

02

NOISE AND QUIET ENJOYMENT

Residential Tenancies Act 1997 (Vic) — Section 67

Your rights when persistent noise from a landlord-controlled source is interfering with your quiet enjoyment of the property

WHEN TO USE THIS BUNDLE

Use this bundle when persistent noise from a source the rental provider controls is unreasonably interfering with your quiet enjoyment of the premises. The most common sources: adjacent tenants under the same landlord, persons permitted on the property, and common areas the landlord controls. Noise from a source the rental provider cannot control (a different landlord's tenants, street noise) is generally not actionable at VCAT — escalate to your local council instead.

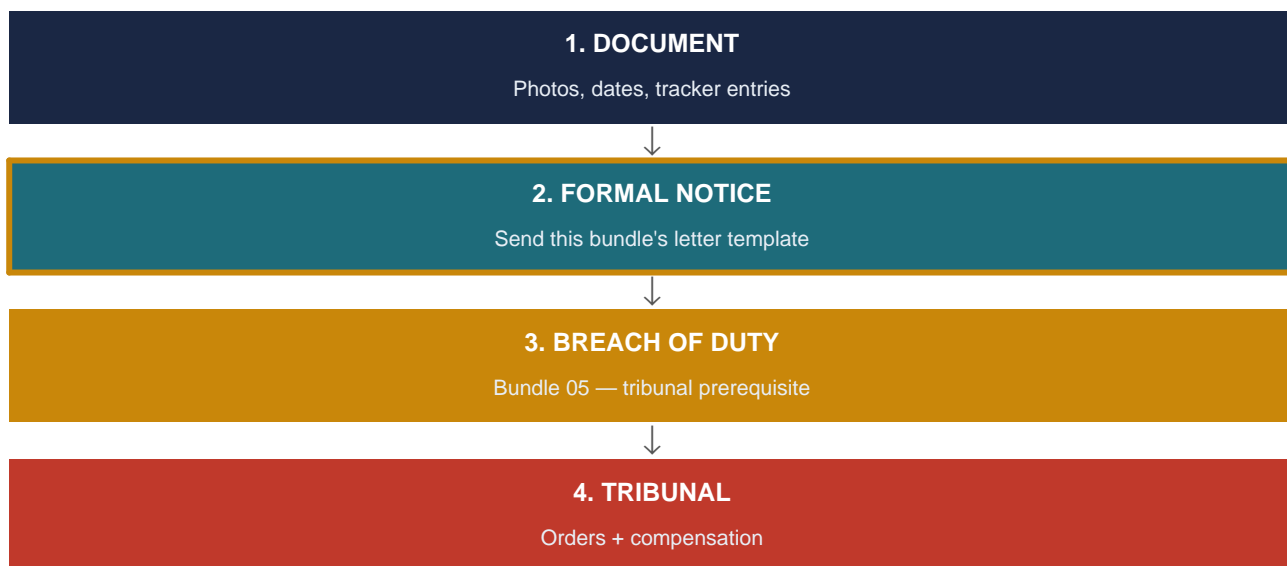
KNOW THE LAW — THE RIGHT TO QUIET ENJOYMENT (S.67)

Section 67 of the Residential Tenancies Act 1997 requires the rental provider to ensure the renter has quiet enjoyment of the premises for the duration of the tenancy. This covers interference caused directly by the rental provider or agent, and by anyone they permit on the property — including adjacent tenants under the same landlord, persons using shared facilities they control, and any person whose continued presence at the property the rental provider is legally responsible for.

WHAT CAN CONSTITUTE A S.67 BREACH?

NOISE SOURCE	RENTAL PROVIDER LIABLE?
Adjacent tenant — same landlord	Yes — rental provider controls that tenancy
Person permitted by landlord (e.g. unlawful occupant)	Yes — rental provider is responsible
Common area noise (laundry, corridors, gym)	Yes — rental provider controls common areas
Landlord or agent causing disturbance directly	Yes — direct breach of s.67
Neighbour under a different landlord	Limited — council or police action may apply

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



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

■ **CRITICAL — THE RENTAL PROVIDER IS LIABLE FOR THOSE THEY PERMIT**

Any person the rental provider allows to regularly occupy or use the property falls within the scope of s.67. If someone is residing at the property without being on the lease and the rental provider is aware of this, their conduct is the rental provider's legal responsibility.

02

STEPS TO SUCCESS

Residential Tenancies Act 1997 (Vic) — Section 67

01 Start your diary immediately

Document every incident the moment it happens: date, time, duration, type of noise, and source. VCAT places significant weight on a contemporaneous diary — entries written at the time, not reconstructed from memory weeks later.

02 Record audio or video where possible

A short phone recording captures what no written description can convey. Name the file with date and time (e.g. NoiseIncident_14062025_1130PM.mp4) and email it to yourself immediately — this creates an independent timestamped record.

03 Send formal written notice to the rental provider

After two or more documented incidents, send a formal written notice citing s.67. State the dates, times, and nature of each disturbance. Request a written response and the steps the rental provider intends to take, within 7 days.

04 Issue a Notice of Breach of Duty (Bundle 05)

If the rental provider fails to act, issue a Notice of Breach of Duty under s.208. This is the mandatory VCAT prerequisite — you must have this notice on record before filing.

05 Apply to VCAT if the breach continues

File a VCAT application citing s.67. Bring your incident diary, all correspondence, audio or video evidence, and your Notice of Breach of Duty.

IF YOU NEED TO ESCALATE — WHAT VCAT CAN ORDER

VCAT can order: a compliance order requiring the rental provider to take reasonable steps to stop the interference; compensation for losses caused by the breach (including temporary accommodation costs if the property became uninhabitable); and a rent reduction applied retroactively to when the breach first arose. A detailed, dated incident log is the most persuasive evidence you can bring to a quiet enjoyment hearing.

★ GOOD TO KNOW — PATTERN EVIDENCE IS WHAT VCAT REQUIRES

A single noise incident rarely establishes a breach of s.67. VCAT looks for a pattern — documented incidents over time that demonstrate ongoing, unreasonable interference. Log every incident, even the ones that seem minor on their own. Cumulative records are what wins cases.

■ CRITICAL — YOUR DIARY IS YOUR MOST IMPORTANT EVIDENCE

VCAT places significant weight on a contemporaneous diary — entries made at the time, not reconstructed from memory. Log every incident when it happens. Months of consistent documented entries showing regular, severe disturbance is compelling evidence. A letter written after the fact is not.

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 NOTICE — BREACH OF QUIET ENJOYMENT (s.67): [Insert Property Address]**

I am writing to formally notify you that I am experiencing ongoing and persistent noise interference at the above property that constitutes a breach of my right to quiet enjoyment under Section 67 of the Residential Tenancies Act 1997.

1. PARTICULARS OF THE INTERFERENCE

- Source of noise / interference: **[Describe the source — e.g., adjacent unit under your management / person residing on premises without being on the lease / common area under your control]**
- Nature of disturbance: **[Describe the type of noise — e.g., loud music, voices, barking dog, footsteps, power tools]**
- Key incidents on record: **[List key incidents — e.g., 'Tuesday 10/06/2025: 11:30pm–3:00am — loud music and voices. Thursday 12/06/2025: 1:00am–4:00am — repeat disturbance.']**
- Impact: **[Describe how this is affecting your sleep, health, work, or enjoyment of the property]**

2. YOUR STATUTORY OBLIGATION

- Under Section 67 of the Residential Tenancies Act 1997, you are required to take all reasonable steps to ensure I have quiet enjoyment of the premises throughout my tenancy.
- I formally request that you take immediate and effective action to address and remedy this interference.
- Please provide a written response confirming the steps you will take and the timeframe for action by **[Insert Date — e.g., 7 days from notice date]**.

3. EVIDENCE ON RECORD

- I have maintained a contemporaneous written diary of all incidents, including dates, times, durations, and descriptions. Audio and/or video recordings are also on record where applicable.
- If this matter is not resolved within the stated period, I will issue a formal Notice of Breach of Duty (s.208) and apply to VCAT for a compliance order and/or compensation under Section 67.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]