



CTTT
Consumer,
Trader &
Tenancy
Tribunal

TENANCY DIVISION -

Applications about residential tenancy agreements

Application Form and
Information about the Tribunal

ORDERS THE TRIBUNAL CAN MAKE

To answer Question 11, you may apply for the following orders if they are appropriate for your problem.

REASONS FOR ASKING FOR AN ORDER

To answer Question 12, these notes may help your application.

Broken term of tenancy agreement (s 16 of Residential Tenancies Act 1987)

(Time limit within 30 days of becoming aware of the event)

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| • An order to stop breaking the tenancy agreement. | ⇔ Give full details of the terms of the agreement which have been broken. |
| • An order to carry out a term of the agreement. | ⇔ Give full details of the terms of the agreement which have been broken. |
| • An order to do work or take steps to make good any broken terms of the tenancy agreement. | ⇔ Give full details of the terms of the agreement which have been broken. |
| • An order to pay \$* as compensation or for some other reason. | ⇔ Give full details of why the Tribunal should order payment to you and the individual amounts and particulars. |
| • An order to pay all or part of the rent into the Tribunal until the whole or part of the tenancy agreement has been carried out or the Tribunal has decided on an application for compensation (tenant only). | ⇔ Give full details of why the Tribunal should order rent to be paid to itself. |
| • An order to allow rent paid into the Tribunal to go towards the costs of making good any broken conditions of the tenancy agreement, or towards payment of any compensation ordered (tenant only). | ⇔ Give full details of why the Tribunal should use rent paid to it towards making good terms of the agreement or toward payment of any compensation. |

Locks (s 29 of Residential Tenancies Act 1987)

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| • An order to allow a lock or security device to be changed or removed or added. | ⇔ Give details why this order is necessary and what changes you want made. |
| • An order to allow you to refuse to give the landlord or tenant a copy of the key or any other opening device or information. | ⇔ Give details why this order is necessary and what changes you want made. |
| • An order to make the landlord or tenant give you a copy of a key or any other opening device or information. | ⇔ Give details why this order is necessary and what changes you want made. |

Ending the tenancy agreement (ss 64, 68, 69, 69A & 70 of Residential Tenancies Act 1987)

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| • An order ending the tenancy agreement because the landlord has broken it (tenant only). | ⇔ Give details of the term of the agreement the landlord has broken and reasons why the agreement should be ended. |
| • An order ending the tenancy agreement and taking possession of the premises (landlord only).
<i>(Time limit: within 30 days of the day the notice expires)</i> | ⇔ You should say what date you gave the tenant notice of termination (if applicable) and whether: <ul style="list-style-type: none">• you are selling the premises, or• the tenant has broken the tenancy agreement and detail how the tenant did this, or• the premises have been destroyed or• the premises are unfit to live in, or• the premises have been acquired by an authority, or• if the tenant or the tenant's guests caused serious damage on purpose or by behaving recklessly or it is likely that such damage will be caused, or• the tenant has or is likely to injure the landlord or someone acting on behalf of the landlord or someone allowed to be in adjoining or adjacent premises, or |
| • An order ending the tenancy agreement based on hardship (both landlord and tenant). | ⇔ • you would suffer undue hardship if the agreement was not terminated. |
| • An order that the tenant pay the landlord \$* as compensation for loss of rent (landlord only). | ⇔ Detail how the tenant owes rent and state the period of rent arrears with the amount owed to date. |
| • An order that the tenant pay the landlord \$* for breaking any term of the agreement (landlord only).
<i>(Time limit: within 30 days of the breach)</i> | ⇔ Detail how the tenant owes you money for breaking a term of the agreement and give the amount owed to date. |

Compensation - order for possession not complied with (s 74 of Residential Tenancies Act 1987)

(Time limit: within 30 days of the possession order date)

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| • An order that the tenant pay the landlord \$* as compensation for losses because the tenant did not obey an order for possession made on a certain date (landlord only). | ⇔ Give details of the separate amounts of losses you have suffered and specify the date of the possession order. |
| • An order that the tenant pay the landlord an occupation fee of \$* for the time the tenant stays in the premises after the tenancy agreement is terminated (landlord only). | ⇔ Give details of the separate amounts of losses you have suffered and specify the date of the possession order. |

*** \$ insert full amount wanted**

ORDERS THE TRIBUNAL CAN MAKE

REASONS FOR ASKING FOR AN ORDER

Other applications (ss 10, 14, 24 of Residential Tenancies Act 1987 & s 81 of Consumer, Trader & Tenancy Tribunal Act 2001)

- An order to allow you more time to take action under the Residential Tribunal Act for another ?? days.
 - An order that terms added to the tenancy agreement are not legally binding.
 - An order that terms added to the tenancy agreement do not agree with the Act.
 - An order that terms added to the tenancy agreement do not agree with the standard form.
 - An order to change the terms of the tenancy agreement so it can continue after the end of the fixed term.
 - An order to allow the landlord or some other person to enter the premises (landlord only).
 - An order to allow the landlord or some other person to enter the premises to determine whether the tenant has broken the terms of the agreement about use of the premises (landlord only).
- ⇨ Give full reasons for asking for more time, especially why you did not apply earlier.
 - ⇨ Give details of the terms you say are not legally binding.
 - ⇨ Briefly say which part or parts of the Act it does not agree with.
 - ⇨ Briefly say which part or parts of the standard form it does not agree with.
 - ⇨ State the date the tenancy ends and briefly say what changes you want and why they should be made.
 - ⇨ Give reasons why you or this other person needs to enter the premises.
 - ⇨ Give reasons why you or this other person needs to enter the premises.

Claim for rental bonds (s 83(3) of Residential Tenancies Act 1987)

- An order to pay the rental bond (or part of it) to you.
- ⇨ Give amount and details of each item claimed with reasons why you should be paid the rental bond or part of it and why tenancy was ended. If bond not lodged with Rental Bond Board or paid out, please indicate.

Note: you are also required to notify the Renting Services if you make an application to the Tribunal about a bond.

Excessive rent / increase provisions (s 46 & 47 of Residential Tenancies Act 1987)

- An order that a rent increase is excessive (tenant only). (Time limit: within 30 days of being given notice of rent increase)
 - An order that the current rent is excessive because goods, services or facilities provided with the premises have been reduced or withdrawn (tenants only).
- ⇨ You must always provide evidence of the general market level of rents for the same kind of premises in the same or similar area.
 - ⇨ As well as the general market level your reasons could include:
 - the state of repair and general condition of the premises.
 - the accommodation and amenities provided with the premises
 - the value and quality of the fittings, appliances or other goods with the premises.
 - the value of the premises and any work which you have done to the premises which the landlord has agreed to.
 - the amount of money the landlord must pay under the tenancy agreement (eg water and council rates).
 - any other reason (give details)
 - ⇨ Give details of goods, services or facilities the landlord has reduced or withdrawn and the date this occurred.

Recognition as a tenant (s 35 & 76 of Residential Tenancies Act 1987)

- An order to recognise you as a tenant (occupant only).
 - An order to allow you to become a party to a hearing by the Tribunal (occupant only).
 - An order to give you tenancy over the premises (occupant only)
- ⇨ State whether you were living in the premises when the tenant died or left (one must be applicable).
 - ⇨ State whether you were a tenant or former tenant when legal proceedings were started by someone (who was not your landlord) to claim possession of the premises or state whether there are special reasons why the tenancy should be given to you and give details of these special reasons.
- (Time limit: within reasonable time of being given notice of termination proceedings or recovery of premises).*

Abandoned premises and goods (s 77, 78, 79, 79A & 79B of Residential Tenancies Act 1987)

- An order that the premises have been abandoned from a certain date.
 - An order that the tenant must pay you \$* as compensation for any loss (including rent) caused by the tenant abandoning the premises.
 - An order to allow you to remove, destroy or get rid of abandoned goods.
 - An order to allow you to sell abandoned goods.
- ⇨ Give reasons why you think the premises have been abandoned and specify the abandonment date.
 - ⇨ List the amounts of money you have lost or paid out (or expect to lose or pay out) as a result of the premises being abandoned.
 - ⇨ Give a brief description of the goods abandoned.
 - ⇨ Give reasons for thinking the goods have been abandoned.

Rehearings - (s 68 of Consumer, Trader & Tenancy Tribunal Act 2001)

(Time limit: within 14 days of order being made or you being notified of the order- see also section 68)

- An order that the matter be reheard by the Tribunal
- ⇨ Give the reference number and date of the original order and reasons why the matter should be reheard

There is a separate application form for an application made under section 68 of the Consumer, Trader & Tenancy Tribunal Act 2001 which provides detailed information.

*\$ insert full amount wanted

CONSUMER, TRADER AND TENANCY TRIBUNAL - Tenancy Division

Application for an Order under the *Residential Tenancies Act 1987*

A copy of this information will be provided to the other party

1. How would you like your application to be decided? (NB This is a request only. The Tribunal will consider your request and determine the appropriate mode of hearing. Your Notice of Hearing will confirm how it will be decided.)

On the basis of the written submissions from both parties, ie on the papers only? Attach your case.

At a Tribunal hearing where both parties (or their representatives) attend in person?

At a Tribunal hearing conducted by telephone?

2. Address of rented premises

N.S.W.

3. Landlord's full name/s
As shown on residential tenancy agreement

Postal address for Landlord/Agent for Notices
Include REAL ESTATE AGENCY name

Daytime telephone

Email address

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4. RBB Agent Code
If you are from a real estate agency or Department of Housing

5. Tenant's full name/s
As shown on residential tenancy agreement

Postal address for Notices

Daytime telephone

Email address

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**6. Is an interpreter needed?
What language/s?
Other special needs?**

For Landlord	For Tenant
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7. Rental bond number

8. List all Tribunal reference numbers
For previous application involving the same parties and the same residential premises

9. If there are any exceptional circumstances
which would prevent you from attending a hearing in the next 7 to 28 days, provide details

10. Are you:?

the landlord the tenant

the landlord's agent the tenant's agent

 an occupant

OFFICE USE

File no. _____

T B RB CM OT SI XXX

