

Residential Tenancies List

Residential Tenancies List Application: Landlord's Guide (General Application Form)

The Residential Tenancies List (RTL) hears and determines disputes relating to residential tenancies, caravan parks, rooming houses and site dwellings.

Do you need to complete this form?

Who should use this form?

This form must be used if you want the RTL to decide a dispute that is:

- Tenant v Landlord (including Director of Housing and Community Housing),
- Landlord v Tenant
- Related to a residential tenancy database

Who should not use this form?

The RTL cannot decide disputes that are:

- tenant v tenant
- landlord v landlord and/or estate agent

If you have that type of dispute you should seek independent advice.

Handy Tip: If you are making this application in response to family violence, do not use this application form.

What is the fee?

You must pay a fee for your claim to be accepted by VCAT and set down for a hearing and there are different fees depending on what you are claiming. To find out the current fee, please visit the VCAT website at www.vcat.vic.gov.au

You may be eligible to have the fee waived that is, not pay a fee. See the fee waiver application on the VCAT website.

Handy Tip: If you pay an incorrect fee, it may take longer to process your application.

What do I do with the completed form?

You must send a copy of your application to VCAT and serve it on the other side/s (the respondent), preferably by registered post.

Where do I send the form to the other side?

It is very important that reasonable efforts are made to find the current address of all parties as VCAT must send a notice of the hearing date to the address of the parties as provided by you in the application.

When do I lodge the form?

You can:

- serve a copy of the application on the respondent first, and then lodge the application at VCAT within the next 7 days, or
- lodge the application with VCAT first, and serve a copy on the respondent within the next 7 days.

Handy Tip: There are a number of ways that reasonable enquiries can be made to find a current address, such as the telephone book and/or the electoral roll. If you have the mobile phone number for a party, you must include that number in the application. You can phone or text them and ask for their forwarding address.

Handy Tip: best practice is to serve the application to the other parties by registered post. At the hearing, the registered mail receipt proves service of the application.

What happens next?

- **You will receive** a receipt for this application. The receipt number is NOT the number of your file.
- All parties will receive a Notice of Hearing by post. It sets out the date, time and place of the hearing. It also has the VCAT reference number on it that you should refer to if you need to contact VCAT about your application.

What if we resolve the dispute before the hearing?

You can try to negotiate a settlement between yourselves. If a settlement is agreed, you can withdraw the application at any time before the hearing. You must notify VCAT of the withdrawal in writing and also tell the other party.

How much law do I need to know to fill out this form?

You should know or familiarise yourself, as much as possible, about the relevant law governing your dispute.

Handy Tip: here are some useful websites:

Legislation and practice notes about the Residential Tenancies Act 1997 can be viewed from the VCAT website.

If you would like to read cases of interest in the RTL you can visit the www.austlii.edu.au website.

There is an Annotated version of the Residential Tenancies Act, which provides commentary to assist you navigate the Act. Copies can be obtained by contacting ANSTAT at www.anstat.com.au.

COMPLETING THE FORM

You must complete all fields marked *.

Who is the Applicant ?

The person who makes the application is called the **Applicant**. To help you decide what type of applicant you are, please read the following definitions:

Residential Tenancy:

A **landlord** is the person who lets premises under a current or proposed tenancy agreement.

A **tenant** is any person to whom premises are let under a current or proposed tenancy agreement

Rented premises are premises let as a residence under a tenancy agreement. A tenancy agreement is an agreement, whether or not in writing, under which premises are let as a residence.

Handy tip: If you are uncertain whether you are an applicant you should contact the RTL customer service centre for further assistance.

Applicant's Details

The applicant must be an individual person, an organisation or a company and you must provide the following information:

If the applicant is an individual:

- your title e.g. Dr; Mr; Mrs; Miss, Ms,
- your surname (last name), given name 1(first name) and given name 2 (middle name), if you have one, and
- your address.

If the applicant is an organisation

- your Business Name and Australian Business Number (ABN), and
- the address of the registered office.

If the applicant is a Company:

- the company name and Australian Company Number (ACN), and
- address of the registered office.

You must provide a telephone number, a postal address and email address. All correspondence from VCAT will be sent to your postal address.

Handy tip: If there is more than one applicant..., please click the “add another applicant” button and provide full details for that applicant.

Applicant's representative details

Handy Tip: If you have a representative select YES. If you do not have a representative select 'no', and proceed to complete "**Respondent details**"

Handy Tip: If you have a representative all communications from VCAT will be sent to the representative only. This includes the notice of the hearing and all VCAT orders.

Handy Tip: You may be represented by an organisation such as a support organisation, an estate agency, a housing or community housing group.

Handy Tip: You do not have to be represented. Many people successfully represent themselves at the Tribunal.

The Applicant's representative must be an individual, an organisation or a company and you must provide the following information:

If the representative is an individual:

- their title e.g. Dr; Mr; Mrs; Miss, Ms,
- their surname (last name), given name 1 (first name) and given name 2 (middle name), if they have one, and
- their address.

If the representative is an organisation

- their Business Name and Australian Business Number (ABN), and
- the address of the registered office.

If the representative is a Company:

- the company name and Australian Company Number (ACN) ,and
- address of the registered office.

**You must provide a telephone number, a postal address and email address.
All correspondence must be sent to the postal address.**

Who is the Respondent ?

Handy tip: If you are uncertain who the respondent is, contact the RTL Customer Service for further assistance on 1300 01 8228 (1300 01 VCAT)

The person you are claiming against is called the **Respondent**. To help you decide who the respondent is, please read the following definitions:

Residential Tenancy:

A **landlord** is the person who lets premises under a current or proposed tenancy agreement.

A **tenant** is any person to whom premises are let under a current or proposed tenancy agreement

Rented premises are premises let as a residence under a tenancy agreement.

A tenancy agreement is an agreement, whether or not in writing, under which premises are let as a residence.

Databases:

A **database operator** means an entity that operates a residential tenancy database

Respondent details

The Respondent must be an individual, an organisation or a company and you must provide the following information:

If the respondent is an individual:

- their title e.g. Dr; Mr; Mrs; Miss, Ms,
- their surname (last name), given name 1 (first name) and given name 2 (middle name), if you have one, and
- their address.

If the respondent is an organisation

- the Business Name and Australian Business Number (ABN), and
- the address of the registered office.

If the applicant is a Company:

- the company name and Australian Company Number (ACN) ,and
- address of the registered office.

You must provide a telephone number, a postal address and email address. All correspondence from both you and VCAT will be sent to the postal address.

What if the respondent lives interstate?

You must take additional steps prior to serving an application on a respondent who lives interstate. The steps are required by Commonwealth legislation You should visit the VCAT website and refer to the document titled, [Making an application to VCAT where a party to the application resides interstate](#)

Handy tip: If you are a tenant and you do not know who your landlord is because you deal through a real estate agent, contact your property manager or refer to your tenancy agreement- **please do not provide the real estate agent/property manager's name as the respondent.**

Handy tip: If there is more than one respondent to this claim, please click the “add another respondent” button.

Respondent representative details

Handy Tip: If you know the respondent has a representative select ‘yes’. If the respondent does not have a representative select NO, and proceed to, ‘**Address of Rented premises**’.

Handy Tip: If the respondent has a representative all communications from VCAT will be sent to the representative only. This includes the notice of the hearing and all VCAT orders.

Handy Tip: The respondent may be represented by an organisation such as a support organisation, an estate agency, and a housing or community housing group.

The Applicant's representative must be an individual, an organisation or

a company and you must provide the following information:

If the representative is an individual:

- their title e.g. Dr; Mr; Mrs; Miss, Ms,
- their surname (last name), given name 1(first name) and given name 2 (middle name), if they have one, and
- their address.

If the representative is an organisation

- their Business Name and Australian Business Number (ABN), and
- the address of the registered office.

If the representative is a Company:

- the company name and Australian Company Number (ACN) ,and
- address of the registered office.

**You must provide a telephone number, a postal address and email address.
All correspondence must be sent to the postal address.**

Address of the rented premises (or room or site if applicable)

You must provide the address of the rental property

For example:

Rented Premises: 26 John Street, Melbourne VIC 3001

Handy tip: The rental property address must be in the State of Victoria.

Previous or pending Residential Tenancies List File Numbers

Please provide the file number/s if VCAT has dealt with other disputes between you and the same respondent or if there are other application/s between you that are to be heard by the Tribunal.

Bond Details

Handy tip: If you are uncertain if a bond has been paid or lodged, contact the Residential Tenancies Bond Authority on 1300 137 164. If you have internet access you can visit RTBA online at <http://www.rentalbonds.vic.gov.au> which allows tenants, residents, landlords, agents and owners to view the details of their bond. The login details that you need are the bond number and the family name of one of the tenants or residents.

Was a Bond Paid?

If you tick “Yes”, you are telling us that a bond has been paid and it should have been lodged by the landlord at the Residential Tenancies Bond Authority.

The bond receipt or details provided by the RTBA website contains the information that you need to complete the details in this part of your application.

In this section you must provide:

- the name of the tenants
- the amount of the bond paid by each tenant and/or Office of Housing,
- the relevant bond number(s),

It is essential that all parties are correctly named and reasonable efforts made to ascertain a forwarding address for each tenant.

Claim details- What do you want VCAT to do?

First Box:

This section of the application is especially important. You must precisely state

- what you are claiming
- what section of the legislation your claim relates to
- What you want VCAT to do

The respondent should have no doubt, as to what you want the Tribunal to do. They should not be taken by surprise at the hearing. If this information is not provided, your application will be incomplete, in which case your application may be sent back to you or an adjournment may be ordered.

Handy Tip: You must give full details about your claim. For example, if your claim is for compensation, it is important to give the total sum claimed and full details of each item claimed and the sum claimed for each item.

Handy Tip: When selecting sections of the legislation (refer to legislation table-below) make sure you quote the correct sections. Otherwise, your application may be invalid or an adjournment may be required so it can be amended.

Guide: Special Requirements for applications under the RT Act and the VCAT Act

Landlord’s applications

The following sections of the RT Act **require** a copy of the prescribed notice to be attached to the application: for example a notice to vacate or a breach of duty notice.

Note: “you“ in each of the following sections is the respondent

Section	Description
209	compensation or compliance – (attach a copy of the breach of duty notice given under s.208)
322(3),235	possession - notice of intention to vacate (attach a copy of the Notice of Intention to Vacate given by the tenant)
374	termination of tenancy agreement or residency right - serious violence I, as manager give you notice to leave the managed premises immediately because I have reasonable grounds to believe that: you have committed a serious act of violence on the premises OR the safety of a person on the premises is in danger from you (attach a copy of the notice to leave)
Notice to vacate today or a later date	
322(1),243	possession - damage : you or your visitor has (by act or omission) maliciously caused damage to the premises or common areas. (attach a copy of the Notice to Vacate)
322(1),244	possession – danger : you or your visitor has endangered the safety of neighbours (attach a copy of the Notice to Vacate) <i>Please note – this notice may not be given if a notice to leave under S368 has been given in respect of the same act or omission.</i>

322(1),245	possession - the premises are unfit for human habitation, destroyed totally, or damaged so much that they are unsafe. (attach a copy of the Notice to Vacate)
	Not less than 14 days notice to vacate
322(1),246	possession and rent : you owe at least 14 days rent. Rent is paid up to and including...../...../..... You owe \$..... to today (attach a copy of the Notice to Vacate)
322(1), 246, 213A	Possession, rent and bond : you owe at least 14 days rent. Rent is paid up to, and including...../...../..... You owe \$..... to today (attach a copy of the Notice to Vacate & bond receipt) <i>Please note- where an application is lodged for possession due to rent arrears, the landlord may also apply for a direction that the RTBA pay the bond to the landlord in part payment of rent owing at the date the application is received by VCAT. This direction is usually made only when the rent owing at the date of the application is more than the bond.</i>
322(1),247	possession - failure to pay bond: you have not paid the bond required by the tenancy agreement. (attach a copy of the Notice to Vacate)
322(1),248	possession - failure to comply with order : you have failed to comply with a compensation or compliance order of the Victorian Civil and Administrative Tribunal under S212 of the Act. (attach a copy of the Notice to Vacate & VCAT order)
322(1),249	possession - successive breaches: you have breached a duty owed under a duty provision within Part 5 of the Act for the third time. You have been given notice twice before to remedy the breach or pay compensation. (attach a copy of the Notice to Vacate)
322 (1), 250	possession - use of rented premises for illegal purposes: you have used the rented premises, or permitted their use for an illegal purpose. (attach a copy of the notice to vacate)
322; 250A	possession – drug-related conduct in public housing: you have illegally trafficked or attempted to traffic a drug of dependence/supplied a drug of dependence to a person under 18/possessed a preparatory item with the intention of using the item for the purpose of trafficking in a drug of dependence/possessed without lawful excuse a tablet press or precursor chemical/cultivated or attempted to cultivate a drug of dependence on the rented premises, in a common area. (attach a copy of the notice to vacate)
322; 250B	possession – prescribed indictable offences in public housing: you have committed a prescribed indictable offence on the rented premises, or in a common area. (attach a copy of the notice to vacate)
322(1),251	possession - child residing in premises: you have allowed a child under 16 years to live on the premises contrary to the tenancy agreement. (attach a copy of the Notice to Vacate)
322(1),252	possession - false or misleading statement: you knowingly gave false or misleading information relating to eligibility to rent the premises from a public statutory authority. (attach a copy of the Notice to Vacate)
322(1),253	possession - assignment or sub-letting without consent: you have assigned or sublet part or all of the premises without my permission or purported to.

	(attach a copy of the Notice to Vacate)
322(1),254	possession - landlord's principal place of residence: I intend to resume occupancy of the premises as my principal place of residence. <i>Please note – a landlord can only give this notice if the conditions in S254 are met.</i> (attach a copy of the Notice to Vacate)
	Not less than 28 days notice to vacate
322(1), 268	notice by mortgagee: I am the mortgagee and I am entitled to possession of, or to sell, the premises under a mortgage entered into before the tenancy agreement was entered into. <i>Please note- the notice must expire before an application can be made for a possession order</i>
322, 228(1)(b)	termination after death of sole tenant: there is only one tenant under the tenancy agreement and the tenant has died. <i>Please note – a copy of this notice to vacate should be given to the legal personal representative or the next of kin of the tenant.</i>
	Not less than 60 days notice to vacate <i>Please note – if you give notice under S256 to S259. Section 264 of the Act prohibits letting the premises again unless certain exemptions apply.</i> <i>If you give notice under S255 to S261. S266 of the Act provides that the termination date cannot be earlier than the end of a fixed term tenancy agreement.</i>
322(1),255	possession - repair/renovation/reconstruction: the premises are to be repaired, renovated or reconstructed immediately after the termination date and this cannot be done while you are living there. I have all the necessary permits and consents. (attach a copy of the Notice to Vacate)
322(1),256	possession – demolition: the premises are to be demolished immediately after the termination date. I have all the necessary permits and consents. (attach a copy of the Notice to Vacate)
322(1),257	possession – the premises to be used other than as residence: the premises are to be used for non-residential purposes immediately after the termination date. (attach a copy of the Notice to Vacate)
322(1),258	possession – the premises to be occupied by landlord, family or dependant: the premises are to be occupied by me, my partner, son, daughter, parent, partner's parent, or a person who normally lives with and is dependent on me immediately after the termination date. (attach a copy of the Notice to Vacate)
322(1),259(1)	possession - the premises are to be sold or offered for sale with vacant possession immediately after the termination date. (attach a copy of the Notice to Vacate)
322(1),259(2)	possession - premises sold conditional contract : the last of the conditions of a conditional contract for the sale of the premises was satisfied on/...../.....

	<p><i>Please note - this notice must be given within 14 days after the last condition is satisfied.</i></p> <p>(attach a copy of the Notice to Vacate)</p>
322(1),259(2A)	<p>possession - premises sold unconditional contract: an unconditional contract for the sale of the premises was entered into on/...../.....</p> <p><i>Please note - this notice must be given within 14 days after an unconditional contract of sale is entered into.</i></p> <p>(attach a copy of the Notice to Vacate)</p>
322(1),260	<p>possession - premises required for public purposes: the premises are the property of a public statutory authority and are required for public purposes immediately after the termination date.</p> <p>(attach a copy of the Notice to Vacate)</p>
	<p>End of fixed term tenancy agreement not less than 60 /90 days notice</p> <p><i>Please note – if you give notice under S261 or S262 .Section 266 of the Act provides that the termination date in the notice must be the same date as the end of the fixed term tenancy agreement. Also, the notice cannot be given if it is in retaliation against tenants exercising their rights or saying they will do so</i></p>
261(1)&(3)(a)	<p>possession - end of a fixed term tenancy of 6 months or more: we have a fixed term tenancy agreement of 6 months or more which ends on the termination date.</p>
261(1)&(3)(b)	<p>Possession - end of a fixed term tenancy of less than 6 months: we have a fixed term tenancy agreement of less than 6 months which ends on the termination date.</p> <p><i>Please note- the application for a possession order can be made only after the notice has expired.</i></p>
322(1),262	<p>possession - tenant no longer eligible you are no longer eligible to rent the premises from the landlord which is a public statutory authority.</p> <p>(attach a copy of the Notice to Vacate)</p>
	<p>Reasons for not less than 120 days notice to vacate</p> <p><i>Please note – if you give notice under S263.Section 266 of the Act provides that the termination date in the notice cannot be earlier than the end of a fixed term tenancy agreement . Also, the notice cannot be given if it is in retaliation against tenants exercising their rights or saying they will do so</i></p>
322(2),263	<p>possession – notice for no specified reason I am giving you at least 120 days notice to vacate without specifying a</p>

	<p>reason.</p> <p><i>Please note-- the notice must expire before an application can be made for a possession order.</i></p> <p>(attach a copy of the Notice to Vacate)</p>
322(1), 327	<p>Possession composite notice</p> <p>(attach a copy of the Notice to Vacate)</p>
322, S335	<p>Possession and rent – alternative procedure (attach a copy of Notice to Tenant (must not be notice of objection))</p> <p>Note: If you are unfamiliar with the alternative procedure it is strongly recommended you contact the RTL Customer Service for further guidance.</p> <p>Special Requirements: Under the alternative procedure if the tenant does not lodge a notice of objection before the termination date (the tenant has until 4pm on the termination date) the landlord can request a determination to be made.</p> <p><u>The notice to vacate given is given to the tenant on making the application to the Tribunal and must be accompanied by:</u></p> <ul style="list-style-type: none"> * a copy of the landlord's application * 2 notices of objection forms * A statement setting out the tenant's rights <p><u>A request for determination must be made within 28 days after the termination date stated on the notice to vacate. You must supply the Tribunal the following:</u></p> <ul style="list-style-type: none"> * a completed copy of the Affidavit under S.355 * a copy of the notice to vacate * a copy of the registered mail receipt
337	<p>Possession –end of fixed term tenancy – alternative procedure</p>
339	<p>Request for determination for unpaid rent:</p> <p>Affidavit (setting out landlord's and tenant's address and details of tenant's continued occupation of premises); and copy notice to vacate</p> <p>Where application involves notice to vacate under s 261 of RT Act (end of fixed term tenancy) a copy of tenancy agreement and a copy of notice given in accordance with ss 337 (1) and (2) RT Act is also required</p> <p>Application must request the making of a possession order requiring the tenant to vacate the rented premises, Where application under s 335 (possession and rent) the request <i>must</i> also specify the details of the rent owing at the date of the affidavit; request a determination of rent owing; and request the making of a determination directing the RTBA to pay out an amount of bond to or on account of the landlord Where application involves notice to vacate under s 261 of RT Act the request <i>may</i> also specify the details of any rent owing at the date of the affidavit; request a determination of rent owing; and request the making of a determination directing the RTBA to pay out an amount of bond to or on account of the landlord</p>
414	<p>Bond- on the grounds of unpaid rent (tenant's address must be unknown) – (attach copy of affidavit and bond receipt)</p>

Landlord's applications

The following Sections **do NOT require** a prescribed notice to be attached to the Application

Section	Description
24	exemption from provision of Act
30	order declaring whether premises suitable for child
32	order determining maximum bond
210	Compensation
228(2)	order terminating tenancy agreement – death of tenant
230	variation of terms of periodic tenancy
234	reduction of fixed term tenancy agreement
241	order declaring premises abandoned
241,417	order declaring premises abandoned and disposal of bond
322(1) 262A	Possession – refusal to accept alternative accommodation
322(1) 287(A)	Possession – refusal to accept alternative accommodation
344	possession – premises occupied without consent
395	compensation – after sale of stored goods
400	compensation after disposal of personal documents
417,418,419	bond – unpaid rent and loss or damage or both – (attach copy of bond receipt)
452	general dispute
452,264	determination the premises may be re-let

If your application has not been made within the required time

Section	Description
126	extension/abridgement of time/waiver of compliance

Handy Tip: In claims, where the application is lodged after the days specified in the Act, you should apply for an extension of time to be granted at the hearing. To make that claim you should quote section 126 of the VCAT Act 1998 on the application.

Handy Tip: It is best practice to lodge the application within time, as the Tribunal will not always grant an extension of time.

1st example: The landlord must apply for the bond within 10 business days after the tenant delivers vacant possession of the rented premises or the landlord becomes aware that the tenant has abandoned the rented premises. If the application is lodged after 10 business days then section 126 should be quoted on the application.

2nd example, an application for non-urgent repairs by a tenant must be made within 60 days after receiving the report of the CAV Director. If the application is lodged after 60 business days then section 126 should be quoted on the application

Hearing arrangements

Do you need security ?

If you have any security concerns please contact registry

Does any party require an interpreter?

If the applicant or the respondent requires an interpreter you must tick YES

If you tick 'yes' you must fill in the language/dialect required

If you have not provided these details and an interpreter is required, there may need to be an adjournment so that an interpreter can be provided.

If neither the Applicant nor Respondent requires an interpreter please tick select NO

Handy tip: You must request an interpreter before the hearing, if possible allow 48 hours

Does any party require special assistance?

If any person attending the hearing requires special assistance you must tick YES and you must provide details as to what specific assistance is required.

Service of application to respondent

Filing and Service of Applications

Handy Tip: always serve the VCAT application to the respondent by registered post. At the hearing, a registered mail receipt will prove service of the application.

Service by hand (personally) means giving the document to the respondent or someone authorised to accept it on their behalf

Once you have completed your application you must then send or give a copy together with any supporting documents to VCAT – by post or by attending VCAT, and the respondent(s) – personally (by hand) on the respondent or by (registered) post

All parties have a right to know the details of your claim and **must** receive a copy of the application form and any supporting documents.

You can:

- serve a copy of the application on the respondent first, and then lodge the application at VCAT within the next 7 days, or
- lodge the application with VCAT first, and serve a copy on the respondent within the next 7 days.

It is very important that reasonable efforts are made to find the current address of all parties as VCAT has an obligation to sending hearing notices to all parties directly involved in the dispute. The notice of the hearing date is sent by VCAT to the address of the parties as provided by you in the application.

You should let the registry know if you obtain a forwarding address after serving and lodging the application.

Supporting documents

All applications to the RTL must be served along with any supporting materials on the other parties named in your application

Handy tip: some applications require you to attach prescribed notices with your application. For further assistance refer to “**RT Guide: Special Requirements for applications under the RT Act and the VCAT Act**”

Payment details

You must pay a prescribed fee for your application to be lodged. To find out the current fee, please visit the VCAT website.

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 or eftpos.

A person who wishes to have a fee waived is required to complete the fee waiver form. This form and guidelines on how to complete the form are available from the VCAT website or by contacting the Customer Service section on 1300 01 8228 (1300 01 VCAT).

The tribunal cannot proceed with the application until either the fee is paid or the fee has been waived.

Note: Applications that relate only to the bond do not attract a lodgement fee.

Acknowledgement

Please ensure you provide your full name and date your application. Also, remember to tick the checkbox confirming that you have read and understood the statements specified in this acknowledgement section.

Privacy statement

The information collected in this application will be used to assess the application and determine eligibility to initiate a proceeding at the Victorian Civil and Administrative Tribunal (VCAT).

The *Victorian Civil and Administrative Tribunal Act 1998* governs what information is available to the public.

The *Information Privacy Act 2000* (the Act) and the Victorian Privacy Principles set out the requirements that persons must abide by. Section 10 of the Act refers to Courts, Tribunals, and the exemptions that apply to them.

For further information regarding VCAT's privacy policy, please visit www.vcat.vic.gov.au

Additional information

Date of the Hearing

The *Residential Tenancies Act 1997* states that certain applications must be listed by registry with some urgency, for example, if your application relates to urgent repairs, possession due to abandonment or a restraining order.

These cases are given priority and take precedent over other non-urgent type applications and parties may receive limited notice of the date of the hearing.

Handy Tip: Please contact the RTL Customer Service within 24-48 hours of lodging your application to ascertain the status of your claim and avoid missing your hearing.

The Place of the Hearing

Most cases are heard at the first available listing time at a venue closest to the rental property

What do I bring to the Hearing?

It is essential that you bring all your evidence with you to the Tribunal hearing. Insufficient evidence can result in you losing your case. What is the best evidence to bring? As the applicant or respondent, you should consider bringing:

- documents such as the tenancy agreement, condition reports, rent records and other relevant financial records
- first hand knowledge of the facts in the case as provided by witnesses who can give a first hand account.
- If a witness does not wish to attend court and you believe the evidence is crucial to your case, it may be necessary to issue a witness summons to compel their attendance or the production of documents.
- Affidavits and statutory declarations are useful in hearing but remember that this form of evidence carries less weight than a person actually giving evidence in person.
- Other written documents such as reports from professionals or qualified tradesperson
- Letters and other correspondence written before, during or after the tenancy between the parties
- Invoices to show the amount that it has actually cost to have works completed.
- If you are relying on photo evidence, please complete the **Digital Camera Evidence declaration** form, which you can download from the website.
- telephone notes, email records.

The onus of proof lies with the applicant. This means that the applicant must prove the grounds set out in the application - it is not for the respondent to disprove these things. For example, in a compensation claim, invoices are always better than quotes because they show that the work has been completed. The difficulty with a quote is that the work may never be done so it is harder to prove loss. In instances where both invoices and quotes are submitted, they should be clear and include full details.

Handy Tip: If you attach supporting material to your application, it must be forwarded to the respondent with your application.

Frequently Asked Questions

What happens if I miss my hearing, what can I do?

The Tribunal may make an order in your absence.

A person who did not appear and was not represented at the hearing at which the order was made may apply to VCAT for a review of the order under section 120 of *Victorian Civil and Administrative Act 1998*.

- You must make an application for review of an order within 14 days after becoming aware of the order.
- You can make only one application for review in respect of the same order without leave of the Tribunal.
- After making the application for review, unless the Tribunal decides otherwise, you must give notice of the application to all other parties.
- VCAT will notify all parties of the date for the hearing of the application for review.
- At the hearing of the application for review, the Tribunal must be satisfied that you had a reasonable excuse for not attending or being represented at the hearing.
- If the review is granted, there will be a re-hearing of the initial application. This may be immediately. The previous orders will be either confirmed, revoked or varied.
- You should bring to the hearing for review any documents or witnesses who can support your case at both the review application, and if granted, the re-hearing.

What if I cannot attend the hearing due to other commitments, can I send a representative ?

If you are unable to attend the scheduled hearing, you may send someone to be your representative. This should be someone who knows all the facts about the case. They should bring to the hearing written authority to represent you.

When do I need to apply for an adjournment ?

You should send the letter as soon as you find out about the hearing and have a reason not to attend. It should arrive no later than two business days before the scheduled hearing date). This will mean that

- A member can consider the adjournment request in time and,
- the decision to adjourn or not can be notified to the parties in time.

If a case is adjourned, the tribunal may order that the person seeking the adjournment notify all other parties.

If an application for adjournment is received by VCAT within two business days prior to the scheduled hearing date the parties will be expected to attend the hearing, unless there are exceptional circumstances (such as sudden serious ill health).

An application for an adjournment may also be made at the commencement of the hearing for good reason.

The bond has been awarded to me, how and when do I get my bond back?

Once the Member has directed the RTBA to release the bond, you **MUST** complete a bond claim form which is available from the RTBA and lodge it with the RTBA.

A copy of the order is required to be attached to the claim form. This means the other party does not need to sign the bond claim form

Where does the tribunal sit when it hears residential tenancy cases?

Metropolitan:

The tribunal sits at 55 King Street Melbourne (5th floor), and the Magistrates' Courts at Broadmeadows, Dandenong, Frankston, Heidelberg, Moorabbin, Ringwood, Sunshine and Werribee.

Rural and Regional

The tribunal visits over 25 venues throughout Victoria: Bairnsdale, Ballarat, Benalla, Bendigo, Cobram, Colac, Dromana, Echuca, Geelong, Hamilton, Horsham, Kerang, Korumburra, Mildura, Moe, Portland, Sale, Seymour, Shepparton, Swan Hill, Wangaratta, Warrnambool and Wodonga.

Lodgement

Mail it to:

Victorian Civil and Administrative Tribunal
Residential Tenancies List
GPO Box 5408 Melbourne
Vic 3001
Or DX 210576 Melbourne

Deliver it in person to:

Victorian Civil and Administrative Tribunal
Residential Tenancies List
Ground Floor 55 King Street
Melbourne Vic 3000

Office hours: 8:30am - 4:30pm Monday to Friday
(closed public holidays)

Fax it to:

9628 9822