

Your step-by-step guide to 'claiming compensation'

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START HERE

Have you suffered any loss, damage to your goods and/or inconvenience because of your landlord's or agent's actions or their failure to act?

for example...

- For more information see the following fact sheets:**
- > **Claiming compensation**
 - > **Breach of Duty notices**
 - > **The Victorian Civil & Administrative Tribunal**
 - > **Repairs**

Compensation claims can be made up to 6 years after the loss, damage or inconvenience occurred.

> the landlord failed to carry out repairs you requested
> the landlord tried to evict you illegally
> the agent or landlord has been turning up with prospective tenants or buyers without giving you 24 hours notice or getting your consent

YES

You may be entitled to claim compensation.

Are you claiming more than \$10,000?

The *Residential Tenancies Act 1997* has a \$10,000 compensation claim limit. However, you may be able to claim under the *Fair Trading Act 1999*. Contact the Tenants Union for advice.

If you are making a claim because your landlord failed to carry out repairs, wait until the repairs are done or until you move out so you know how much compensation to claim.

To claim compensation, you need to serve the landlord with a **Breach of Duty Notice** (available from the Tenants Union or Consumer Affairs Victoria).

Give a copy of the Breach of Duty Notice to the landlord or agent and keep a copy for yourself. Send it by registered mail (keep the mail receipt) or deliver it in person.

Have you received the compensation payment within 14 days (or 16 days if you delivered it by mail)?

NO

At the hearing, you will need to provide proof to support your claim. This could be in the form of photographs, witnesses, letters to your landlord/agent, receipts for expenses, quotes for repairs etc.

You can apply to the Victorian Civil & Administrative Tribunal. Fill in an application form and attach a copy of the Breach of Duty Notice that you sent.

YES

When you fill out the Breach of Duty Notice you must include:

- > details of the landlord's breach (ie what they did wrong)
- > what action they should take to fix the problem (eg fix the roof)
- > the amount you are claiming for any money you spent as a result of the problem and/or any loss or inconvenience you were caused
- > the amount you are claiming for any goods that were damaged and cannot be repaired

You cannot claim compensation under the *Residential Tenancies Act 1997* for pain and suffering, physical injury or death. These claims must be made in the courts. Contact your nearest Community Legal Centre for advice.

As soon as you receive notice of the Tribunal hearing, contact the Tenants Union for advice.