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TERMINATION NOTICE CHALLENGE

Residential Tenancies Act 1997 (Vic) — Part 6; s.91ZZI (retaliation)

A Notice to Vacate is a document, not an eviction — here is how to test it

WHEN TO USE THIS BUNDLE

Use this bundle the day any Notice to Vacate or termination notice arrives. Most renters assume a notice means they must leave — it does not. It means a document has been served that may or may not survive scrutiny.

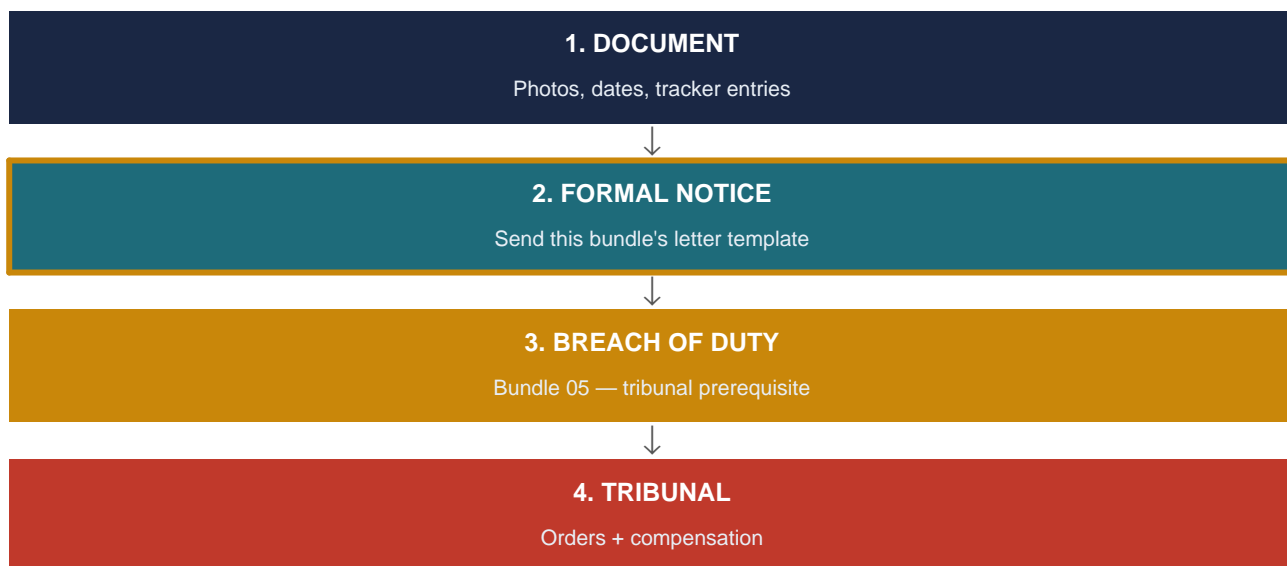
KNOW THE LAW — NOTICE TO VACATE VALIDITY AND CHALLENGE (PART 6)

Since the 2021 reforms, most Notices to Vacate must satisfy four requirements: the official form, a valid specified ground, the correct minimum notice period for that ground, and — for several grounds such as sale, demolition or owner occupation — documentary evidence attached. A notice that fails any requirement may be invalid. Separately, a notice issued because you exercised a legal right (repairs, a pet request, a rent challenge) can be challenged at VCAT as retaliatory under s.91ZZI within 30 days. Only VCAT can order possession — a notice alone never requires you to leave.

THE FOUR VALIDITY CHECKS

CHECK	WHAT TO LOOK FOR
Official form	Is it the current CAV Notice to Vacate form, fully completed and signed?
Valid ground	Is a specific lawful ground stated? 'We want you out' is not a ground.
Notice period	Does the period meet the minimum for that ground? (Check CAV's current table.)
Evidence	Grounds like sale, demolition, or owner moving in require documents attached — contract of sale, permits, statutory declaration.

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



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

■ CRITICAL — A NOTICE IS NOT AN EVICTION — ONLY VCAT CAN ORDER POSSESSION

No matter what the notice says or how the agent frames it, you are not required to leave on the termination date. Possession requires a VCAT order after a hearing. Never hand back keys on the strength of a notice without having it checked — defective notices are common.

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STEPS TO SUCCESS

Residential Tenancies Act 1997 (Vic) — Part 6; s.91ZZI (retaliation)

01 Log the notice the day it arrives

Record the date received, the ground stated, the period given, and the termination date. Deadlines run from receipt — capture it precisely.

02 Run the four validity checks

Official form, valid ground, correct minimum period, required evidence attached. Any failure is a potential challenge. CAV's website lists the current minimum periods per ground.

03 Ask: is this retaliation?

If the notice followed soon after you exercised a right — a repair request, pet request, rent challenge, or complaint — it may be retaliatory under s.91ZZI. Your Evidence Tracker timeline is the proof.

04 Challenge within 30 days

A VCAT challenge to a notice must be lodged within 30 days of receiving it. This window is strict — diarise it the day the notice arrives and get advice early (Tenants Victoria, Victoria Legal Aid — both free).

05 Keep paying rent and never self-evict

Only VCAT can order possession, after a hearing. Stay, pay rent in full, and let the challenge run. Moving out on a defective notice surrenders rights you still hold.

IF YOU NEED TO ESCALATE — WHAT VCAT CAN ORDER

VCAT can declare a Notice to Vacate invalid, dismiss a possession application built on it, and find a notice retaliatory under s.91ZZI. For arrears notices, VCAT will also consider whether pay-and-stay applied. The renter's evidence timeline — showing what right was exercised and when the notice followed — is the decisive exhibit in retaliation cases.

★ GOOD TO KNOW — THE 30-DAY WINDOW IS EVERYTHING

A challenge to a Notice to Vacate must generally be lodged at VCAT within 30 days of receiving the notice. Waiting to 'see what happens' burns the window. Log the notice, run the checks, and get advice in the first week.

■ CRITICAL — RETALIATORY NOTICES CAN BE STRUCK DOWN

If the notice arrived after you exercised a legal right — requesting repairs, a pet, or challenging rent — VCAT can find it retaliatory under s.91ZZI and invalidate it. Your tracker timeline showing the sequence of events is the evidence that wins these cases. Apply within 30 days.

1. COPY

Copy the letter below into a new email

2. FILLReplace every **[bracketed]** field with your details**3. SEND**

Email it — request a read receipt, save a copy

Use this to put the rental provider on notice that the notice is disputed. Fill in every **[bracketed]** field, then send via email — request a read receipt. Seek advice before the 30-day VCAT window closes.

SUBJECT:**FORMAL RESPONSE — NOTICE TO VACATE DISPUTED: [Insert Property Address]**

I acknowledge receipt on **[Insert Date Received]** of your Notice to Vacate dated **[Insert Notice Date]**, citing **[Insert Stated Ground]** with a termination date of **[Insert Termination Date]**. I dispute the validity of this notice.

1. DEFICIENCIES IDENTIFIED — APPLICABLE ITEMS

- The notice does not use the prescribed form / is incomplete.
- The ground stated is not a valid ground under Part 6 of the Residential Tenancies Act 1997, or is not made out.
- The notice period given (**[X days]**) is less than the minimum required for this ground (**[Y days]**).
- The documentary evidence required for this ground is not attached.
- The notice follows my exercise of a legal right on **[Insert Date — e.g., repair request / pet request]** and is retaliatory within the meaning of s.91ZZI.

2. MY POSITION

- Based on the above, I don't believe this notice meets the requirements of the Act, and I won't be treating it as valid until this is resolved.
- I am obtaining advice and reserve the right to challenge this notice at VCAT within the prescribed 30-day period.
- I will continue to meet all obligations of my tenancy, including payment of rent in full, while this matter is resolved.

3. EVIDENCE ON RECORD

- The notice, its date of service, and the complete timeline of this tenancy — including all requests and notices exchanged — are logged in a chronological evidence index for VCAT proceedings.

Yours sincerely,

[Your Full Name]**[Property Address]****[Date]****[Contact Number / Email]**