

Application by a Tenant to the Victorian Civil and Administrative Tribunal

The Victorian Civil and Administrative Tribunal (VCAT) amalgamates a number of government Tribunals including the former Residential Tenancies Tribunal, which is now known as the Residential Tenancies List. The List achieves settlement or hears and makes decisions about disputes with residential tenancy agreements. This application form is for an application to the List. Further information concerning your application and VCAT hearings is available on VCAT's website at www.vcat.vic.gov.au together with access to the legislation including regulations, rules and practice notes. For further information on the List or filling out this application, call the Consumer Affairs Helpline on 1300 55 81 81.

How to apply ♦ ♦

- 1 Print your given name and family name in the first box. Make sure the family name is last. Print the names of all the other tenants (not including children) at the premises. You and all applicants should come to the hearing.
- 2 Print the name of your representative, if any. For example a tenant support worker.
- 3 It is preferred that you present your own case to VCAT but you can have someone represent you who knows about the problem—for example a tenant support worker. This person may assist you at VCAT, but only you can give evidence about the facts of your case. The Act allows legal representation in certain circumstances, and automatically where an order for possession has been sought. Ring VCAT for more information.

<i>If you are going to be represented</i>	Print the person's name in box 2, then <i>Go to next question</i>
<i>If you are not being represented</i>	Print NO in box 2, then <i>Go to next question</i>

- 4 Print the name of the landlord/s in the boxes provided—they are the respondent. (Remember, the Director of Housing is a landlord.) You can find the landlord/s name on your tenancy agreement or by asking the estate agent.
- 5 Print the respondent's address, and telephone and fax number. Where the landlord is represented by an estate agent, it should be the agent's address. Also include the agent's name and company name.
- 6 Print the full street address of the rented premises.
- 7 What are you claiming? Following is a list of problems—choose one that best describes your problem and write it in box 7.

- ♦ Stop an eviction
- ♦ Getting urgent repairs done
eg. a burst water service
- ♦ Getting non urgent repairs done
- ♦ Restraining the landlord, eg. from entering the premises
- ♦ Ending the fixed term tenancy agreement early
- ♦ Compensation
- ♦ Rent increase too high
- ♦ Return of bond. **You must attach a copy of the bond receipt issued by the Residential Tenancies Bond Authority (RTBA) to this application.**
- ♦ Other—please specify in box 7 and describe in box 8.

- 8 Please give us more information about the problem. If you need more space, print clearly on a separate piece of paper and attach it to this application.
- 9 Please indicate who supplied the bond and the amount of bond paid. Please fill out in the same order as the names in Question 1.
 - ♦ Insert the bond number, which can be found on the receipt issued by the RTBA.
 - ♦ Insert the amount paid by the Tenant/s or Department of Housing in the space indicated. If the bond was supplied jointly by the Tenant/s and the Department of Housing insert the appropriate amount in both boxes.
 - ♦ If someone other than those listed supplied the bond, insert the amount against the Tenant/s only.
- 10 You may have sent a notice to the landlord/s about the problem. You may also have sent or received letters and/or bills. You should include copies of all these with your application and any other relevant documents.

<i>If you have written material</i>	Print the number of items in box 10, then <i>Go to next question</i>
<i>If you don't have written material</i>	Print NONE in box 10, then <i>Go to next question</i>

- 11 If there is another application to VCAT concerning the same property but has not been listed yet and you do not know the file number, state YES in box 11. If not, leave the box blank.

<i>If VCAT has dealt with this problem before</i>	<i>Print the reference number/s in box 11, then Go to next question</i>
<i>If this is the first time you have applied to VCAT about this problem</i>	<i>Go to next question</i>

- 12 A fee must be paid with this application by one of the following methods. To find out the current fee, visit the VCAT website at www.vcat.vic.gov.au. Alternatively, call the Consumer Affairs Helpline on 1300 55 81 81 or VCAT on 9628 9800 (1800 133 055 for callers from rural Victoria).

- ◆ If mailing the application you can pay by credit card, cheque or money order made out to the Victorian Civil and Administrative Tribunal. If faxing the application to 03 9628 9822, you can only pay by credit card. If paying by credit card, you will also need to complete a 'Payment by Credit Card' form available at www.vcat.vic.gov.au or by calling VCAT.
- ◆ If paying in person at the Ground Floor, 55 King Street, Melbourne you can pay over the counter by credit card, cheque, money order, cash and eftpos.

- 13 Please sign your name.

- 14 Write the date and tick the method you are using to serve the copy of the application on the landlord. It is recommended that you serve it by registered mail so that you have a record (keep the receipt). If you hand it to the landlord, make a note of the time, date and place. Please note that the application must be lodged with VCAT within 7 days of service on the landlord.

- 15 Check that you have done everything:

- ◆ box 7 and 8 are filled out clearly
- ◆ all documents are copied and are attached
- ◆ box 13 has your signature in it.

- 16 Using the completed application form and copies of the documents you intend to rely on at VCAT:

- ◆ Send the **white** form (ORIGINAL) and copies of the documents to:
The Principal Registrar
Victorian Civil and Administrative Tribunal
Residential Tenancies List
GPO Box 5408CC
Melbourne Victoria 3001
- ◆ Send the **green** form (RESPONDENT'S COPY) and copies of the documents to the respondent. Note that failure to do so may result in VCAT dismissing your application and awarding costs against you; and
- ◆ Keep the **yellow** form (APPLICANT'S COPY) and the original documents for yourself.

What to do next...

- ◆ Wait for VCAT to send you a notice of hearing. The notice will tell you the venue, time and date you must come to the hearing.
- ◆ Bring your copy of the application form and the original documents to the hearing.
- ◆ You must bring all documents in support of your case, the tenancy agreement (the lease), any photos and the condition report to the hearing.
- ◆ It also would help if you prepare notes about your problem. Then you can use these notes to present your case at the hearing.
- ◆ Bring any witness/es who can assist you to prove your case. If they are unwilling to attend, ring VCAT for more information.
- ◆ If you do not speak or understand English very well, VCAT can provide an interpreter to be with you at the hearing. Telephone (03) 9628 9800 at least 3 days before your hearing to allow sufficient time to arrange the interpreter.

How to stop your application...

- ◆ Use the withdrawal form on the back of your copy of the application form (YELLOW COPY).
- ◆ Fill out the form and send a copy to the respondent/s.
- ◆ You must do this or the hearing may go ahead without you and costs may be awarded against you.
- ◆ Then send or fax the original to:
The Principal Registrar
Victorian Civil and Administrative Tribunal
Residential Tenancies List
GPO Box 5408CC
Melbourne Victoria 3001
Fax: (03) 9628 9822

Interstate Respondents...

- ◆ Commonwealth legislation requires applicants to take additional steps prior to serving an application where the respondent resides interstate. Please contact VCAT for further information and documents for your use or visit the VCAT website at www.vcat.vic.gov.au.

Application by a Tenant to the Victorian Civil and Administrative Tribunal

Reference number Office use only

R

1 Applicant (Tenant/s)

Tenant A	Office use only
Given Name Family Name	
Tenant B	Office use only
Given Name Family Name	
Tenant C	Office use only
Given Name Family Name	

8 More details about the application are:

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2 Representative, if any (e.g. tenant support worker)

3 Representative's address. If not represented, fill out your address

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Post Code

Tel. Fax.

9 Bond Lodged

Who supplied bond
(Please fill out in the same order as names in Question 1)

Tenant A	Bond Number	<input type="text"/>	\$ <input type="text"/>
Tenant B	Bond Number	<input type="text"/>	\$ <input type="text"/>
Tenant C	Bond Number	<input type="text"/>	\$ <input type="text"/>
Director of Housing	Bond Number	<input type="text"/>	\$ <input type="text"/>
TOTAL AMOUNT PAID			\$ <input type="text"/>

4 Respondent (Landlord/s)

Given Name Family Name	Office use only
Given Name Family Name	Office use only

5 Respondent's address (Agent)

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Post Code

Tel. Fax.

6 Rented Premises

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Post Code

7 The application is for:

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10 Documents attached

11 Previous or pending VCAT File Numbers

12 Method of Payment (refer to point 12, second page)

13 Signature

14 Date sent or given

/ /

by

Hand Mail Registered mail

ORIGINAL—Attach copies of documents and send to the Victorian Civil and Administrative Tribunal

Office use only	Act section/s	Notice expiry date
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>

Application by a Tenant to the Victorian Civil and Administrative Tribunal

Reference number Office use only

R

1 Applicant (Tenant/s)

Tenant A	Office use only
Given Name Family Name	
Tenant B	Office use only
Given Name Family Name	
Tenant C	Office use only
Given Name Family Name	

8 More details about the application are:

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2 Representative, if any (e.g. tenant support worker)

3 Representative's address. If not represented, fill out your address

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Post Code

Tel. Fax.

9 Bond Lodged

Who supplied bond
(Please fill out in the same order as names in Question 1)

Tenant A	Bond Number	<input type="text"/>	\$ <input type="text"/>
Tenant B	Bond Number	<input type="text"/>	\$ <input type="text"/>
Tenant C	Bond Number	<input type="text"/>	\$ <input type="text"/>
Director of Housing	Bond Number	<input type="text"/>	\$ <input type="text"/>
TOTAL AMOUNT PAID			\$ <input type="text"/>

4 Respondent (Landlord/s)

Given Name Family Name	Office use only
Given Name Family Name	Office use only

5 Respondent's address (Agent)

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Post Code

Tel. Fax.

6 Rented Premises

.....

.....

.....

Post Code

7 The application is for:

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10 Documents attached

11 Previous or pending VCAT File Numbers

12 Method of Payment (refer to point 12, second page)

13 Signature

14 Date sent or given

/ / by

Hand Mail Registered mail

RESPONDENT'S COPY—Attach copies of documents and send to the Landlord

TO THE LANDLORD

The tenant has made an application to the Residential Tenancies List of the Victorian Civil and Administrative Tribunal. You will shortly receive a Notice of Hearing that tells you the time, date and place for the Hearing. You should attend the Hearing to give your side of the story. Contact VCAT on (03) 9628 9800 or freecall 1800 133 055 (from rural Victoria) if you need advice.

Application by a Tenant to the Victorian Civil and Administrative Tribunal

Reference number Office use only

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APPLICANT'S COPY

1 Applicant (Tenant/s)

Tenant A	Office use only
Given Name <input type="text"/> Family Name <input type="text"/>	
Tenant B	Office use only
Given Name <input type="text"/> Family Name <input type="text"/>	
Tenant C	Office use only
Given Name <input type="text"/> Family Name <input type="text"/>	

2 Representative, if any (e.g. tenant support worker)

3 Representative's address. If not represented, fill out your address

Post Code

Tel. Fax.

4 Respondent (Landlord/s)

Given Name <input type="text"/> Family Name <input type="text"/>	Office use only
Given Name <input type="text"/> Family Name <input type="text"/>	Office use only

5 Respondent's address (Agent)

Post Code

Tel. Fax.

6 Rented Premises

Post Code

7 The application is for:

8 More details about the application are:

9 Bond Lodged

Who supplied bond
 (Please fill out in the same order as names in Question 1)

Tenant A	Bond Number <input type="text"/>	\$ <input type="text"/>
Tenant B	Bond Number <input type="text"/>	\$ <input type="text"/>
Tenant C	Bond Number <input type="text"/>	\$ <input type="text"/>
Director of Housing	Bond Number <input type="text"/>	\$ <input type="text"/>

TOTAL AMOUNT PAID \$

10 Documents attached

11 Previous or pending VCAT File Numbers

12 Method of Payment (refer to point 12, second page)

13 Signature

14 Date sent or given

/ / by
 Hand Mail Registered mail

TO THE TENANT

This is a copy of the application for you to keep. You will shortly receive a Notice of Hearing that tells you the time, date and place for the Hearing. You should bring this copy and the original documents relating to your application to the Hearing. If you want to withdraw your application, use a copy of the form on the back of this page.

Withdrawal of Application • Victorian Civil and Administrative Tribunal

To

The Principal Registrar
Residential Tenancies List
Victorian Civil and Administrative Tribunal
Residential Tenancies List
GPO Box 5408CC
Melbourne Vic 3001

Fax number (03) 9628 9822

Please Note: If you have faxed a Withdrawal of Application **do not** forward the original through the mail.

I/we wish to withdraw

the application. I understand that this matter cannot be brought before VCAT again except under special circumstances. Please contact VCAT.

the renewal of proceedings.

The rented premises address being

	Post Code

The application was made on

/	/
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The name/s of the applicant is/are

The name/s of the respondent on the application form is/are

I/we were given this file number for the application

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The hearing was to be held on

Date		Venue	
	/ /	at	

I/we have made copies of this withdrawal and sent them to the respondents named above

Signature

Date	
	/ /