APPLICATION TO THE OWNERS CORPORATIONS LIST

VCAT Victorian Civil & Administrative Tribunal

PRIVACY STATEMENT

See our privacy policy at vcat.vic.gov.au/privacy

GETTING STARTED

Who can make this application?

Owners corporations, lot owners or former lot owners, occupiers or former occupiers, managers or former managers, service companies, company title corporations, shareholders or former shareholders of service companies and mortgagees can make applications about disputes between neighbours affected by the same owners corporation, service company or company title corporation; about behaviour such as noise, car parking, rubbish, use of common property; damage to a lot or common property; creating a hazard; about owners corporation fees and levies; about repairs and maintenance to common property; about how meetings are conducted; about disputes between the owners corporation and its manager, managers' fees and/or performance or clauses in the management contract.

For help completing this application, read the guide at vcat.vic.gov.au/ocguide.

Fields marked with an asterisk (*) must be completed.

WHICH ACT/S ARE YOU MAKING THIS APPLICATION UNDER?

1. Please select at least one Act*:

☐ Owners Corporations Act 2006 Part 6 or Part 11 ☐ Company Titles (Home Units) Act 2013

☐ Australian Consumer Law and Fair Trading Act 2012 ☐ Subdivision Act 1988 Part 5

☐ Other, please specify: _____

2. Are you making this application in response to another VCAT application that has been served on you?
This could be in response to an application in other Lists such as the Building & Property, Residential Tenancies and/or Civil Claims Lists.

☐ Yes ☐ No

If yes, please enter VCAT reference number* _____

3. Are there any related disputes about a residential tenancies agreement, domestic building contract, planning application, another civil claim or another owners corporation dispute?

☐ Yes ☐ No

If yes, please enter VCAT reference number* _____

4. Are you seeking an injunction (an urgent order that directs someone to do or not to do something)?
There is an additional fee if you are applying for an injunction.

☐ Yes ☐ No

CLAIM AND PAYMENT DETAILS

5. If you are seeking payment of money, how much is your claim?

Enter the amount you are claiming in the field below (or if not claiming an amount enter the approximate value of your claim).

Claim amount $

The amount you claim will determine the application fee payable. To check the current fee, go to the VCAT website at vcat.vic.gov.au/fees.

PREMISES DETAILS

6a. Provide details of the premises, lot(s) or unit(s) that are the subject of this dispute.

☐ Owners Corporation, enter Registered Number*

☐ Service Company, enter ACN*

☐ Company Title Corporation, enter ACN*

Address of premises*

Suburb* State* Postcode*

6b. Does the person making this application reside at these premises?

☐ Yes ☐ No

6c. Does the person you are making this application against reside at the premises?

☐ Yes ☐ No

APPLICANT DETAILS

7. Are you applying as:

☐ a lot owner or former lot owner of an owners corporation

First name* Last name*

☐ a shareholder or former shareholder of a service company or company title corporation

☐ an owners corporation, provide details below

Name* Registered No.*

☐ an occupier or former occupier of a lot or unit, provide details below

First name* Last name*

☐ a service company ☐ a company title corporation ☐ other company (eg Pty Ltd), provide details below

Company name* ACN or ABN*

☐ a manager or former manager of an owners corporation, provide details below

☐ the mortgagee of a lot or unit, provide details below

First name* Last name*

Company name* ACN or ABN*

☐ other, please specify

8. Do you identify as a person of Aboriginal and/or Torres Strait Islander descent?
Our Koori Engagement Manager can give you cultural support throughout your case.

☐ Yes ☐ No

9. What is your address?

Street address*

Suburb* State* Postcode*

10. How can VCAT contact you?

Name of contact person*

Contact number* Fax

Email

By providing us with your email, you consent to VCAT updating you about your application by email.

11. Are you represented by a lawyer, manager or other person?

☐ Yes ☐ No, skip to Question 13

12. Provide your representative's details

Name of firm or representative

DX address Reference No.

Street address

Suburb State Postcode

Name of contact person

Contact number Fax

Email

SECOND APPLICANT'S DETAILS

If there are more than two applicants copy this section, complete and attach.

13. Are you applying as:

☐ a lot owner or former lot owner of an owners corporation

First name* Last name*

☐ a shareholder or former shareholder of a service company or company title corporation

☐ an owners corporation, provide details below

Name of owners corporation*

Registered number*

☐ an occupier or former occupier of a lot or unit, provide details below

First name* Last name*

☐ a service company ☐ a company title corporation ☐ other company (eg Pty Ltd), provide details below

Company name* ACN or ABN*

☐ a manager or former manager of an owners corporation, provide details below

☐ the mortgagee of a lot or unit, provide details below

First name* Last name*

Company name* ACN or ABN*

☐ other - please specify

14. What is your address?

Street address*

Suburb* State* Postcode*

15. How can VCAT contact you?

Name of contact person*

Contact number* Fax

Email

By providing us with your email, you consent to VCAT updating you about your application by email.

16. Are you represented by a lawyer, manager or other person?

☐ Yes ☐ No, skip to Question 18

17. Provide your representatives details

Name of firm or representative

DX address Reference No.

Street address

Suburb State Postcode

Contact person

Contact number Fax

Email

WHO ARE YOU MAKING THIS APPLICATION AGAINST?

The respondent is the person or entity you are making this application against. In most applications, the owners corporation is the respondent, not the management company nor the individual manager.

18. Is the respondent:

☐ a lot owner or former lot owner of an owners corporation

First name* Last name*

☐ a shareholder or former shareholder of a service company or company title corporation

☐ an owners corporation, provide details below

Owners corporation name*

Registered number*

☐ an occupier or former occupier of a lot or unit, provide details below

First name* Last name*

☐ a service company ☐ a company title corporation ☐ other company (eg Pty Ltd), provide details below

Company name* ACN or ABN*

☐ a manager or former manager of an owners corporation, provide details below

☐ the mortgagee of a lot or unit, provide details below

First name* Last name*

Company name* ACN or ABN*

☐ Other - please specify

19. What is the respondent's address and contact details?

- If the respondent is an individual - provide a street address (PO Box is not sufficient)
- If a company - provide the address of the Registered Office on the ASIC Company Extract (see page 8)
- If an owners corporation - provide the address of its manager or contact person
- If trading under a business name - provide the address for service of document on the ASIC Business Name Extract (see page 8)

Street address*

Suburb* State* Postcode*

Contact number (if known) Fax (if known)

Email (if known)

20. Is the respondent represented by a lawyer, manager or other person?

☐ Yes ☐ No, skip to Question 22 ☐ Don't know, skip to Question 22

21. Provide their representative's details

Name of firm or representative

DX address Reference no.

Street address

Suburb State Postcode

Contact person

Contact number Fax

Email

22. Is there another respondent you are claiming against?

☐ Yes ☐ No, skip to Question 27

SECOND RESPONDENT'S DETAILS

If there are more than two respondents copy this section, complete and attach to your application.

23. Is the second respondent:

☐ a lot owner or former lot owner of an owners corporation

First name* Last name*

☐ a shareholder or former shareholder of a service company or company title corporation

☐ an owners corporation, provide details below

Owners corporation name*

Registered number*

☐ an occupier or former occupier of a lot or unit, provide details below

First name* Last name*

☐ a service company ☐ a company title corporation ☐ other company (eg Pty Ltd), provide details below

Company name ACN or ABN

For other types of respondents, see the next page.

☐ a manager or former manager of an owners corporation, provide details below

☐ the mortgagee of a lot or unit, provide details below

First name* | Last name*

Company name* | ACN or ABN*

☐ other - please specify

24. What is the second respondent's address and contact details?

If the second respondent is an individual - provide a street address (PO Box is not sufficient)
If a company - provide the address of the Registered Office on the ASIC Company Extract (see page 8)
If an owners corporation - provide the address of its manager or contact person
If trading under a business name - provide the address for service of document on the ASIC Business Name Extract (see page 8)

Street address*

Suburb* | State* | Postcode*

Contact number* | Fax

Email

25. Is the second respondent represented by a lawyer, manager or other person?

☐ Yes, complete the fields below, if different from first respondent ☐ No, skip to Question 27

☐ Don't know, skip to Question 27

26. Provide their representative's details

Name of firm or representative

DX address | Reference no.

Street address

Suburb | State | Postcode

Contact person

Contact number | Fax

Email

APPLICATION DETAILS

27. If the applicant is an owners corporation, is there a special resolution in support of this application?

☐ No ☐ Yes

28. Is this application for the recovery of fees?

☐ No, skip to Question 30 ☐ Yes

29. Have you followed the procedure in s31 and s32 of the Owners Corporations Act 2006?

☐ No - Your application will be rejected on the grounds that you failed to follow the procedure in section 31 and section 32

☐ Yes - Complete both dates below

Date of fee notice: (dd/mm/yyyy) / /

Date of final notice: (dd/mm/yyyy) / /

30. Is the application about a breach of the Owners Corporations Act, regulations or rules?

☐ No ☐ Yes

31. Has the owners corporation given any notices under Part 10 of the Owners Corporations Act?

☐ No ☐ Yes

DISPUTE DETAILS

32. Briefly describe the problem.

Be clear and include enough information to enable the respondent to understand the claim.

If claiming payment of money, you must include details of each amount claimed.

If you do not provide enough information the hearing may be adjourned to allow the respondent to prepare a defence. If the hearing is adjourned you may need to pay a hearing fee for any adjourned hearing.

33. Please tick the order(s) you want VCAT to make.

☐ An order for the payment of money

☐ An order that a party to do or not do something

☐ An order that a party to comply with the Owners Corporations Act 2006, regulations or rules

☐ An order to vary a contract or agreement

☐ A declaration about whether a contract or agreement is or is not void

☐ A declaration about the meaning of a rule or delegation

☐ An order appointing or revoking the appointment of a manager of an owners corporation

☐ An order about damaged or destroyed buildings or improvements

☐ Order an insurance payment

☐ An order about recording the Tribunal's order in the Register kept under the Transfer of Land Act 1958 or require amendment of that Register

☐ An order directing a party to comply with the Company Titles (Home Units) Act 2013, a rule of a company title corporation or service company or a term of a service agreement

☐ An order appointing an administrator (Division 4)

☐ Other - please specify

HEARING ARRANGEMENTS

34. Do you or any other person appearing at the hearing need special assistance?

☐ Yes, specify what special assistance is needed below ☐ No, skip to question 35

☐ Hearing loop ☐ Security

☐ Interpreter - who needs an interpreter?

First name | Last name

Language/dialect

☐ Other, please specify

SUPPORTING DOCUMENTS

35. You must attach the following to this application:

☐ **If the respondent is an individual trading under a business name**
An extract of the respondent's business name showing the address for service of documents.
Obtain a Business Name Extract at www.asic.gov.au.

☐ **If the respondent is a company**
An ASIC Company Extract showing the address of the Registered Office of the company.
Obtain a Company Extract at www.asic.gov.au.

APPLICATION CHECKLIST

36. Please ensure you have completed the following:

☐ You have attached a recent ASIC Company or Business Name Extract (if the respondent is a company or trading under a business name).

☐ You have paid and attached the relevant application fee or you have applied for a fee waiver.

☐ **You have made a copy of this application for your own records.**

ACKNOWLEDGEMENT

☐ By ticking this box, I understand and acknowledge that:

- to the best of your knowledge, all information provided in this form is true and correct
- it is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT.

Date of acknowledgement (dd/mm/yyyy): / /

ABOUT VCAT FEES

VCAT fees are charged according to three levels:

- **corporate** fees for businesses and companies with a turnover of $300,000 or more in the previous financial year, corporate entities, schools and government agencies
- **standard** fees for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than $300,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession** fees for people who hold an Australian health care card, pensioner concession card or a veteran gold card. You must provide a copy of your card with your application.

To find out if you need to pay an application fee and how much it costs, go to vcat.vic.gov.au/fees.

FEE RELIEF

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. You can also apply for fee relief if paying the fee would cause you financial hardship.

For more information about fee relief, go to www.vcat.vic.gov.au/feerelief.

Are you applying for fee relief?

☐ No, go to **Fee payment** section

☐ Yes, complete **Fee relief form** and attach it to this application form

FEE PAYMENT

Complete this section unless you are applying for fee relief or no fee is payable.

If you need to pay a fee, we will contact you to make the fee payment over the phone.

How can VCAT contact you?

Contact person *

Contact number *

Email *

WHAT HAPPENS NEXT?

After you lodge this application, it will be processed and given a VCAT reference number. If you need to pay a fee a VCAT representative will contact you to make the payment, or tell you of the outcome of a fee relief application. If we cannot contact you to make payment, your application may not be processed.

VCAT will then send you a “Notice of Application and Notice of Hearing” or a “Notice of Application and Notice of Directions Hearing”. Make sure you read the Notice carefully. It will contain the VCAT reference number, the date, time and place of your hearing, and important information about what else you need to do before the hearing.

REMOVE THIS PAGE WHEN SENDING A COPY OF THIS APPLICATION TO OTHER PARTIES

SUBMITTING THIS APPLICATION

You can submit this application form to VCAT either by email, post or in person.

By email
Email civil@vcat.vic.gov.au

By post
Send this form to:
Victorian Civil and Administrative Tribunal
Owners Corporations List
GPO Box 5408 Melbourne VIC 3001

In person

You can submit your application in person at one of our venues.
To find your closest venue, visit vcat.vic.gov.au/visit