need to tell us the relevant section number of the *Residential Tenancies Act 1997* that relates to your claim, if you can, and what orders you want VCAT to make.

You may also have to provide specific information or documents to support your application. If you do not provide information or documents that VCAT needs, your application may be delayed.

To see a list of common disputes we hear and their section numbers, go to www.vcat.vic.gov.au/rentingnotice.

The Applicant served a Notice to Vacate on the Respondent under section 142ZG of the Residential Tenancies Act 1997 (RTA) for failing to comply with an order of the Tribunal made under section 212 of the RTA. As such, the Applicant is seeking a possession order under section 323(a) of the RTA as follows:

1. the Applicant is granted a possession order; and
2. the Respondent must vacate the premises within [insert period] from the date of this order.

21. Provide more details about your claim.

You must give complete details about your claim, including:

- how you have calculated any amounts you are asking for
- why you are asking for the above orders.

This will help the respondent understand why you have made this application. If you need more space, you can attach a document setting out the details of the claim.

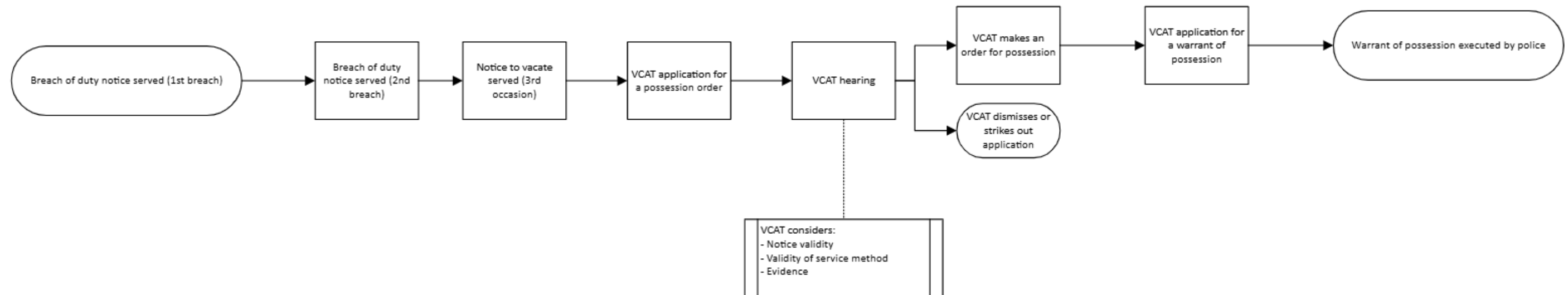
The Respondent has failed to comply with an order of the Tribunal made on [insert date] (the Order) that the Respondent [insert relevant details of the VCAT order].

The Respondent has failed to comply with the Order by [restate the facts from the Notice to Vacate that demonstrate the renter's breach of the Compliance Order].

On [insert date] the Applicant gave a Notice to Vacate (attached) to the Respondent with a termination date of [insert termination date]. The Respondent has not given up vacant possession by the termination date.

Appendix O: Application to VCAT for an order of possession process (successive breaches)

Below is a flow chart of the process steps for an application to VCAT seeking an order of possession for successive breaches. Community housing providers seek to sustain tenancies wherever possible, and eviction is always only a measure of last resort.



The following example templates are also attached:

- [Appendix P](#): Notice to vacate renter cover letter (successive breaches)
- [Appendix Q](#): Notice to vacate (successive breaches) general tenancies
- [Appendix R](#): Notice to vacate (successive breaches) rooming houses
- [Appendix S](#): Application to VCAT for possession renter cover letter (successive breaches)
- [Appendix T](#): Application to VCAT for possession (successive breaches) general tenancies
- [Appendix U](#): Application to VCAT for possession (successive breaches) rooming houses
- [Appendix V](#): VCAT submission
- [Appendix W](#): Warrant of possession renter letter
- [Appendix X](#): Renter support services information sheet

Appendix P: Notice to vacate renter cover letter (successive breaches)

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and situation and linked to appropriate policies and procedures].

[Date]

[Renter name]

[Postal address]

[Suburb, State, Postcode]

Dear [Renter]

Re: [Reason for notice]

As you are aware, you were served with Breach of Duty Notices on [date] and [date]. You were asked to remedy these breaches of your tenancy by [details of compliance requirements].

Unfortunately, the issue has not been remedied. As a result, we are now issuing you with a Notice to Vacate, as enclosed with this letter.

We understand that this is a serious and distressing matter. Issuing a Notice to Vacate is always a last resort, and we have considered your circumstances carefully.

If you believe there are reasons why this matter should be reviewed or reconsidered, or if your circumstances have changed in a way that may affect the situation, please contact us as soon as possible.

What happens next?

We have served this Notice as we intend to apply to the Victorian Civil & Administrative Tribunal (VCAT) for a possession order for the rental premises.

Please contact your [Tenancy Manager] worker to discuss:

- Alternative options to rectify the issue.
- Referral options if you need assistance or other support.
- Any personal circumstances affecting your ability to comply with your tenancy obligations.

You can contact your [Tenancy Manager], [Name] on [contact details].

[Tenancy Manager]

Appendix Q: Notice to vacate (successive breaches) general tenancies

[Note: This is example wording to be used on a Notice to Vacate for successive breaches (general tenancies), under section 5 Reason for notice, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

5 Reason for notice

- The rental provider must select the relevant reason, section number and the minimum notice required under the Act from the attached information sheet and write it in the box below.
- The rental provider must also explain why the notice has been given. It is not enough to quote just from the Act or from the reasons on the information sheet; this must be accompanied by specific details.
- VCAT may find a notice to vacate invalid where it does not provide enough details or is not accompanied by the required documentary evidence.

I am giving you this notice for the following reason:

Section 91ZP – Successive breaches by renter

You [renter] of [rented premises] are being given a Notice to Vacate (Notice) under section 91ZP of the *Residential Tenancies Act 1997* (RTA).

The reason for the giving of this Notice is that you have breached a Duty Provision of the RTA after having breached the same Duty Provision on [2] previous occasions and have been given a Breach of Duty Notice on each of those occasions.

The Duty Provision is [insert section] of the RTA which requires [insert requirement].

1. On [insert date] you were given a Breach of Duty notice for [insert notice details], (First Notice, attached). You failed to comply with the First Notice
2. On [insert date] you were given a Breach of Duty notice for [insert notice details], (Second Notice, attached). You failed to comply with the Second Notice

Details of the [third] occasion on which you have breached the same Duty Provision are:

3. On [insert date] you breached [insert section] of the RTA which requires [insert requirement] by [include specific details of when, where and how the breach occurred. Note: this must be detailed enough for the renter to understand what they are alleged to have done, and allow them to respond appropriately or challenge the notice at VCAT. If the description is too vague or lacks detail, VCAT may declare this notice invalid.]

Therefore, as the residential rental provider, [CHO] is providing you with this Notice. A minimum period of 14 days' notice is required under this section.

[Note each notice must refer to the same duty provision of the RTA and the same behaviour which is in breach of that duty. For example if the breach of duty is for nuisance behaviour, each notice must be made under section 60(2) and sufficient details of the behaviour must be contained in each notice and each notice must concern the same type of behaviour]

Appendix R: Notice to vacate (successive breaches) rooming houses

[Note: This is example wording to be used on a Notice to Vacate for successive breaches (rooming houses), under section 5 Reason for notice, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

5 Reason for notice

- The rooming house operator must select the relevant reason, section number and the minimum notice required under the Act from the information provided on pages 6 to 8 of this form and write it in the box below.
- The rooming house operator must also explain why the notice has been given. It is not enough to quote from the Act. The explanation must be sufficient so the resident can understand why the notice has been given.
- VCAT may find a notice to vacate invalid where it does not provide enough details or is not accompanied by the required documentary evidence.

I am giving you this notice for the following reason:

Section 142ZH – Successive breaches by resident

You [resident] of [room number and address] are being given a Notice to Vacate (Notice) under section 142ZH of the Residential Tenancies Act 1997 (RTA).

The reason for the giving of this Notice is that you have breached a Duty Provision of the RTA after having breached the same Duty Provision on [2] previous occasions and have been given a Breach of Duty Notice on each of those occasions.

The Duty Provision is [insert section] of the RTA which requires [insert requirement].

1. On [insert date] you were given a Breach of Duty notice for [insert notice details]. (First Notice, attached).
You failed to comply with the First Notice
2. On [insert date] you were given a Breach of Duty notice for [insert notice details]. (Second Notice, attached).
You failed to comply with the Second Notice

Details of the [third] occasion on which you have breached the same Duty Provision are:

3. On [insert date] you breached [insert section] of the RTA which requires [insert requirement] by [include specific details of when, where and how the breach occurred. Note: this must be detailed enough for the renter to understand what they are alleged to have done, and allow them to respond appropriately or challenge the notice at VCAT. If the description is too vague or lacks detail, VCAT may declare this notice invalid.]

Therefore, as the residential rental provider, [CHO] is providing you with this Notice. A minimum period of 14 days' notice is required under this section.

[Note each notice must refer to the same duty provision of the RTA and the same behaviour which is in breach of that duty. For example if the breach of duty is for nuisance behaviour, each notice must be made under section 60(2) and sufficient details of the behaviour must be contained in each notice and each notice must concern the same type of behaviour]

Appendix S: Application to VCAT for possession renter cover letter (successive breaches)

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures].

[Date]

[Renter name]

[Postal address]

[Suburb, State, Postcode]

Dear [Renter]

Re: [Reason for application] – Application to VCAT

We are writing to you about [successive breaches tenancy issue].

You were sent a Notice to Vacate on [date of notice]. A copy of the notice is enclosed.

We are writing to inform you that an application has been made to the Victorian Civil & Administrative Tribunal (VCAT) for a hearing. A copy of the application is enclosed.

What happens next?

VCAT will review the application and send you a Notice of Hearing, telling you when and where your hearing will take place.

It is important that you attend the hearing so that you can have your say. If you do not attend, VCAT can proceed with making a decision in your absence.

If you need help

If you require support or advice, attached is a list of services you can contact. If you need help with a referral, please contact your Tenancy Manager.

[Attach list of services - refer to the CHIA Vic Renter support services information sheet [Appendix X](#)].

For any further information, you can contact your [Tenancy Manager], [Name] on [contact details].

[Tenancy Manager]

Appendix T: Application to VCAT (successive breaches) general tenancies

[Note: This is example wording to be used on a VCAT application for successive breaches (general tenancies), under part 9 Claim details, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

PART 9: CLAIM DETAILS - WHAT DO YOU WANT VCAT TO DO?

20. What orders do you want VCAT to make?

You need to tell us the relevant section number of the *Residential Tenancies Act 1997* that relates to your claim, if you can, and what orders you want VCAT to make.

You may also have to provide specific information or documents to support your application. If you do not provide information or documents that VCAT needs, your application may be delayed.

To see a list of common disputes we hear and their section numbers, go to www.vcat.vic.gov.au/rentingnotice.

The Applicant gave a Notice to Vacate to the Respondent under section 91ZP of the Residential Tenancies Act 1997 (RTA) for: Breaching a Duty Provision of the RTA after having breached the same Duty Provision on [2] previous occasions and being given a Breach of Duty Notice on each of those occasions.

As such, the Applicant is seeking a possession under section 322(1) of the RTA as follows:

1. the Applicant is granted a possession order; and
2. the Respondent must vacate the premises within [insert period] from the date of this order.

21. Provide more details about your claim.

You must give complete details about your claim, including:

- how you have calculated any amounts you are asking for
- why you are asking for the above orders.

This will help the respondent understand why you have made this application. If you need more space, you can attach a document setting out the details of the claim.

The Respondent has breached a Duty Provision of the RTA after having breached the same Duty Provision on [2] previous occasions and being given a Breach of Duty Notice on each of those occasions.

The Duty Provision is [insert section] of the RTA which requires [insert requirement].

1. On [insert date] the Respondent was given a Breach of Duty notice for [insert notice details], (First Notice, attached). The Respondent failed to comply with the First Notice
2. On [insert date] the Respondent was given a further Breach of Duty notice for [insert notice details], (Second Notice, attached). The Respondent failed to comply with the Second Notice.

3. On [insert date] the Applicant gave a Notice to Vacate to the Respondent with a termination date of [insert termination date]. The Notice to Vacate (attached) was given for [insert notice details]. The Respondent has not given up vacant possession by the termination date.

[Note: each Notice must refer to the same duty provision of the RTA and the same behaviour which is in breach of that duty. For example if the breach of duty is for nuisance behaviour, each notice must be made under section 60(2) and sufficient details of the behaviour must be contained in each notice and each notice must concern the same type of behaviour]

Appendix U: Application to VCAT (successive breaches) rooming houses

[Note: This is example wording to be used on a VCAT application for successive breaches (rooming houses), under part 9 Claim details, and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

PART 9: CLAIM DETAILS - WHAT DO YOU WANT VCAT TO DO?

20. What orders do you want VCAT to make?

You need to tell us the relevant section number of the *Residential Tenancies Act 1997* that relates to your claim, if you can, and what orders you want VCAT to make.

You may also have to provide specific information or documents to support your application. If you do not provide information or documents that VCAT needs, your application may be delayed.

To see a list of common disputes we hear and their section numbers, go to www.vcat.vic.gov.au/rentingnotice.

The Applicant gave a Notice to Vacate to the Respondent under section 142ZH of the Residential Tenancies Act 1997 (RTA) for: Breaching a Duty Provision of the RTA after having breached the same Duty Provision on [2] previous occasions and being given a Breach of Duty Notice on each of those occasions.

As such, the Applicant is seeking a possession under section 323(a) of the RTA as follows:

1. the Applicant is granted a possession order; and
2. the Respondent must vacate the premises within [insert period] from the date of this order.

21. Provide more details about your claim.

You must give complete details about your claim, including:

- how you have calculated any amounts you are asking for
- why you are asking for the above orders.

This will help the respondent understand why you have made this application. If you need more space, you can attach a document setting out the details of the claim.

The Respondent has breached a Duty Provision of the RTA after having breached the same Duty Provision on [2] previous occasions and being given a Breach of Duty Notice on each of those occasions.

The Duty Provision is [insert section] of the RTA which requires [insert requirement].

1. On [insert date] the Respondent was given a Breach of Duty notice for [insert notice details], (First Notice, attached). The Respondent failed to comply with the First Notice

2. On [insert date] the Respondent was given a further Breach of Duty notice for [insert notice details], (Second Notice, attached). The Respondent failed to comply with the Second Notice.

3. On [insert date] the Applicant gave a Notice to Vacate to the Respondent with a termination date of [insert termination date]. The Notice to Vacate (attached) was given for [insert notice details]. The Respondent has not given up vacant possession by the termination date.

[Note each notice must refer to the same duty provision of the RTA and the same behaviour which is in breach of that duty. For example if the breach of duty is for interference with peace, each notice must be made under section 113 and sufficient details of the behaviour must be contained in each notice and each notice must concern the same type of behaviour].

Appendix V: VCAT submission

[Note: This is example wording to be used for a VCAT submission and should be tailored to the specific needs of the organisation and the individual circumstances of the renter].

IN THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
AT [MELBOURNE]
RESIDENTIAL TENANCIES LIST

VCAT Reference R2025[/number]

BETWEEN

[CHO]

Applicant

- and -

[RENTER NAME/S]

Respondent[s]

SUBMISSION OF THE APPLICANT

[Note: where documents are referred to, these should be attached to the VCAT Summary of Proofs and the submissions should direct the Tribunal to the relevant pages of the VCAT Summary of Proofs.]

[Note: these submissions relate to non-payment of rent. If your application is for another reason, for example danger, make sure all references to the Act are correct & the background information reflects what has occurred in your circumstances.]

[Note: The example paragraphs in this submission are for illustration only. Submissions must reflect the specific facts and circumstances of each application.]

Overview

1. This submission is made on behalf of [CHO] (the **Applicant**) in relation to the application made by the Applicant for a possession order in respect of the tenancy at [Property Address] (the **rented premises**) due to non-payment of rent

Background

2. The following circumstances led to a Notice to Vacate being served and a possession order being sought.

- 2.1. The tenancy commenced on [date].
- 2.2. [Add details of the household including co-renters, residents or any children living at the rented premises].
- 2.3. The Respondent[s] [is/are] responsible to pay rent.
- 2.4. The rent payable is [\$ rental amount] per [week/fortnight].
- 2.5. [Detail any relevant information on history of non-payment of rent, including any notices to vacate given under section 91ZM of the Act in the last 12 months].
- 2.6. [Detail all relevant information on attempts to sustain tenancy and referrals made, including any communication with (or attempts to communicate with) the renter in respect of the renter].
- 2.7. [Detail any relevant information on repayment plans and previous VCAT applications and orders].
- 2.8. The amount of rent and arrears owing as at the date of the application was [amount].
- 2.9. The amount of rent and arrears owing as at the date of preparing the submissions is [amount].
- 2.10. [Any other relevant information].

Applicable Law

3. These submissions deal with the question of whether the Applicant is entitled to a possession order under s 91ZM and s 330 of the Residential Tenancies Act 1997 (Vic) (the Act), and in particular:
 - 3.1. The validity of the notice to vacate for unpaid rent; and
 - 3.2. Whether it is reasonable and proportionate to make a possession order in the circumstances of this case.

Submission

4. The renter has failed to pay rent in breach of the residential tenancy agreement.
5. The Applicant submits that a possession order can be made under s 91ZM and s 330 of the Act. The relevant requirements are addressed below.

The Notice to Vacate is valid

6. On [date] a notice to vacate was given under s 91ZM of the Act because the renter owed at least 14 days rent (the **Notice**).
7. The Notice specified a termination date that was not less than 14 days after the date on which Notice was given and was served [by delivering it to the renter personally/ AND/OR by sending it to the person by registered post to the person's usual or last known place of residence or business AND/OR by electronic communication] **[Note: you can only serve electronically if the renter has consented to electronic service, in accordance with the Electronic Transactions (Victoria) Act 2000.]**

8. The Respondent is still in possession of the rented premises and the Notice was not withdrawn.
9. The Respondent did not pay the unpaid rent on or before the termination date of the Notice.

Section 72 of the VCAT Act has been complied with

10. The Applicant served a copy of the application for possession order on the renter in accordance with section 72 of the Victorian Civil and Administrative Tribunal Act 1998 (Vic).

Reasonable and proportionate factors

11. The Applicant submits that it is reasonable and proportionate to make a possession order, having regard to the factors listed in s 330A of the Act and taking into account the interests of the renter and the Applicant [and any co-renters].

The reasonable and proportionate factors are addressed below [Note: for each factor examples are provided. These can be changed or deleted if they are not relevant for a particular matter].

12. *The nature, frequency and duration of the conduct of the renter which led to the notice to vacate being given*

The nature, frequency and duration of the renter's failure to pay rent is set out in the 'Background' section of these submissions.

13. *Whether the breach is trivial*

[Insert details about the extent of the arrears.] For example:

The application for possession order was made following a continued failure by the renter to pay rent under the rental agreement. At the time the application for possession was made, the renter owed \$## in unpaid rent. At the time the Notice was served, the Renter owed \$## in unpaid rent.

The Applicant also notes that since the Notice was given and the application for possession was made, the Renter has continued to not pay rent. The rent payable is now \$##.

The Applicant submits that this is not trivial, and this is a high amount of unpaid rent and arrears.

Unpaid rent has a significant impact on the Applicant's operations and resources.

14. *Whether the breach was caused by the conduct of any person other than the renter*

[Insert details of whether the renter's failure to pay rent was caused by anyone else other than the renter] For example:

The breach has not been caused by any person other than the renter.

15. *Whether the renter has made an application for a family violence safety notice, family violence intervention order, recognised non-local DVO or personal safety intervention order*

[Insert any relevant details.] For example:

The Applicant is not aware of any such applications by the renter.

16. *Whether the breach has been remedied as far as is practicable*

[Insert details about whether the renter has remedied the failure to pay rent, for example by recommencing to pay rent or a portion of the rent or entering into a payment plan] For example:

The Renter has not remedied the breach. The Renter did not pay the unpaid rent before the termination date in the notice to vacate and the total amount of rent due under the rental agreement continues to remain unpaid.

The Applicant notes that as set out in the 'Background' section of these submissions, the Applicant attempted to engage with the Renter to arrange a payment plan, however the renter did not respond to these offers.

17. *Whether the renter has, or will soon have, capacity to remedy the breach and comply with any obligations under the rental agreements*

[Insert details about whether the renter has or will soon have the ability to pay the rent and arrears. If the Applicant is of the view that a payment plan ordered by the Tribunal is not appropriate in the circumstances, include reasons to support this argument].

For example:

The unpaid rent has continued to escalate to a stage where the renter does not have the capacity to pay the arrears or remedy the breach in a reasonable timeframe.

The renter has failed to maintain several repayment agreements and/or a payment plan previously ordered by the Tribunal on [##].

18. *The behaviour of the rental provider*

The behaviour of the Applicant is set out in the 'Background' sections of these submissions.

19. *The effect of the conduct of the renter on others as a renter*

[Insert details about any renters impacted]

For example:

As a charitable community housing organisation, we rely on rent payments to continue providing safe and affordable homes to people in need. Rents are carefully set at levels that are affordable for all renters. When rent is not paid, it puts pressure on our ability to maintain services and support other renters in need of housing.

20. *Whether any other order or course of action is reasonably available instead of making the order sought*

[Insert details about all steps that the Applicant has taken to give the renter the opportunity to pay rent and repay the arrears. In this part you should also set out why it is not suitable for the Tribunal to adjourn the application for a possession order and refer the renter to financial counselling or require an assessment of the renter's ability to enter into a payment plan.] For example:

The Applicant submits that it is not suitable for the Tribunal to adjourn the matter and refer the renter to financial counselling and require an assessment of Renter A's ability to enter into a payment plan. In this regard, it is noted that the renter has already been provided with an opportunity to remedy the breach, by entering into a repayment plan with the Applicant. Despite this, the renter has not been paying rent and did not engage in discussions with housing staff in respect of options to remedy the breach. The renter is no longer responding to housing staff's attempts to speak with the renter. In these circumstances, the Applicant submits that there is no other course of action reasonably available instead of seeking a possession order.

The Applicant has provided multiple opportunities for the renter to re-commence rental payments and also made arrangements for a support service to provide assistance.

The Applicant will not pursue a warrant of possession immediately, as they aim to provide the renter with an opportunity to sustain their tenancy by recommencing rental payments and maintaining a payment agreement through the six-month period of a possession order.

21. *Any other relevant matters*

[Insert details about any other relevant matter. For example, you may include the impact that the possession order would have on the renter or other people, such as the renter's children or residents living in the rented premises.]

Summary

22. For the reasons outlined above, the Applicant submits that a possession order can be made as the requirements of the Act have been satisfied.

Orders sought

23. The Applicant seeks that the Tribunal make a possession order under sections 91ZM and 330 of the Act.

[Insert full name], [Tenancy Manager]

[Insert date]

Appendix W: Warrant of possession renter cover letter

[Note: This is a template letter for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures].

[Date]

[Renter name]

[Postal address]

[Suburb, State, Postcode]

Dear [Renter name]

Re: Warrant of possession

At the Victorian Civil & Administrative Tribunal (VCAT) hearing held on [hearing date], an order of possession was made. This order was made [reason for order]. This means you are required to vacate the property by [vacate date as specified on the order]. A copy of the order is enclosed.

As you have not moved out the property, [CHO] will proceed with purchasing a warrant of possession which will end your tenancy, and you will be evicted from the property.

What do you need to do?

- Remove your belongings from the property and let us know if you have moved out.
- Contact us if you need assistance with finding alternative housing options.

What happens next?

Once the warrant of possession is purchased, a date will be arranged with Victoria Police to ensure you have moved out. The locks will be changed, and you will no longer have access to the property.

Any personal belongings or goods left behind at the property will be dealt with in accordance with processes under the Residential Tenancies Act 1997 (Vic).

Crisis accommodation support services

If you are in urgent need of support services or somewhere to stay, below is a list of crisis and support services you can contact. If you need help with a referral, please contact your Tenancy Manager.

Crisis accommodation support services

Victorian Statewide Homelessness Support Line (24 hours, 7 days)

P: 1800 825 955

W: <https://services.dffh.vic.gov.au/getting-help>

The service will direct you to nearby support programs staffed by housing and support workers. If the call is outside business hours, it will be directed to Salvation Army Crisis Services.

A full list of local homelessness support services can be found on the website.

Homelessness Statewide After-Hours Service

P: (03) 9536 7777 or 1800 825 955 or 1800 627 727

Operates from 5pm to 9am Monday to Friday, and all day and night on weekends and public holidays.

Opening Doors (24 hours)

P: 1800 825 955

If you need emergency accommodation, or are at risk of homelessness and need help, you can call Opening Doors to speak with a housing and support worker.

Askizzy

W: <https://askizzy.org.au/>

An online tool to search for support services.

For any questions, please contact your Tenancy Manager [insert name] on [contact details].

[Tenancy Manager]

Appendix X: Renter support services information sheet

[Note: This is a template for community housing organisations and should be tailored to the specific needs of the organisation and linked to appropriate policies and procedures.]

Where can I get help with my tenancy?

LEGAL ADVICE AND ASSISTANCE

Tenants Victoria

Social housing advice line: 1800 068 860 (free call), Mon-Fri, 9am- 4pm

Website: www.tenantsvic.org.au

Provides free over the phone legal information, advice, and casework support, and financial counselling support, to private and social housing renters in Victoria. Tenants Victoria is the peak body for renters in Victoria and the specialist rental law community legal centre.

Victoria Legal Aid

1300 792 387, Mon-Fri, 8am-6pm

Website: <https://www.legalaid.vic.gov.au/>

Provides legal information over the phone about a range of issues, including rental problems. They may also be able to provide you with a duty lawyer to help you with a VCAT hearing or provide you with casework support in limited circumstances.

Justice Connect – Homeless Law

03 8636 4408

Website: <https://help.justiceconnect.org.au/homelesslaw/>

If you are homeless or at risk of homelessness, they can provide housing and tenancy assistance with a focus on preventing evictions, for example:

- A notice to vacate has been issued, the rental provider is seeking a possession or compliance order at VCAT, or there is a hearing at VCAT;
- Changes to fixed term rental agreements due to family violence (this includes ending fixed term rental agreements, or transferring the renter to a sole rental agreement);
- Creation and transfer of a tenancy.

Local Community Legal Centres

State-wide Legal Advice Line: 1300 792 387, Mon-Fri, 9am to 5pm

Your local community legal centre provides a range of free legal services, including information, referrals, advice and in some cases casework, to renters with legal disputes, within a particular catchment area.

Find your local centre here https://www.fclc.org.au/find_a_community_legal_centre.

RENTER/TENANCY ADVOCATES

Victorian Public Tenants Association (VPTA)

1800 015 510 (free call)

Website: <https://vpta.org.au/tenant-support/>

The Victorian Public Tenants Association (VPTA) is the peak body for public housing in Victoria. They represent people who live in public housing and those on the wait list (Victorian Housing Register); they can also assist community housing renters where possible.

They offer a free and confidential telephone advice line to assist renters resolve issues regarding their housing, or their housing application, as well as undertake community engagement and outreach work.

Council to Homeless Persons

Homelessness Advocacy Service (HAS) – 1800 066 256 (free call), Mon-Fri, 9am-5pm

Website: <https://chp.org.au/>

The Homelessness Advocacy Service (HAS) is the key advice and information service for consumers seeking or receiving assistance from any Victorian community-managed homelessness assistance or social housing service.

FINANCIAL ASSISTANCE / MATERIAL AID

Financial Counselling – National Debt Helpline

1800 007 007 (free call), Mon-Fri, 9.30am-4.30pm

Website: <https://ndh.org.au/>

A qualified financial counsellor will assess your situation over the phone and provide you with free advice. If your matter is more complex, they can refer you to your closest face-to-face financial counselling service. Financial counsellors can also put you in touch with other support services, such as legal services, crisis food and accommodation services, and health services.

Local Council

Local Councils work with local agencies and providers to source and deliver food and material relief to vulnerable members of the community. There are several community service agencies and organisations that can assist with financial hardship, food and material aid and other support services.

Find your local council's details here <https://knowyourcouncil.vic.gov.au/home>

TENANCY SUPPORT & INFORMATION SERVICES

Tenancy Plus

Tenancy Plus aims to prevent homelessness and support renters to stay in housing. Tenancy Plus support providers will work with you to create a support plan that is tailored to your needs and goals. Support providers can also connect you to a range of other support services in your local area.

Find your local Tenancy Plus service here: <https://www.housing.vic.gov.au/tenancy-plus-support-program>

Consumer Affairs

1300 558 181, Mon-Fri, 9am-5pm

Website: <https://www.consumer.vic.gov.au/housing/renting>

Provides information to renters on topics such as rental agreements, knowing your rights when signing an agreement, moving out, giving notice and evictions.

Opening Door – Homelessness Assistance

1800 825 955 (free call), Mon-Fri, Afterhours: 5pm-9am (24 hours on weekend)

Website: <https://services.dffh.vic.gov.au/getting-help>

Help if you are homeless or at risk of homelessness. See the website for the opening door in your area.

Safe Steps

1800 015 188 (free call), 24-hour service

Website: <https://www.safesteps.org.au/>

Provides specialist support services for anyone in Victoria who is experiencing or afraid of family violence.

OMBUDSMAN & HUMAN RIGHTS

Victorian Ombudsman

9613 6222 or Regional 1800 806 314 (free call)

Website: <https://www.ombudsman.vic.gov.au/>

Receives and investigates complaints about the Victorian Housing Register (VHR) or concerns about how the Housing Registrar has responded to a complaint.

Victorian Equal Opportunity and Human Rights Commission (VEOHRC)

1300 292 153 (free call)

Website: <https://www.humanrightscommission.vic.gov.au/>

Helps resolve complaints for people who have been discriminated against, sexually harassed, victimised or vilified.