

05

NOTICE OF BREACH OF DUTY

Residential Tenancies Act 1997 (Vic) — Sections 208–209

The mandatory legal step before applying to VCAT — how to issue a formal Notice of Breach

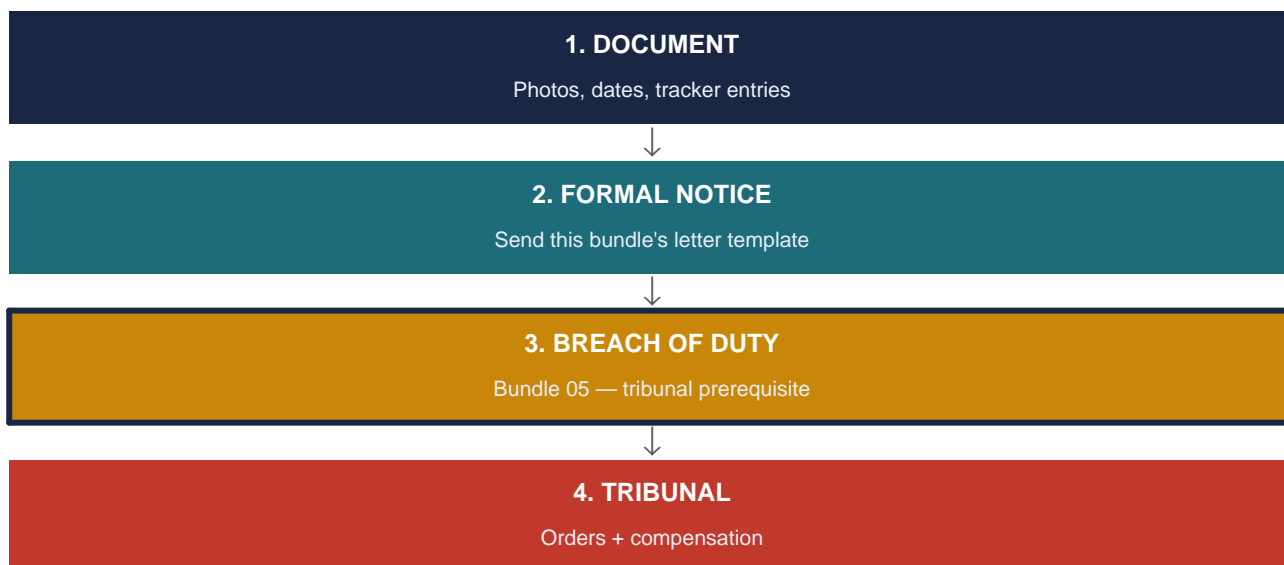
WHEN TO USE THIS BUNDLE

Use this bundle when the rental provider or agent has failed to meet their legal obligations despite at least two prior documented written requests. This is your formal escalation tool — and the mandatory legal prerequisite before applying to VCAT for a compliance order or compensation.

KNOW THE LAW — NOTICE OF BREACH OF DUTY (SS.208–209)

Section 208 of the Residential Tenancies Act 1997 allows a renter to issue a formal Notice of Breach of Duty to the rental provider when they have failed to meet their legal obligations. This notice is the mandatory prerequisite before applying to VCAT for a compliance order or compensation. Under Section 209, if the breach is not remedied within the stated period, VCAT can order compliance and award compensation up to \$40,000.

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



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

05

STEPS TO SUCCESS

Residential Tenancies Act 1997 (Vic) — Sections 208–209

- 01 Confirm you have a documented paper trail**
You should have at least two prior written requests that were ignored or not properly addressed before issuing a Notice of Breach. VCAT will review this history.
- 02 Identify the specific duty breached**
Be precise — cite the relevant section (e.g., ‘the duty to maintain premises in good repair under Section 68’). Vague descriptions weaken the notice and are harder to enforce at VCAT.
- 03 Attach copies of prior requests**
Attach copies of your previous written requests to this notice. VCAT will assess whether the rental provider had adequate opportunity to remedy the breach.
- 04 Send via email and registered post**
Send by email AND registered post. Email creates a timestamp; registered post creates delivery proof the rental provider cannot dispute. Keep the tracking number.
- 05 Set a 14-day remedy period**
Give the rental provider 14 days to remedy the breach. Note the exact remedy deadline date in your Evidence Tracker and set a follow-up reminder.
- 06 Apply to VCAT if not remedied**
If the breach is not remedied within the stated period, apply to VCAT under Section 209 for a compliance order and/or compensation.

IF YOU NEED TO ESCALATE — WHAT VCAT CAN ORDER

VCAT can order: a compliance order requiring the rental provider to fulfil their obligation by a set date; compensation of up to \$40,000 under s.209; a rent reduction applied retroactively to the date the breach arose. A well-documented Notice of Breach is the foundation of a strong VCAT application.

★ GOOD TO KNOW — THIS IS YOUR VCAT PREREQUISITE

A Notice of Breach of Duty is required before VCAT will hear most compliance and compensation applications. Without it on record, your application may be rejected. Do not skip this step.

■ CRITICAL — COMPENSATION UP TO \$40,000

Once this notice is served and the breach is not remedied, VCAT can order compensation of up to \$40,000 under Section 209, as well as a compliance order forcing the rental provider to fulfil their obligation.

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 OF BREACH OF DUTY: [Insert Property Address]**

I am writing to formally notify you that you are in breach of your duty under the Residential Tenancies Act 1997. This notice is served pursuant to Section 208 of the Act.

1. BREACH PARTICULARS

- You have failed to: **[State the specific duty breached — e.g., ‘ensure the premises are maintained in good repair pursuant to Section 68 of the Residential Tenancies Act 1997.’]**
- Date the duty was first breached / issue first identified: **[Insert Date]**

2. HISTORY OF REQUESTS

- Despite previous formal notifications sent on **[Date 1]** and **[Date 2]**, this matter remains unresolved. Copies of these prior requests are attached.
- This ongoing failure has materially and negatively impacted my quiet enjoyment of the property and/or the safety and habitability of the premises.

3. REMEDY REQUIRED

- I require this breach to be remedied within 14 days of the date of this notice — by **[Insert Remedy Deadline Date]**.
- Failure to remedy within this timeframe will leave me no option but to apply to VCAT for a compliance order and compensation under Section 209 of the Residential Tenancies Act 1997.

4. EVIDENCE ON RECORD

- All evidence of this breach — dated records of prior requests, photographs, and all correspondence — is being maintained in a chronological index for VCAT proceedings. This notice has been formally logged.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]