# Summary of proofs for possession applications by a residential rental provider (landlord) for rent arrearsNotice to vacate given under s91ZM

|  |
| --- |
| HEARING DETAILS |
| **VCAT number: R202 /**           **Date of hearing:**       /       /       **Rental provider/s:**                                                                   **Renter/s:**                                                                            **Rental agent appearing at the hearing:**                                                   **Address of rented premises:**                                                                                                                                           |
|  |
| DETAILS OF RENTAL AGREEMENT and RENT OWED |
| **Date rental agreement commenced:**       /       /        **Is the renter still in possession of the rented premises?** [ ]  yes [ ]  no, vacated on       /       /        [ ]  no, abandoned on       /       /       **Rent details:** The current rent is $       per [ ]  calendar month [ ]  fortnight [ ]  week **Rent owed:** As at the date of this document       /       /       , rent is paid up to and including       /       /        with $       on account. The rent owing to the date of the hearing (or date of vacation / abandonment if renter has left) is $           .A copy of the rental agreement is attached at page      .Note: If the names of any of the parties to the original rental agreement have changed, attach evidence showing the transfer of the original party’s rights under the agreement to the new person or entity. |
|  |
| DETAILS REQUIRED FOR BOND CLAIM UNDER SECTION 213A |
| **Complete if your application includes a claim for bond under section 213A** **Bond amount:** $      As at the date of the VCAT application       /       /       , rent was paid up to and including       /       /        with $       on account. The rent owing to the date of the vcat application was $           .A copy of the bond receipt is attached at page      . |
| DETAILS OF VCAT APPLICATION |
| The date of the VCAT application is       **/**       **/**       **.****Service:** When did you send the VCAT application to the renter/s?       /       /       **How did you send it?** [ ] Electronically [ ]  Registered post [ ]  By hand [ ]  Other     **NOTE: You must provide proof of service of the application** (eg. email or registered post slip). Proof of service is attached at page      . |

|  |
| --- |
| **DETAILS OF NOTICE TO VACATE** **SUPPORTING THE APPLICATION** |
| This part refers to the notice to vacate with a termination date ***before*** the date of your VCAT application. Note: you cannot rely on a notice given after, or with a termination date after, the date of your VCAT application. |
| The date of the notice to vacate supporting the application is      **/**       **/**       and the **termination date** in that notice is      **/**       **/**       **.****Rent information**As at the date of the notice to vacate, rent was paid up to and including       /       /        with $       on account. The effective paid to date was       /       /       .Did the renter/s pay any rent in the period starting on the date of the notice to vacate, up to and including the **termination date** stated on the notice? [ ]  No [ ]  Yes - List details of all payments made in this period – amounts and dates paid                              If yes, following the payment(s), as at the termination date in the notice, the rent was paid up to and including:       /       /       **Previous VCAT payment plan order in effect at the time notice to vacate given** As at the date of the notice to vacate, was there an amount owed under a VCAT payment plan order?  [ ]  No [ ]  Yes, attach a copy of the order Had the renter/s complied with the order? [ ]  Yes [ ]  NoIf the renter/s failed to comply with the payment plan, what date should the rent have been paid to, under the terms of the VCAT order, at the time the notice to vacate was given?       /       /       **Service:** When did you send the notice to vacate to the renter/s?       /       /        How did you send it? [ ]  Electronically [ ]  Registered post [ ]  By hand [ ]  Other      **NOTE: You must provide proof of service** (eg. email or registered post slip). Proof of service is attached at page      . If served electronically, you should attach proof of consent to electronic service (such as the rental agreement). Consent to electronic service attached on page      . |
|  |
| **PREVIOUS NOTICES TO VACATE FOR RENT ARREARS** within the 12 month period |
| What date did the relevant 12 month period under section 91ZM(7) commence?       /       /       . (NOTE: This is the date the rental agreement started or the anniversary of that date).Have you given the renter/s any earlier notices to vacate for non-payment of rent in the most recent 12-month period **starting on the above date**? [ ]  No [ ]  Yes –       Indicate how many previous notices have been given.**If the notice to vacate that supports the application is the second, third, fourth or fifth notice to vacate for rent arrears in the 12-month period described above, please give the following details:** **Notice 1:** Date notice sent:       /       /        How did you send it? [ ]  Electronically [ ]  Registered post [ ]  By hand [ ]  Other      As at the date of the notice to vacate rent was paid up to and including       /       /       . The rent was       days in arrears and the rent owed was $      .**Notice 2:** Date notice sent:       /       /       How did you send it? [ ]  Electronically [ ]  Registered post [ ]  By hand [ ]  Other      As at the date of the notice to vacate rent was paid up to and including       /       /       . The rent was       days in arrears and the rent owed was $      .**Notice 3:** Date notice sent:      /       /        How did you send it? [ ]  Electronically [ ]  Registered post [ ]  By hand [ ]  Other      As at the date of the notice to vacate rent was paid up to and including       /       /       . The rent was       days in arrears and the rent owed was $      .**Notice 4:** Date notice sent:       /       /        How did you send it? [ ]  Electronically [ ]  Registered post [ ]  By hand [ ]  Other      As at the date of the notice to vacate rent was paid up to and including       /       /       . The rent was       days in arrears and the rent owed was $      . |

|  |
| --- |
| **ORDERS SOUGHT AT HEARING** |
| **Are you seeking orders for a payment plan at the hearing?** [ ]  No [ ]  YesIf yes, have you already reached an agreement payment plan with the renter/s? [ ]  No [ ]  Yes, provide details below                              **If you are seeking a possession order:**Why is a possession order reasonable and proportionate?                              What date should the renter/s vacate and why?                               |
|  |
| **CHECKLIST** |
| **You must provide the following documents:** |
| Notice to vacate on which the application is based | **[ ]** Attached at page        |
| Proof of service of notice to vacate (eg. registered post slip, email) | **[ ]** Attached at page        |
| Proof of service of application to VCAT  | **[ ]** Attached at page        |
| Proof of consent to electronic service (if relevant) | **[ ]** Attached at page        |
| Written rental agreement (if any) | **[ ]** Attached at page        |
| Rent Ledger (in full for period of rental agreement)  | **[ ]** Attached at page        |
| Copy of any previous VCAT payment plan order in place at time notices to vacate 1-5 were given | **[ ]** Attached at page        |
| Previous notices to vacate 1-4 and proof of service for each  | **[ ]** Attached at page        |
| Bond receipt (if claiming bond)  | **[ ]** Attached at page        |
|  |
| This form is declared to be correct and submitted to VCAT on       /       /        andI have attached all documents relevant to my application.Signature of person appearing at hearing:                                  |