

## 01

# CONDITION REPORT DISPUTE

Residential Tenancies Act 1997 (Vic) — Sections 35, 35A

*Your rights when the condition report does not reflect the actual state of the property at move-in*

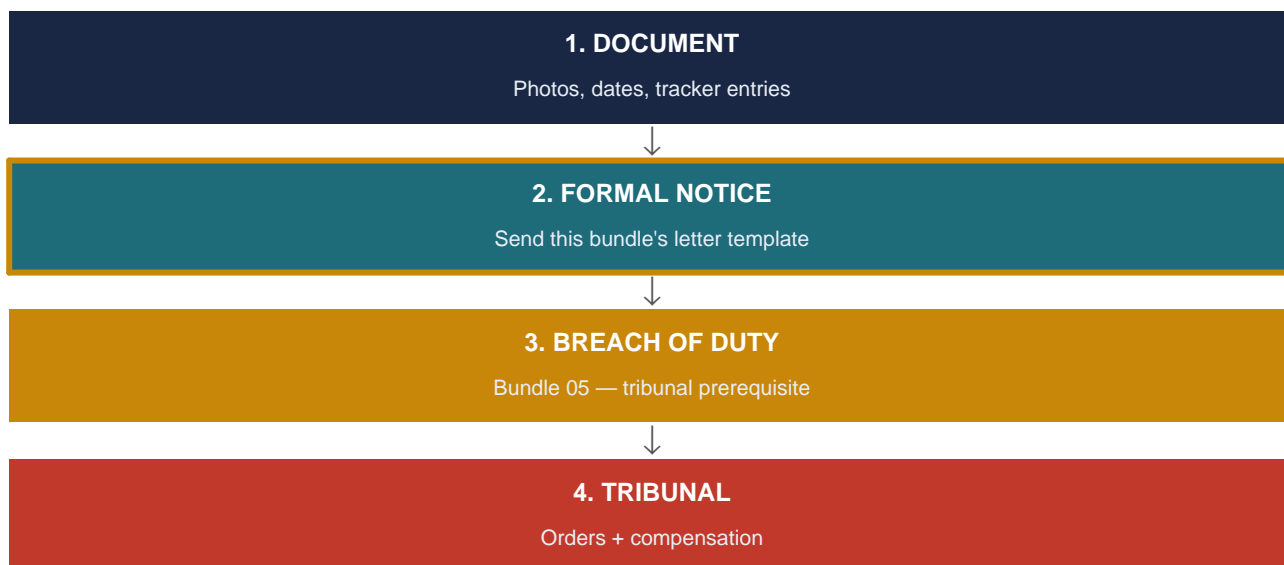
## WHEN TO USE THIS BUNDLE

Use this bundle at the start of your tenancy if the condition report does not accurately reflect the actual state of the property at move-in. Strict statutory timeframes apply — act on the day you move in.

## KNOW THE LAW — THE CONDITION REPORT OBLIGATION (SS.35, 35A)

Under Section 35, the rental provider must provide a condition report before or at the start of the tenancy. The renter has 5 business days from entering occupation to return the report, noting any disagreements. Under Section 35A, if the rental provider refuses to amend the report, you can apply to VCAT within 30 days of the lease start date to have it formally corrected.

## HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



*The highlighted box shows where this bundle fits in the journey.*

## 01

**STEPS TO SUCCESS**

Residential Tenancies Act 1997 (Vic) — Sections 35, 35A

**01 Photograph everything on move-in day**

Take dated photographs and video of every room, every fixture, every surface — especially anything already damaged. Timestamp all files immediately.

**02 Compare photos to the condition report item by item**

Note every discrepancy, no matter how minor. Minor discrepancies at move-in become major disputes at move-out.

**03 Return the annotated condition report within 5 business days**

This window is strict under s.35 — do not miss it. Return by email to create a timestamped record.

**04 Send the dispute template with photographic evidence**

Fill in all [bracketed] fields and send with your photos attached. Request written confirmation that your amendments have been recorded.

**05 Apply to VCAT within 30 days if refused**

If the agent refuses to amend the report, apply to VCAT under s.35A within 30 days of the lease start date. After 30 days this right is lost.

**06 Record all correspondence in the Tracker**

Log every interaction in your Discrepancy Log and Correspondence Log immediately.

**IF YOU NEED TO ESCALATE — WHAT VCAT CAN ORDER**

VCAT can order the condition report to be amended to accurately reflect the state of the property at the start of the tenancy under s.35A. This amended report then forms the baseline for any end-of-tenancy damage claims.

**★ GOOD TO KNOW — 5 BUSINESS DAYS — NOT CALENDAR DAYS**

The 5-day return window is business days — not calendar days. Weekends and public holidays do not count. Missing this window significantly weakens your ability to dispute discrepancies.

**■ CRITICAL — 30 DAYS TO APPLY TO VCAT**

If the agent refuses to update the report, you must apply to VCAT under s.35A within 30 days of the lease start date. After 30 days this right is lost.

# 01

## TEMPLATE — CONDITION REPORT DISPUTE

VIC — VCAT

Residential Tenancies Act 1997 (Vic) — Sections 35, 35A

### 1. COPY

Copy the letter below into a new email

### 2. FILL

Replace every **[bracketed]** field with your details

### 3. SEND

Email it — request a read receipt, save a copy

Fill in every **[bracketed]** field, then send via email — request a read receipt.

#### SUBJECT:

#### FORMAL DISPUTE OF CONDITION REPORT: **[Insert Property Address]**

Please accept this formal notice that I dispute the accuracy of the condition report provided for the above-referenced property. The report does not accurately reflect the actual state of the premises at the commencement of my tenancy.

### 1. NOTICE OF DISCREPANCY

- I have identified the following discrepancies between the condition report and the actual state of the premises at move-in:
- Item / Area: **[e.g., Carpet — Living Room]** | Report States: **[e.g., Clean / Good]** | Actual Condition: **[e.g., Stained / Worn]**
- Item / Area: **[e.g., Bathroom Tiles]** | Report States: **[e.g., Good]** | Actual Condition: **[e.g., Cracked / Damaged grout]**
- **[Add further items as required in the same format.]**

### 2. DOCUMENTARY EVIDENCE ATTACHED

- Dated photographic evidence of each discrepancy is attached to this notice.
- These photos were taken on **[Insert Move-In Date]** and clearly document the condition of the property at the commencement of the tenancy.

### 3. AMENDMENTS ON RECORD

- Pursuant to Section 35 of the Residential Tenancies Act 1997, my annotated condition report — returned within the statutory 5-business-day window — records these discrepancies as part of the tenancy record. This is my statutory entitlement and does not require your approval.
- Please confirm in writing by **[Insert Date — e.g., within 5 business days]** that your copy of the condition report has been updated to match.
- If you dispute these amendments, I will apply to VCAT under Section 35A within the prescribed 30-day period to have the report formally corrected.

Yours sincerely,

**[Your Full Name]**

**[Property Address]**

**[Date]**

**[Contact Number / Email]**