

**Practice Note – PNRST1
Residential Tenancies List - Adjourments**

Application	Residential Tenancies List
Effective date	13 December 2018
Supersedes	Previous version of PNRST1 issued on 31 August 2016
Special note	Please ensure that you are using an up-to-date version of this practice note. Other practice notes may also apply.
Further information	A complete set of current practice notes are available on the Tribunal’s website at www.vcat.vic.gov.au

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Introduction

- 1 This practice note applies to the practice of the Victorian Civil and Administrative Tribunal (‘the Tribunal’) in exercising a function allocated by the *Victorian Civil and Administrative Tribunal Rules 2018* (Vic) to the Residential Tenancies List of the Residential Tenancies Division.
- 2 The purpose of this practice note is to regulate the Tribunal's procedures concerning applications for adjourments. The practice notes deals with adjourments generally and three (3) month adjourments specifically.

Adjourments other than three month adjourments

- 3 A party requesting an adjourment may apply to the Tribunal in writing - by letter, email or facsimile. The request must be received by the Tribunal no later than 4.00 pm.

- two (2) business days before the scheduled hearing date. Example: for hearing scheduled on Friday request must be received by no later than 4.00 pm. on Tuesday.
- 4 If an application is received later than two (2) business days prior to the scheduled hearing date, unless there are exceptional circumstances (such as sudden serious ill health), the parties will be expected to attend the hearing. Any application for an adjournment will then be considered by the Tribunal on its merits but the parties should be ready to proceed in the event that an adjournment is refused.
 - 5 If the party requesting the adjournment obtains the consent of all other parties to the hearing being adjourned, the party requesting the adjournment should, where possible:
 - a) give the Tribunal a letter signed by all parties consenting to the adjournment, or
 - b) take steps to ensure that the other parties give the Tribunal a letter of consent signed by them.
 - 6 If the adjournment is not consented to by the other parties, any written communication requesting an adjournment should, where possible, provide written evidence in support of the request, such as a copy medical certificate or airline ticket or travel itinerary.
 - 7 Adjournments will generally not be granted where the party or agent seeking the adjournment is an organisation and another person is able to represent the party and give evidence.

Three month adjournments

- 8 A three (3) month adjournment of an application for a possession order on the grounds of unpaid rent will normally be granted once, on application of the landlord or agent. No party will be required to attend the Tribunal but may do so. If a similar order is sought on a second or subsequent occasion, the parties must attend the Tribunal or be represented at a hearing.
- 9 The landlord or agent attending a hearing and seeking a three (3) month adjournment will be expected to have available evidence in support of the application for a possession order.
- 10 The effect of a three (3) month adjournment will be that the proceeding is adjourned and, if not renewed in writing by a date fixed three (3) months after the date the adjournment is granted, the application will be considered withdrawn.
- 11 A landlord or agent requesting a three (3) month adjournment may apply to the Tribunal in writing - by letter, email or by facsimile. The application should be made as

soon as practicable after receiving notice of hearing but should be received by the Tribunal no later than 4.00 pm. on the business day prior to the day of the hearing.

- 12 The request must be dated and signed by the person making it. Agents should indicate that they are applying with the authority of their principal. The request should include the following:
 - a) the Tribunal reference number (eg. R2018/12345);
 - b) the names of the landlord, tenant and any agent;
 - c) the address of the rented premises;
 - d) the time, date and venue scheduled for the hearing;
 - e) a request for a three (3) month adjournment; and
 - f) an undertaking to notify the tenant in the event that the adjournment is granted.
- 13 Where practicable, the request should also include:
 - a) a statement that a copy of the request has been given to the tenant; and
 - b) evidence of the tenant's informed consent to the adjournment.
- 14 Apply using the [adjournment application form](#).
- 15 Where the tenant has verbally consented to the adjournment but it is not practicable to have the tenant sign the request, the landlord or agent may inform the Tribunal in writing that the tenant has consented. In this case the landlord or agent should:
 - a) state the name, position and authority of the person to whom the tenant gave consent; and
 - b) explain why it was not reasonably practicable to have the tenant sign the request and confirm that a person (whose name, position and authority must be stated) explained to the tenant the effect of the adjournment.
- 16 Where it has not been practicable to obtain the tenant's informed consent, the Tribunal may still adjourn the hearing.
- 17 A renewed application will be listed in the normal course.

- END OF PRACTICE NOTE -