



Tribunal Hearing Checklist

The Victorian Civil and Administrative Tribunal (Residential Tenancies List) resolves disputes between landlords and tenants under the *Residential Tenancies Act 1997*. The Tribunal is not a court of law, but it does make legally binding decisions known as 'orders'.

When you apply to the Tribunal or receive a notice from your landlord or agent to attend a Tribunal hearing, it is up to you to provide evidence to support your case and convince the Tribunal that they should make an order in your favour. The Tribunal will base its decision on the evidence presented on the day so it is important that you support your claims with all relevant documents, photographs etc. It is also important to be organised as this is the key to presenting a good case.

If you have any witnesses to support your case, it is best that they come to the hearing in person. You cannot rely on being able to present a written witness statement or statutory declaration, as some Tribunal members will only accept a witness statement that is made in person.

What is the basic list of things I should bring to the Tribunal?

Whatever your reason for going to the Tribunal, the following is a list of what you should always bring to the hearing:

- a copy of your tenancy agreement or 'lease'
- a copy of the condition report/s
- a copy of all correspondence between the landlord or agent and yourself
- a written account of all relevant events (including telephone calls) in the order in which they occurred (this is called a 'chronology')
- a calendar, calculator and pen
- a few brief notes to remind you of what to say at the hearing

When the landlord is taking you to the Tribunal

When the hearing is for rent arrears

If the landlord is seeking an Order of Possession for non-payment of rent, you should bring all of the items listed above, plus the following:

- all rent receipts or other records of rental payments such as rent deposit books, bank statements etc
- a calculation showing the date your rent is paid until, and how much rent you owed on the date that the Notice of Vacate was served and on the date of the hearing
- a calculation showing how much rent you still owe
- any documents which show why you got behind in your rent such as doctor's certificates, letters from employers, unexpected bills etc
- a calculation showing how you can pay off the rent arrears by instalments, including statements from a financial counsellor, bank statements, income statements etc
- any evidence of the hardship you will suffer if you are evicted, such as letters from your children's school, social workers etc

When the landlord is trying to evict you

When your landlord's application to the Tribunal is for an Order of Possession (an eviction order), you should take the basic list of items on page one, as well as the following documents:

- a copy of the Notice to Vacate
- a copy of your landlord's application to the Tribunal

When the landlord is making a claim on your bond for repairs or cleaning

If your landlord has applied to the Tribunal to keep all or some of your bond money, you should take the basic list of items on page one, along with:

- a copy of the condition report/s
- any photographs you have showing the condition of the property when you moved in or out (especially the carpet, windows, paintwork and kitchen and bathroom fittings)
- any evidence that the damage is fair wear and tear (eg the carpet is old)
- any evidence of you reporting repairs needed to the agent or landlord
- receipts for any payments you made for cleaning or repairs
- statutory declarations from anyone who saw the condition of the premises when you moved in or out
- quotes you got for repairs or cleaning if you think the landlord's or agent's quotes are unreasonable

When the landlord is claiming costs from you for breaking the lease

If the landlord is applying to keep your bond or is claiming compensation for costs because you broke your lease, in addition to the basic list of items on page one, you should take the following to the hearing:

- a copy of your notice or letter notifying the landlord or agent that you were moving out
- a copy of any written reply from the landlord or agent
- any evidence supporting your reason for breaking the lease
- any evidence showing that the landlord or agent has not taken all reasonable steps to find a new tenant (eg they have failed to advertise the property or have increased the rent)
- any evidence showing the landlord or agent unreasonably refused an application to lease the property (you can present evidence from a person you referred to the landlord or agent, or from someone that you know applied)

When you are taking the landlord to the Tribunal

When you are applying for an order that the landlord carry out repairs

In addition to the basic list of items on page one, you should also bring the following to the hearing:

- a copy of your Notice to Landlord to carry out repairs
- a copy of the Consumer Affairs Victoria Inspector's Report
- a copy of all correspondence between yourself and the landlord or agent about the repairs
- any photographs showing repairs needed to the property
- any evidence showing the expense or inconvenience you have suffered or are suffering because the repairs have not been carried out

When you are applying for an order that the landlord pay you compensation

If you are claiming compensation because the landlord has failed to carry out repairs, or because you were unable to use part of the property or facilities on the property, you should take the basic list of items on page one, plus the following:

- a copy of your Notice to Landlord seeking compensation
- a copy of all correspondence between yourself and the landlord or agent about the repairs
any photographs showing the repairs that were needed to the property

When you are seeking reimbursement for urgent repairs

In addition to the basic list of items on page one, you should bring the following documents to the Tribunal:

- any receipts for repairs that you paid for
- a copy of your Notice to Landlord to seek reimbursement
- any evidence which shows you have attempted to contact your landlord or agent before you arranged for the repairs to be done (eg copy of letters, Notice to Landlord or a list of the telephone calls you made or tried to make)
- any photographic or other evidence which shows the repair was urgent and that it was not caused by you or a visitor to your home

When you are applying for a restraining order against your landlord

If you are applying to the Tribunal for an order restraining your landlord or agent from breaching your right to privacy or 'quiet enjoyment of the premises', and/or you are seeking compensation for your loss of privacy, you should bring the basic items listed on page one along with:

- a list of all the occasions (ie times and dates) that the landlord or agent has entered or tried to enter the premises, or has telephoned or written to you
- statutory declarations from anyone who has witnessed the landlord or agent's behaviour
- a statement from the police if you have called them to your premises to deal with your landlord or agent
- receipts or other documents supporting your claim for compensation

When you are seeking an order that a rent increase is excessive

In addition to the basic list of items on page one, you should also bring the following with you to the Tribunal:

- a copy of the notice from the landlord or agent informing you of the rent increase
- a copy of the Consumer Affairs Victoria Inspector's Report
- any evidence showing the level of market rent for similar properties in the same area (eg newspaper advertisements, letters or listings from other agents)

> For more information on going to the Tribunal see our fact sheet ***The Victorian Civil & Administrative Tribunal***.

For more information phone the Tenants Union Advice Line on ☎ 9416 2577.

Tribunal Locations

Applications

The Principal Registrar
Victorian Civil and Administrative Tribunal
Residential Tenancies List
GPO Box 5408CC
Melbourne VIC 3001
☎ 9628 9822

Hearings

King Street Melbourne

Residential Tenancies List
Victorian Civil and Administrative Tribunal
Level 5
55 King Street
Melbourne 3000
☎ 9628 9800 or 1800 133 055 (freecall)
☎ 9628 9822
Monday to Friday 9.00am–4.30pm

While all applications are made to the Victorian Civil and Administrative Tribunal in King Street, hearings can be held at a number of venues across Melbourne. In addition, the Tribunal visits over 25 venues in country Victoria. You should never assume that your hearing will be held at King Street; **always check your Notice of Hearing for the location.**

Dandenong Magistrates' Court

Cnr Foster & Pultney Streets
Dandenong 3175
☎ 9767 1300
☎ 9767 1352

Ringwood Magistrates' Court

39 Ringwood Street
Ringwood 3134
☎ 9871 4444
☎ 9871 4463

Frankston Magistrates' Court

Fletcher Road
Frankston 3199
☎ 9784 5777
☎ 9784 5757

Sunshine Magistrates' Court

10 Foundry Road
Sunshine 3020
☎ 9300 6200
☎ 9300 6269

Heidelberg Magistrates' Court

Jika Street
Heidelberg 3084
☎ 8458 2000
☎ 8458 2001

Werribee Magistrates' Court

Cnr Duncans Road & Salisbury Street
Werribee 3030
☎ 9974 9300
☎ 9974 9301

Small Claims List

Small Claims List
Victorian Civil and Administrative Tribunal
Ground Floor
55 King Street
Melbourne 3000
☎ 9628 9830 or 1800 133 055 (freecall)
☎ 9628 9822
Monday to Friday 9.00am–4.30pm