

Consumer Affairs Victoria

Renting Factsheet

Resolving tenancy problems

July 2003

The first step to resolving any problems with your tenancy is knowing your rights and responsibilities.

Need more information?

Call Consumer Affairs Victoria Helpline on 1300 55 81 81.

Quick Tip

When trying to resolve problems with your rented property, keep calm and keep communicating.

Keep talking

When trying to resolve problems with your rented property, keep calm and keep communicating. Try talking things out and coming to an agreement; reaching an acceptable (and legal) compromise can save time and money.

Put it in writing

To prevent future problems, any agreement should be put in writing and signed by you and the landlord or agent.

If you want to exercise your rights under the law, you usually have to give written notice explaining the issue and stating what you want done and when it must be done by. Consumer Affairs Victoria has forms you can use to give notice on a range of issues.

Notices should be:

- delivered in person
- given to an authorised officer of the corporation employed at its registered office, if the person is a corporation
- left for the person at their home or business address with a person apparently over 16 years of age and apparently living or employed there
- posted to the person at their residence or business or if the person is a corporation, to the corporation's registered Victorian address.

It is a good idea to use registered post so there is proof that the notice was sent.

Ask for help

If you are not sure about what to do or which form to use, ask for help from Consumer Affairs Victoria.

They can also help if your attempts to solve the problem have failed and you need to take matters further.

Quick Tip

If you are not sure about what to do or which form to use, ask for help from Consumer Affairs Victoria.

Using VCAT

The Victorian Civil & Administrative Tribunal (VCAT) has a Residential Tenancies List for hearing disputes between landlords and tenants. VCAT can order people to comply with their duties and/or pay compensation for failing to do so.

An application for a VCAT hearing should include:

- a completed and signed application form
- payment for lodging an application (except for bond claims)
- copies of all relevant notices that have been given or sent
- copies of any other documents that are important to the claim (such as receipts, letters, photos, statutory declarations, and reports from the Director of Consumer Affairs Victoria)—you may need to produce the originals of these documents at the VCAT hearing.

Application forms are available from Consumer Affairs Victoria, and VCAT (www.vcat.vic.gov.au).

Hearing date and time

VCAT will notify the tenant and the landlord or agent of the time and place of the hearing. If the date is not convenient, or you have missed a hearing, contact VCAT for advice on seeking an adjournment or rehearing.

How a hearing works

VCAT hearings can take place in country Victoria as well as in the city and suburbs. The hearings are informal and usually open to the public.

The VCAT Member, who is a lawyer, will consider all the evidence from both sides. This includes listening to witnesses, and looking at photographs and other documents brought to the hearing by the tenant and the landlord or agent. It is important to be as well prepared as possible.

Usually, the only cost involved in the hearing is the application fee. In exceptional circumstances this fee may be waived. Contact Consumer Affairs Victoria for information on the fee waiver. VCAT may, in cases of severe hardship, order one side to pay the other side's costs.

VCAT decisions are usually made on the day of the hearing. They must be obeyed in the same way as a court order.

Urgent cases

In cases of extreme hardship, you can ask for your case to be heard quickly. A letter explaining your circumstances must be sent along with the application.

Interpreters

VCAT can provide interpreters but only for the parties involved in the dispute—not for witnesses or friends.

If you need an interpreter, tell VCAT at the time you apply. VCAT will then arrange for an interpreter free of charge.

Friends or relatives are generally not allowed to interpret for a tenant, landlord or agent at the hearing.

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Where to get help

For more detailed information, get a copy of *Renting a Home: a Guide for Tenants and Landlords*. Landlords or their agents must give everyone who rents a home from them a copy of the guide. Copies are available from Consumer Affairs Victoria or our website on www.consumer.vic.gov.au.

More information

Information on renting and copies of *Renting a Home: a Guide for Tenants and Landlords* and forms are available from

**Consumer Affairs Victoria
Victorian Consumer &
Business Centre**

113 Exhibition Street
Melbourne 3000

Telephone 1300 55 81 81

Website www.consumer.vic.gov.au

For information about bonds contact the RTBA on
1300 13 71 64

Further reading

Consumer Affairs Victoria has a range of renting related fact sheets:

- Before you decide to rent
- Ending a tenancy
- Inspections for tenants
- Paying the rent
- Privacy and access
- Rental bonds
- Repairs and maintenance
- Share houses



The information contained in this fact sheet is of a general nature only and should not be regarded as a substitute for a reference to the legislation or professional advice. Authorised by the Victorian Government, 121 Exhibition Street, Melbourne, Victoria, 3000.

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