

**Practice Note – PNRST3
Residential Tenancies List - Rent Special Account Payments**

Application	Residential Tenancies List
Effective date	13 December 2018
Supersedes	PNRST3 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 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 orders under sections 77(3), 134(3) and 193(3) of the *Residential Tenancies Act 1997* (Vic) for payment out of the Rent Special Account.

Definitions

Word	Definition
Tribunal	Victorian Civil and Administrative Tribunal
Owner	Rooming house owner, caravan park owner or caravan

	owner (as the case requires)
Rent Special Account	The Rent Special Account established under section 485 of the <i>Residential Tenancies Act 1997</i> (Vic)

The Rent Special Account

- 3 The Rent Special Account is established under the *Residential Tenancies Act 1997* (Vic).
- 4 Where a tenant or resident has given notice requiring repairs to be carried out, they may apply to the Tribunal for an order authorising rent to be paid into the Rent Special Account.
- 5 If appropriate, the Tribunal will make an order authorising the payment of rent (or hiring charges) into the Rent Special Account for a specified period or until further order.
- 6 The rent is paid into and held in a trust account until an order is made by the Tribunal releasing it in whole, or in part, back to the landlord or owner.

Payments into the Rent Special Account

- 7 Payments are made into the Rent Special Account as directed by the Tribunal order. The Principal Registrar will issue a receipt for each payment made by the tenant or resident into the Rent Special Account. A duplicate receipt will also be forwarded to the landlord or owner.
- 8 Payments into the Rent Special Account can be made by the following methods:

Mail: Cheques or money orders must be made payable to VCAT and posted to:

The Principal Registrar
 Victorian Civil and Administrative Tribunal
 7th Floor
 55 King Street
 Melbourne VIC 3000

Or to:

GPO Box 5408
 Melbourne 3001

Fax: Faxed payments can only made by credit card. You should also complete the 'Credit Card Payment' form available from the VCAT website.

Facsimile: (03) 9628 9822

In person: You can pay over the counter by credit card, cheque, money order, cash or EFTPOS at the Ground Floor, 55 King Street, Melbourne.

- 9 In addition, all correspondence with the Tribunal regarding the Rent Special Account must clearly state:
- a) The Tribunal's reference number (eg R2018/12345)
 - b) The rented premises
 - c) Your name and address
 - d) A contact phone number or e-mail address

Payments out of the Rent Special Account

- 10 Payments out of the Rent Special Account are made as ordered by the Tribunal. Money is released either at the end of the specified period or on the basis that the landlord or owner has fulfilled, or is fulfilling, their obligation to carry out repairs.
- 11 Where a payment order is made, the Principal Registrar will issue cheques or pay by EFT to the parties in the amounts specified in the order.

If all parties consent

- 12 If all parties consent to the payment of money out of the Rent Special Account under sections 77(3), 134(3) and 193(3) of the *Residential Tenancies Act 1997* (Vic):
- a) The landlord or owner (or agent) may write to the Tribunal requesting an order for payment out of the account.
 - b) The Landlord or owner (or agent) must submit an affidavit verifying that the consent of the tenant(s) or residents(s) has been obtained, and annex the original letter of consent.
 - c) The letter of consent must be dated and signed by or on behalf of all parties and must state:
 - The Tribunal's reference number (eg R2018/12345)
 - The names and addresses of each party, identifying whether each is the landlord or tenant, rooming house resident or owner, caravan park resident or owner, or other party or agent
 - The address of the rented premises, room, caravan or site
 - That the whole or some specified amount be paid out of the account

- The name and address of the person or persons to be paid (being the landlord or owner); and
- A statement that all parties signing the letter consent to the payment out of the Rent Special Account.

13 If it is appropriate, the Tribunal will make the payment order without a hearing. Otherwise, the Principal Registrar will notify the parties that a hearing is required.

If all parties do not consent

14 If all parties do not consent to the payment of the money out of the Rent Special Account, any party may write to the Principal Registrar requesting the matter be listed for hearing to determine the release of the money.

- END OF PRACTICE NOTE -