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| VCAT - Victorian civil and administrative tribunal | Victorian Civil and Administrative Tribunal (VCAT)55 King Street Melbourne VIC 3000GPO Box 5408 Melbourne VIC 3001Ausdoc DX 510576 MelbourneWebsite: [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au/)Phone Number: 1300 01 8228 |

# Application for leave to withdraw

## General information

Under section 74 of the *Victorian Civil and Administrative Tribunal Act 1998* (“the Act”), at any time before a final decision in a proceeding, an applicant may seek leave to withdraw that proceeding by written notice to the Tribunal and all other parties.

A Tribunal order granting leave to withdraw ends the proceeding. Once the withdrawal order has been made, the proceeding cannot be reinstated. If the parties have reached agreement to vary a decision under review, or if parties have reached terms of settlement and are seeking a final order, we recommend that you file consent orders, signed by all parties, rather than apply for leave to withdraw.

If a party seeks to withdraw their application, that party should advise the Tribunal, and the other parties, in writing as soon as possible, particularly if there is a scheduled hearing that is no longer required. This will minimise further costs and inconvenience to other parties and the Tribunal.

The granting of leave to withdraw is not automatic. The Tribunal may, in its discretion, refuse leave to withdraw or refer the matter to a directions hearing or hearing or make an alternative order. Circumstances where this may occur include:

1. if the Tribunal considers that the withdrawal is misconceived or will not lead to the outcome intended by a party;
2. if the withdrawal would not dispose of the entire proceeding;
3. if the withdrawal may adversely affect other parties;
4. if the matter has been heard and is awaiting a final decision.

The withdrawal of a proceeding is subject to section 74(2)(b) of the Act. Any other party seeking costs arising from the withdrawal of a proceeding should make the application for costs as soon as practicable (usually within one month) after receiving a copy of the order granting leave to withdraw.

**For renting disputes**: Please indicate if Renewal of Proceedings only needs to be withdrawn.

All fields are mandatory. Your application may be delayed or rejected if you do not provide all information.

## Need help with your application?

Contact 1300 01 8228 between 9 am and 4.30 pm Monday to Friday.

## Address the correct VCAT List

You must indicate the List that communicated with you about your VCAT case in this application.

* Building and Property List
* Civil Claims List
* Guardianship List
* Human Rights List
* Legal Practice List
* Owners Corporations List
* Planning and Environment List
* Residential Tenancies List
* Review and Regulation List

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# Application form for leave to withdraw

|  |  |
| --- | --- |
| VCAT List  |       |
| Reference Number |       |

## Proceeding details

|  |  |
| --- | --- |
| Applicant/s |       |
| Respondent/s |       |
| Other/s *(eg. Represented person, joined party, objector, etc.)* |  |

## Details of party seeking leave to withdraw

Are you the:

[ ]  Applicant [ ]  Respondent

[ ]  Other *(specify)*

|  |  |
| --- | --- |
| Party’s name/company:  |       |
| Contact number: |       |

Is the party represented? [ ]  Yes [ ]  No

If yes, by whom?

## Withdrawal application details

What are your reasons for applying to withdraw this application?

Has a counterclaim been filed and served by the other party to this proceeding?

 [ ]  Yes [ ]  No

If yes, you should attach written consent from the other party. If you fail to do so, your application for leave to withdraw may be rejected by the Tribunal.

 [ ]  I am the applicant/representative in this matter and wish to withdraw the application.

 [ ]  I understand that this matter cannot be brought before VCAT again without leave from the Tribunal.

|  |  |
| --- | --- |
| Signed: |  |
| Date: |    /    /      |

## Where can you lodge this application

You can send your completed form to us by post, email or fax.

### By post

VCAT
GPO Box 5408
Melbourne VIC 3001

### By fax or email

Fax your completed form to the area in VCAT that is dealing with your case.

**Building and Construction**Fax: 03 9628 9988
Email: civil@vcat.vic.gov.au

**Mental Health**Fax: 03 8685 1404
Email: humanrights@vcat.vic.gov.au

**Co-owned Land and Goods**Fax: 03 9628 9988
Email: civil@vcat.vic.gov.au

**Owners Corporations**Fax: 03 8685 1488
Email: civil@vcat.vic.gov.au

**Disability Act**Fax: 03 8685 1404
Email: humanrights@vcat.vic.gov.au

**Planning and Environment**Fax: 03 9628 9789
Email: admin@vcat.vic.gov.au

**Equal Opportunity**Fax: 03 8685 1404
Email: humanrights@vcat.vic.gov.au

**Powers of Attorney**Fax: 03 8685 1404
Email: humanrights@vcat.vic.gov.au

**Goods and Services**Fax: 03 9628 9967
Email: civil@vcat.vic.gov.au

**Renting a Home**Fax: 03 9628 9822
Email: renting@vcat.vic.gov.au

**Guardianship and Administration**Fax: 03 8685 1404
Email: humanrights@vcat.vic.gov.au

**Retail and Commercial Leases**Fax: 03 9628 9988
Email: civil@vcat.vic.gov.au

**Health and Privacy**Fax: 03 8685 1404
Email: humanrights@vcat.vic.gov.au

**Review and Regulation**Fax: 9628 9788
Email: admin@vcat.vic.gov.au

**Land Valuation**Fax: 03 9628 9789
Email: admin@vcat.vic.gov.au

**Unreasonable Flow of Water Between Properties**Fax: 9628 9988
Email: civil@vcat.vic.gov.au

**Legal Practice**Fax: 03 9628 9788
Email: admin@vcat.vic.gov.au