

fees and costs for a VCAT hearing

Expenses related to VCAT hearings are divided into “fees” and “costs”.

fees or costs?

Fees are amounts you pay to VCAT. An example is the application fee for a hearing. Other fees include the fee for a warrant of possession or the fee to issue a summons.

Costs are any other amounts you have to pay to go to the hearing and present your case.

Examples include travel expenses and costs of preparing evidence.

application fees

You don't have to pay an application fee for VCAT hearings about your rented home if you have a Health Care Card or if you are applying to get your bond money back.

The application fee from 1 July 2019 is **\$65.30**, but it might change. See the latest fees (VCAT website).

If you don't have a Health Care Card and you cannot afford the fee, you can ask for fee relief (VCAT website).

If you want to pay the fee in cash, you will need to take your application to VCAT in person.

getting your money back

In most cases everyone pays their own fees and costs for a VCAT hearing. It's unlikely that you'll get the other side to pay for these, even if you win.

In some cases VCAT may order that one side pay the fees and costs of the other side. VCAT will only do this if one side has made the hearing unfair for the other side. Examples include: taking someone to VCAT without a good reason, not giving copies of evidence to the other side, and causing the hearing to be adjourned (postponed).

costs you can claim

Here are some costs that VCAT has ordered landlords to pay to tenants in the past:

- travel expenses (e.g. train fare, petrol, parking fees)
- costs of preparing evidence (e.g. photo processing charges, photocopying)
- lost income for the time spent attending the hearing
- lawyer's fees.

how to claim

If you think the landlord should pay your fees and costs, you need to **ask VCAT to make an order** that the landlord has to pay. It's best if you ask for this on your application form (in the section about orders you want VCAT to make). If not, you can ask for it at the hearing.

You should also write the **section of the law** on your form or refer to it at the hearing when you ask for this order. If you want the landlord to pay your costs, write Section 109, VCAT Act.

If you want the landlord to pay your fees, write Section 115B, VCAT Act.

what you need

To support your claim, you should:

- have **evidence** to show the amounts you have spent (or lost) in going to the hearing (for example: a letter from your employer stating the amount of wages you have lost; receipts for train/tram/bus fare, parking, photocopying etc.)
- point to any reasons why you think it's **fair** for the landlord to pay your costs (for example: because there is no good reason for the hearing, or because they caused the hearing to be postponed).

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- point out how the landlord has caused **unreasonable delay** (for example: not giving you a copy of their claim before the hearing so the hearing had to be postponed).
- point out how the landlord has **disadvantaged** you at the hearing (for example: not giving you a copy of their evidence until the day before the hearing so you didn't have enough time to prepare your response).
- point out how the landlord has **tried to deceive** you or VCAT.

if the landlord claims

If the landlord asks VCAT to order that you pay their fees and costs and you don't think it's fair, you can explain:

- why you think it's **unfair** for you to pay the landlord's costs
- why you think what they are asking for is an **unreasonable amount**
- how the landlord has caused **unreasonable delay** to the hearing
- how the landlord has **disadvantaged** you at the hearing
- how the landlord has tried to **deceive** you or VCAT.

related webpages (tuv.org.au)

The Tribunal (VCAT)

'A Day at the Bench' (videos and handbook on how to apply and prepare for a VCAT hearing)

the law

Section 109 – Power to award costs | VCAT Act 1998 (AustLII website)

Section 115B – Orders as to reimbursement or payment of fees | VCAT Act 1998 (AustLII website)

need more help?

If you need additional information or assistance, please contact us.



Tenants Victoria acknowledges the support of the Victorian Government.
July 2019 Tenants help line **03 9416 2577** www.tuv.org.au

