# Summary of proofs for possession applications

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| HEARING CONTACT DETAILS |
| **VCAT number: R2023 /**           **Date of Hearing:**       /       /       **Rental Provider/s:**                                                                   **Agent (representing Rental Provider at hearing):**                                         **Renter/s:**                                                                                                                                               |
| DETAILS OF RENTAL AGREEMENT |
| **Address of rented premises:**                                                           **Date occupation under the agreement commenced:**       /       /        |
| SUMMARY OF APPLICATION |
| **What is the date of your VCAT application?**       /       /       **When did you send the application to the renter/s?**       /       /       **How did you send it?** [ ]  Electronically [ ]  Registered post [ ]  Ordinary post **Address/es sent to:**                                                        **Evidence of sending the application to the renter is attached on pages**        **to**         |
| DETAILS OF NOTICE TO VACATE |
| **Grounds for the NTV: Section**        **Ground**            (eg. sale of property)**What is the termination date in your NTV?**       /       /       **When did you send the NTV to the renter/s?**       /       /       **How did you send it?** [ ]  Electronically [ ]  Registered post [ ]  Ordinary post **Address/es used for service:**                                                                                                                           **Evidence of sending the application to the renter is attached on pages**        **to**        |

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| DETAILS OF APPLICATION |
| **What is the ground/s for seeking a possession order (briefly set out the facts which give rise to****the ground)?**                                                                                                                                                                                                        **What date for possession are you requesting?**       /       /       **Is the date you are requesting reasonable and proportionate, and if so, why is it reasonable and proportionate?**                                                                                                                                                                                                   **Rental Provider/s:**                                   **Agent (representing Rental Provider at hearing):**                   **Renter/s:**                                                                                                                         |
| DECLARATION |
| **This form is declared to be correct and submitted to VCAT on**       /       /       **By name of person appearing at hearing:**                   [ ]  Rental Provider [ ]  Agent [ ]  DoFFH **Signature of person appearing at hearing:**                     |

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| EVIDENCE AND DOCUMENTS REQUIRED FOR HEARING |
| You must attach, at least, the following documents* A copy of the Notice to Vacate and proof of service,
* A copy of any documents required to be attached and served with the Notice to Vacate,
* A copy of the Application and proof of service, and
* A copy of any document, photograph or video that you rely on to support the grounds for the giving of the Notice to Vacate.

All evidence must be labelled with sequential page numbers with a cover sheet identifying the documents that follow. For example, if you are submitting 30 pages of evidence, the documents must be numbered 1-30. Photographs should state the date they were taken and the location in the rented premises.This summary of proofs and attached evidence should be sent to VCAT and the renters at least three business days before the hearing and state the Tribunal reference number and date and time of the hearing in the subject line of the email (eg R2021/0001 15 February 2021 @ 2pm). Evidence can be submitted to the Tribunal at renting@vcat.vic.gov.au.See VCAT’s website for more information on [how to send your evidence](https://www.vcat.vic.gov.au/the-vcat-process/prepare-to-come-to-vcat/prepare-for-the-hearing#send-your-documents-to-the-other-party) and [how to prepare for your case](https://www.vcat.vic.gov.au/the-vcat-process/prepare-to-come-to-vcat/prepare-for-the-hearing). |
| REASONABLE AND PROPORTIONATE |
| For the purposes of determining whether it is reasonable and proportionate to make a possession order, the Tribunal must have regard to the following:(a) the nature, frequency and duration of the conduct of the renter which led to the notice to vacate being given, including whether the conduct is a recurring breach of obligations under a residential rental agreement; (b) whether the breach is trivial; (c) whether the breach was caused by the conduct of any person other than the renter; (d) whether the renter has made an application for a family violence safety notice, family violence intervention order, non-local DVO or personal safety intervention order and— (i) if an application has been made, whether a family violence safety notice, family violence intervention order, recognised non-local DVO or personal safety intervention order has been made and whether the notice or order is still in force; and (ii) if a notice or order was made, whether it included an exclusion condition; and (iii) any other matter in relation to family violence or personal violence the Tribunal considers relevant; (e) whether the breach has been remedied as far as is practicable; (f) whether the renter has, or will soon have, capacity to remedy the breach and comply with any obligations under the residential rental agreement; (g) the effect of the conduct of the renter on others; (h) whether any other order or course of action is reasonably available instead of making a possession order; (i) as the case requires, the behaviour of the residential rental provider, or the provider's agent, (j) any other matter the Tribunal considers relevant. |

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| GROUNDS FOR POSSESSION AND EVIDENCE FOR THE HEARING |
| **Tick the relevant ground in the Notice to Vacate that supports your application and detail the evidence provided. Remove pages for any grounds that don’t apply.** |
| [ ]  **s.91ZI: Damage (Immediate NTV)****The renter or the renter’s visitor, whether by act or omission intentionally or recklessly causes serious damage to the premises, including any safety equipment, or to any common areas.** **Are before and after photos of the damage attached?** [ ]  Yes,attached on pages        to        [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No **Witness 1 – Name:**                                                          **Witness 2 – Name:**                                                          **What other documentary evidence do you have?**                                                                                                                                                                        **This evidence is attached on pages**        to        **If the illegal act was caused by a person other than the renter, should an order be made unders332A(4) that the renter must not permit entry by that person to the rented premises?** [ ]  Yes [ ]  No**Why/why not?**                                                                                                                              **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                       **Can, and should, the Tribunal make a compliance order?** [ ]  Yes [ ]  No**If so, why?**                                                                                                                               *(Note: under s332A, VCAT may make a compliance order, instead of a possession order.)*  **Are there any special requirements of the renter to access relevant social supports or alternative accommodation that the Tribunal needs to take into account when determining the termination date?** [ ]  Yes [ ]  No [ ]  Don’t know**If known, what are those special requirements?**                                                                                                                                          |

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| GROUNDS FOR POSSESSION AND EVIDENCE FOR THE HEARING |
| **[ ]  s.91ZJ: Danger (Immediate NTV)****The renter or the renter’s visitor by act or omission endangers the safety of:** [ ]  (a) occupiers of neighbouring premises; or[ ]  (b) the residential rental provider or the provider's agent; or[ ]  (c) contractor or employee of a person referred to in paragraph (b).**Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No **Is there video of the alleged event/s?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No **Witness 1 – Name:**                                                          **Witness 2 – Name:**                                                          **What other documentary evidence do you have**                                                                                                                                                                         **This evidence is attached on pages**        to        **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                                                      **Can, and should, the Tribunal make a compliance order?** [ ]  Yes [ ]  No**If so, why?**                                                                                                                            *(Note: VCAT may make a compliance order, instead of a possession order.)*  **If the illegal act was caused by a person other than the renter, should an order be made that the renter must not permit entry by that person to the rented premises?** [ ]  Yes [ ]  No**Why/why not?**                                                                                                                           **Are there any special requirements of the renter to access relevant social supports or alternative accommodation that the Tribunal needs to take into account when determining the termination date?** [ ]  Yes [ ]  No [ ]  Don’t know**If known, what are those special requirements?**                                                                                                                                    |

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| [ ]  **s.91ZK: Threats and intimidation (14 day NTV)****The renter or any other person occupying or jointly occupying the rented premises, has seriously threatened or intimidated:** [ ]  (a) the residential rental provider or the provider's agent; or [ ]  (b) a contractor or employee of a person referred to in paragraph (a).**Are photos/emails/text messages attached?** [ ]  Yes,attached on pages        to        [ ]  No **Is there video or a voice recording of the alleged event?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No **Witness 1 – Name:**                                                          **Witness 2 – Name:**                                                          **What other documentary evidence do you have**                                                                                                                                                                         **This evidence is attached on pages**        to       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’ – why?**                                                                                                                                                                 **Can, and should, the Tribunal make a compliance order?** [ ]  Yes [ ]  No**If so, why?**                                                                                                                            *(Note: VCAT may make a compliance order, instead of a possession order.)*  **If the illegal act was caused by a person other than the renter, should an order be made that the renter must not permit entry by that person to the rented premises?** [ ]  Yes [ ]  No**Why/why not?**                                                                                                                            **Are there any special requirements of the renter to access relevant social supports or alternative accommodation that the Tribunal needs to take into account when determining the termination date?** [ ]  Yes [ ]  No [ ]  Don’t know**If known, what are those special requirements?**                                                                                                                              |

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| [ ]  **s.91ZL: Condition of premises (Immediate NTV)****The premises are:**[ ]  (a) unfit for human habitation; or [ ]  (b) have been destroyed totally or to such an extent as to be rendered unsafe.**Are before and after photos of the damage attached?** [ ]  Yes,attached on pages        to        [ ]  No **Is there an expert report or written evidence that the premises are unfit or unsafe?**[ ]  Yes,attached on pages        to        [ ]  No**What other documentary evidence do you have?**                                                                                                                                              **This evidence is attached on pages**        to        **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                |
| [ ]  **s.91ZM: Non-payment of rent****Complete the Summary of Proofs for Possession for Rent.** |
| [ ]  **s.91ZN: Failure to pay bond (14 day NTV)****The renter has failed to comply with a provision of the residential rental agreement relating to the payment of a bond.**A copy of the rental agreement dated       /       /        is attached on pages        of       .The requirement to pay bond is clause        of the agreement and is attached on page     . **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                |

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| [ ]  **s.91ZO: Failure to comply with Tribunal order (14 day NTV)****The renter has failed to comply with an order of the tribunal under section 212.**A copy of the VCAT order dated       /       /        is attached on pages        of       .**Are photos attached?** [ ]  Yes,attached on pages        of        [ ]  No **Is there video evidence?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        of        [ ]  No **Witness 1 – Name:**                                                          **Witness 2 – Name:**                                                          **What other documentary evidence do you have?**                                                                                                                                              **This evidence is attached on pages**        to        **Was the breach trivial?** [ ]  Yes [ ]  No**If the breach was trivial, provide reason(s) why it was trivial:**                                                                                                                                        **Has the breach been remedied as far as possible?** [ ]  Yes [ ]  No**If not, why?**                                                                                                                                                       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                               **If the breach was caused by another person other than the renter, should an order be made under s 332A(3) that the renter must not permit entry by that person to the rented premises?** [ ]  Yes [ ]  No**Provide reason why an order should or shouldn’t be made under s 332A(3)?**                                                                                                                                                                                        |

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| [ ]  **s.91ZP: Successive breaches by renter (14 day NTV)****The renter has breached a duty provision; and on 2 previous occasions the renter has been in breach of the same provision; and the renter has been given a breach of duty notice on each of the two prior occasions.****First breach** A copy of the first breach notice dated       /       /        and proof of service is attached on pages        of       .**Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No **Is there video evidence?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No **Witness/es Name:**                                                          **Second breach**A copy of the second breach notice dated       /       /        and proof of service is attached on pages        of       .**Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No**Is there video evidence?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No **Witness/es Name**                                                          **Third breach**A copy of the third breach notice dated       /       /        and proof of service is attached on pages        of       .**Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No **Is there video evidence?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No **Witness/es Name:**                                                          **What other documentary evidence do you have?**                                                                                  **This evidence is attached on pages**        to       .**Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                   **If the breach was caused by another person other than the renter, should an order be made under s 332A(3) that the renter must not permit entry by that person to the rented premises?** [ ]  Yes [ ]  No**Provide reason why an order should or shouldn’t be made under s 332A(3)?**                                                            |

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| [ ]  **s.91ZQ: Use of premises for illegal purpose (14 day NTV)****The renter used the rented premises or permitted their use for a purpose that is illegal at common law or under an Act.****Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No**Is there video evidence?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No**Witness 1 – Name:**                                                          **Witness 2 – Name:**                                                          **What other documentary evidence do you have?**                                                                                                                                                       **This evidence is attached on pages**        to       .**Is there police evidence or police charges?**[ ]  Yes,attached on pages        to        [ ]  No**What common or statutory law has the renter not complied with?**                                                                                                                                        **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZR: Drug related conduct in public housing (14 day NTV)**The renter of public housing has, on the rented premises or in a common area, illegally- (a) trafficked or attempted to traffick a [drug of dependence](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#drug_of_dependence); or (b) supplied a [drug of dependence](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#drug_of_dependence) to a person under 18 years of age; or (c) possessed a [preparatory item](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#preparatory_item) with the intention of using the item for the purpose of trafficking in a drug of dependence; or (d) possessed, without lawful excuse-(i) a tablet press; or (ii) a [precursor chemical](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#precursor_chemical); or (e) intentionally caused another person to traffick in a [drug of](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#drug_of_dependence) [dependence](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#drug_of_dependence) by threatening to harm that person or another person or by using violence against that person or another person; or (f) intentionally permitted another person to use those premises or the common area for- (i) trafficking in a [drug of dependence](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#drug_of_dependence); or (ii) cultivating a [drug of dependence](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#drug_of_dependence); or (g) [cultivated](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#cultivate) or attempted to [cultivate](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#cultivate) a narcotic plant.**Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No**Is there video evidence?** [ ]  Yes [ ]  No**Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No**Witness 1 – Name:**                                                          **Witness 2 – Name:**                                                          **Is there police evidence or police charges?**[ ]  Yes,attached on pages        to        [ ]  No**What other documentary evidence do you have?**                                                                                                                                                       **This evidence is attached on pages**        to       .**Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZS: Prescribed indictable offences in public housing (14 day NTV)**The renter of public housing has committed a prescribed indictable offence on the rented premises or in a common area.**What prescribed indictable offence has the renter committed?**                                                                                      **Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No**Is there video evidence?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No**Witness 1 – Name:**                                                          **Witness 2 – Name:**                                                          **Is there police evidence or police charges?**[ ]  Yes,attached on pages        to        [ ]  No**What other documentary evidence do you have?**                                                                                                                                                       **This evidence is attached on pages**        to       .**Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZT: Prescribed indictable offences in public housing (14 day NTV)**The renter has failed to comply with a term of the residential rental agreement prohibiting the renter from permitting a child under the age of 16 years to reside on the rented premises.A copy of the rental agreement dated        /        /        is attached on pages        of       . The prohibition on permitting a child to reside on the rented premises is clause        of theagreement and is attached on page       .**Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No **Is there video evidence?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No**Witness/es name(s):**                                                        **What other documentary evidence do you have?**                                                                                                                                                      **This evidence is attached on pages**        to       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |
| [ ]  **s.91ZU: False statement to housing authority (14 day NTV)**The renter has induced the housing authority to enter into a residential rental agreement with a statement relating to their eliginility to rent, knowing that the statement was false or misleading.**Why do you believe the renter/s knowingly mislead the RRP about their eligibility for housing?**                                                            **Indicate any evidence you have attached which supports your belief:**                                                                               **This evidence is attached on pages**        to       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZV: Assignment or subletting without consent (14 day NTV)**The renter has assigned or sub-let or purported to assign or sub-let the whole or any part of the premises without the residential rental provider’s consent.**Why do you believe the renter/s have assigned or sublet the rented premises?**                                                                                                                       **Indicate any evidence you have attached which supports your belief:**                                                                               **This evidence is attached on pages**        to       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |
| [ ]  **s.91ZW: RRP moving back into principal place of residence (14 day NTV)**The rented premises were the residential rental provider's principal place of residence (i) immediately before the residential rental agreement was entered into; or (ii) if the residential rental agreement is the second residential rental agreement entered into since the premises were the residential rental provider's principal place of residence, immediately before the first residential rental agreement was entered into; and this fact is in the agreement and the agreement states that the residential rental provider intends to resume occupancy of the premises on the termination of the agreement.**A copy of the Director of CAV approved documentary evidence required to accompany the****Notice to Vacate is attached on pages**        to       **A copy of the rental agreement dated**        /        /        is attached on pages        to       .**The express reference about occupation by the residential rental provider is clause**       **of the agreement and is attached on page**       .**Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZX: Repairs or renovation (60 day NTV)**The residential rental provider intends to repair, renovate or reconstruct the premises (i) in the case of a building owned by a residential rental provider containing 5 or more rented premises, immediately after the last renter vacates; or (ii) in any other case, immediately after the termination date; **and** the residential rental provider has obtained all necessary permits and consents to carry out the work; **and** the work cannot be properly carried out unless the renter vacates the rented premises.**A copy of the Director of CAV approved documentary evidence required to accompany the****Notice to Vacate is attached on pages**        to       Is there a permit required and attached? [ ]  Yes, attached on pages        to     [ ]  NoIs there a schedule of works attached? [ ]  Yes, attached on pages        to     [ ]  No**What works are being carried out?**                                                                                                                       **Why can’t works be carried out while the renter continues to occupy the premises?**                                                                                                                       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                               |
| [ ]  **s.91ZY: Demolition (60 day NTV)**The residential rental provider intends to demolish the premises; (i) in the case of a building owned by a residential rental provider containing 5 or more rented premises, immediately after the last renter vacates; or (ii) in any other case, immediately after the termination date; **and** the residential rental provider has obtained all necessary permits and consents to demolish the premises.**A copy of the Director of CAV approved documentary evidence required to accompany the****Notice to Vacate is attached on pages**        to       Is there a permit required and attached? [ ]  Yes, attached on pages        to     [ ]  NoIs there a schedule of works attached? [ ]  Yes, attached on pages        to     [ ]  No**What demolition works are being carried out?**                                                                                                                       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZZ: Premises to be used for business (60 day NTV)**Immediately after the termination date the premises are to be used for the purposes of a business or another purpose other than letting for use principally as a residence.**A copy of the Director of CAV approved documentary evidence required to accompany the****Notice to Vacate is attached on pages**        to       **What extra evidence do you have that supports the planned purpose for the rented premises after the renter vacates?**                                                                                                                       **The evidence is attached on pages**        to       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                               |
| [ ]  **s.91ZZA: Premises to be occupied by RRP, RRP family member or dependant of RRP(60 day NTV)**Immediately after the termination date, the premises are to be occupied by the residential rental provider; or in the case of a residential rental provider who is an individual— (i) by the residential rental provider's partner, child, parent or partner's parent; or (ii) by another person who normally lives with the residential rental provider and is wholly or substantially dependent on the residential rental provider.**A copy of the Director of CAV approved documentary evidence required to accompany the** **Notice to Vacate is attached on pages**        to       **Who is moving into the rented premises, and why?**                                                                                                                       **Is there a evidence from the rental provider, the rental provider’s relative or the rental****provider’s dependant attached?**  [ ]  Yes, attached on pages        to     [ ]  No**Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZZB: Premises to be sold (60 day NTV)**1. The premises are immediately after the termination date to be sold or offered for sale with vacant possession, or
2. The residential rental provider has entered into a contract of sale of the rented premises, the contract of sale is subject to one or more conditions which have now been satisfied, and the NTV was given within 14 days after the last condition was satisfied or
3. The residential rental provider has entered into a non-conditional contract of sale and the NTV was given within 14 days after the contract of sale was entered into.

**A copy of the Director of CAV approved documentary evidence required to accompany the** **Notice to Vacate is attached on pages**        to       **Is there an authority to sell attached?**  [ ]  Yes, attached on pages        to     [ ]  No**Is there a contract of sale attached?**  [ ]  Yes, attached on pages        to     [ ]  No**Have the premises been sold?**  [ ]  Yes [ ]  NoIf the premises have been sold, the date the contract was entered into was        /        /        and the settlement date is        /        /       **Were the premises sold with vacant possession?**  [ ]  Yes [ ]  No**Was the contract of sale subject to any conditions that entitled a party to terminate the contract, if not satisfied?** [ ]  Yes [ ]  NoIf yes, when was the last of those conditions satisfied?        /        /       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |
| [ ]  **s.91ZZC: Premises required for public purposes (60 day NTV)**The premises are the property of a public statutory authority authorised to acquire land compulsorily for its purposes and immediately after the termination date the premises are required for public purposes.**A copy of the Director of CAV approved documentary evidence required to accompany the****Notice to Vacate is attached on pages**        to       **What public purpose are the premises required for?**                                                                        **Is there evidence attached?**  [ ]  Yes, attached on pages        to     [ ]  No**What are the documents you have attached as evidence?**                                                                         **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                          |
| [ ]  **s.91ZZD: End of an initial fixed term residential rental agreement of 5 years or less:(60 day NTV for fixed term <6 months or 90 dayss NTV for fixed term> 6 months NTV)**The renter was given a notice to vacate when on a fixed term residential rental agreement of not more than 5 years.**A copy of the rental agreement dated**        /        /        **is attached on pages**       to       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |
| [ ]  **s.91ZZDA: End of an initial fixed term residential rental agreement of more than 5 years (Prescribed period or 90 day NTV)**The renter was given a notice to vacate when on a fixed term residential rental agreement of more than 5 years.**A copy of the rental agreement dated**        /        /        **is attached on pages**       to       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZZE: Renter no longer meeting eligibility criteria (90 day NTV)**The residential rental provider is a public statutory authority engaged in the provision of housing and the rented premises are premises only available to be let to persons who meet the eligibility criteria for housing published by the public statutory authority; and the renter has ceased to meet one or more of the eligibility criteria.**How has the renter’s eligibility for housing changed?**                                                                                                                                   **A document setting out the eligibility criteria for renting from the public statutory authority is****attached on pages**        to       **The eligibility criteria that the renter no longer meets is at clause**        **on page**      .**Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |
| [ ]  **s.91ZZF: Renter refuses transitional housing: (30 day NTV)**The rented premises were provided as [transitional housing](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#transitional_housing); and the rental provider is Director of Housing who has published requirements for renters of [transitional housing](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s236.html#transitional_housing) to seek alternative accommodation; and the renter has (i) unreasonably refused to seek alternative accommodation in accordance with those requirements; or (ii) refused a reasonable offer of alternative accommodation made in accordance with those requirements.**What evidence do you have that the renter has unreasonably refused to seek alternate****accommodation?**                                                                                   **OR** **What offer of alternate accommodation has been made to the renter?**                                                                **Why is it unreasonable for the renter to refuse the offer?**                                                                **Is there evidence attached ?** [ ]  Yes, **attached on pages**        to     [ ]  No**Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZZG: Keeping a pet without consent (28 day NTV)**The renter has failed to comply with a VCAT order for a pet to be excluded, within at least 14 days of the order having effect.**A copy of the VCAT order dated**        /        /        **is attached on pages**        of       **Are photos attached?** [ ]  Yes,attached on pages        to        [ ]  No **Is there video evidence?** [ ]  Yes [ ]  No **Is there evidence from witnesses?** [ ]  Yes,attached on pages        to        [ ]  No**What other documentary evidence do you have?**                                                                                                                                        **This evidence is attached on pages**        to       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |
| [ ]  **s.91ZZK: Notice by mortgagee (60 day NTV)**The mortgagee of the rented premises, under a mortgage entered into before the rental agreement was entered into, is entitled to possession of, or to exercise a power of sale in respect of, the rented premises.**A copy of a Court order entitling the mortgagee to possession or to exercise a power of sale is****attached on pages**        of       **.****Is the mortgage agreement attached?** [ ]  Yes,attached on pages        to        [ ]  No**The entitlement to possession or sale is at clause**        of the agreement on page       .**Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |

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| [ ]  **s.91ZZL: Tribunal order under Rooming House Operators Act 2016 (Termination date set by Tribunal)**The Tribunal has made an order referred to in [section 33(1)(b)](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s33.html), [34](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s34.html)(3)(c)(ii) or [83](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s83.html)(3)(c)(iii) of the *Rooming House Operators Act 2016* in relation to the rooming house operator.**A copy of the VCAT order dated**        /        /        **is attached on pages**        of       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |
| [ ]  **s.91ZZM: Refusal of license under Rooming House Operators Act 2016 (120 day NTV)**The residential rental provider is a rooming house operator and (a) it’s application for renewal of a licence under the [Rooming House Operators Act 2016](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/rhoa2016286/) was refused by the Business Licensing Authority and [section 29(1)](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s29.html) or [29](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s29.html)(2) of that Act apply; or (b) it’s application for a licence under the [Rooming House Operators Act 2016](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/rhoa2016286/) was refused by the Business Licensing Authority and [section 82(2)](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/num_act/rtaa201845o2018333/s82.html) of that Act applies.**A copy of the Business Licensing Authority refusal dated**        /        /        **is****attached on pages**        of       **Is it reasonable and proportionate to make a possession order?** [ ]  Yes [ ]  No**If ‘reasonable and proportionate’, why?**                                                                                                                                          |