

APPLICATION BY A PERSON EXPERIENCING PERSONAL OR FAMILY VIOLENCE – RESIDENTIAL TENANCIES

Use this application if you are a renter (tenant), resident, or site tenant who has experienced or is experiencing family or personal violence. You can ask VCAT to make orders about your rental agreement (lease) or rental property under the *Residential Tenancies Act 1997*.

The most common applications are about ending or changing the rental agreement. The type of application you can make depends on your circumstances.

WHAT YOU CAN APPLY FOR

End a rental agreement and/or enter a new rental agreement

You can apply to end the rental agreement and leave **or** enter into a new rental agreement to stay if:

- you are renting or living at a rental property but are not named on the rental agreement; and
- have been (or are being) subjected to violence from another person named on the rental agreement, who is:
 - a family member (eg. partner, former partner, family member) or a person with whom you have had an intimate personal relationship; or
 - someone you have obtained a personal safety intervention order against.

This is an urgent application that may be scheduled for a hearing within **3 business days**.

End or reduce a fixed term rental agreement because of hardship

You can only apply to end or reduce a fixed term rental agreement if:

- you have experienced an unforeseen change in circumstances causing severe hardship (eg. unable to pay rent)
- your rental agreement is for a house, unit, apartment or a residential park (Part 4A site) and you are still in possession of the property (eg. you have not returned the keys)
- the person who subjected (or is subjecting) you to violence is not named on the rental agreement or you don't have a personal safety intervention order against them.

Challenge a notice to vacate

You can object to a notice to vacate you received if:

- the reason the notice was given was because of the actions of another person
- that other person has subjected (or is subjecting) you to personal or family violence.

Anything else

You can apply for anything else that we can hear under the *Residential Tenancies Act 1997* (eg. about the bond, for compensation or repairs).

NEED SUPPORT WITH YOUR APPLICATION?

If you need help completing this form or would like to find out about support services, contact our Family Violence Support Worker on 03 9628 9856.

Our Family Violence Support Worker can:

- help you understand the VCAT process
- help you complete an application form and send (serve) documents
- connect you to other services for ongoing support
- in some circumstances, support you during the VCAT hearing and provide remote witness facilities.

Our Family Violence Support Worker cannot give you legal advice about your personal situation but can refer you to legal support services.

Free legal information and advice

These services can provide free legal information and advice:

Tenants Victoria

<https://tenantsvic.org.au>
03 9416 2577

Victorian Aboriginal Legal Service

www.vals.org.au
1800 064 865

Justice Connect

www.justiceconnect.org.au
1800 606 313

Domestic Violence Victoria

www.dvvic.org.au
03 9921 0828

Victoria Legal Aid

www.legalaid.vic.gov.au
1300 792 387

YOUR SAFETY IS IMPORTANT TO US

For safety reasons, we will:

- keep your contact details on Page 5 confidential for VCAT use only and not share them with others unless you give us permission
- schedule your hearing by phone unless you request otherwise.

Throughout the VCAT case, you will be referred to as the applicant. Everyone else you have named in your application will be referred to as respondents. This includes the rental provider (landlord) and anyone else on the rental agreement.

APPLICATION FEES

There are no application fees for applicants if you are:

- a protected person or affected family member under an intervention order, who is the applicant in a residential tenancies case involving family or personal violence
- represented by:
 - Victoria Legal Aid
 - a community legal centre
 - a provider under the Tenancy Assistance Advocacy program
 - a recognised provider who has deemed you eligible through a means test.

If this doesn't apply to you, you can check application fees at www.vcat.vic.gov.au/fees.

ABOUT THE RENTAL PROPERTY

Provide details for the property you are applying about.

1. The rental property is a:

- House, unit or apartment Site
 Caravan or caravan park Rooming house

2. Address of the rental property:

This address will appear on the notice of hearing and any orders made by VCAT.

Street address

Suburb

State

VIC

Postcode

PART 2: APPLICANT DETAILS

In this application, you are the applicant. Everyone else you mention on your application will be called respondents.

3. Your details:

Given names

Family name

4. Are you a:

- Renter (tenant) Caravan park resident
 Rooming house resident Site tenant

5. Are you a:

- A renter named on the rental agreement
 An occupant who lives at the property but is not listed on the rental agreement

This page has been left blank intentionally. Go to the next page.



Details you share on this page (Page 5) are for VCAT only. VCAT will not share these details with others.

To keep these details confidential, remove this page if you send this document to other parties.

APPLICANT CONTACT DETAILS

5a. Your address:

Street address

Suburb

State

Postcode

5b. Does the person who committed (or is committing) violence against you know your address and/or contact details?

Yes

Which of these contact details do they know?

Address

Email

Phone number

No

Don't know

5c. How can we safely contact you?

If you have concerns about others being able to read emails we send you, consider setting up a new email account.

Email

Phone number

5d. Provide us with any instructions, if needed, on how and when it is safe for us to contact you.

For example, 'call me during 11am and 1pm only'.

5e. Do you wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent?

Yes

No



To keep these details confidential, remove this page if you send this document to other parties.

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PART 3: IS SOMEONE REPRESENTING YOU?

A representative is someone who you have authorised to act on your behalf (eg. appear at the hearing). We will send correspondence directly to the representative.

6. Are you represented by a professional?

No

Yes – select:

Support worker

Lawyer

Other representation, please specify:

7. If you are represented by a professional, provide details (as applicable):

Organisation	<input type="text"/>		
Contact name	<input type="text"/>		
Email	<input type="text"/>		
Phone number	<input type="text"/>		
Street address	<input type="text"/>		
Suburb	<input type="text"/>	State	<input type="text" value="VIC"/>
		Postcode	<input type="text"/>

PART 4: THE RENTAL PROVIDER (LANDLORD)

If your rental provider (landlord) has a real estate agent managing the property, provide their details.

8. Details of the real estate agent or property manager (as applicable):

Given names	<input type="text"/>		
Family name	<input type="text"/>		
Organisation	<input type="text"/>		
Email	<input type="text"/>		
Phone number	<input type="text"/>		
Street address	<input type="text"/>		
Suburb	<input type="text"/>	State	<input type="text" value="VIC"/>
		Postcode	<input type="text"/>

9. Details of the rental provider/s (landlord/s) (as applicable):

The rental provider (landlord) is the person or organisation who you have a rental agreement with. To find the name of the rental provider, check your rental agreement or speak to your real estate agent. If you do not know their name, enter 'The Rental Provider (Landlord)'.

Given names			
Family name			
Organisation			
ACN			
Email			
Phone number			
Street address			
Suburb		State	VIC
		Postcode	

PART 5: OTHER PEOPLE ON THE RENTAL AGREEMENT

You need to tell us about everyone named on the rental agreement. If there are no other co-renters listed on your rental agreement, go to Part 6.

Details of co-renter 1

10. Name:

Given names			
Family name			

11. Are they still living at the rental property?

Yes, go to Question 13 No Don't know

12. Provide their current or last known address:

Street address			
Suburb		State	
		Postcode	

13. Contact details:

Email			
Phone number			

If there are no other co-renters listed in your rental agreement, go to Part 6.

Details of co-renter 2

14. Name:

Given names

Family name

15. Are they still living at the rental property?

Yes, go to Question 17

No

Don't know

16. Provide their current or last known address:

Street address

Suburb

State

Postcode

17. Contact details:

Email

Phone number

If there are more people listed on the rental agreement, include an attachment with their details.

PART 6: END OR CREATE A NEW RENTAL AGREEMENT

Complete this section if you want VCAT to end the rental agreement because you have been (or are being) affected by personal or family violence, or you have an intervention order against a person.

You can apply to end the agreement and leave the property **or** create a new rental agreement to stay in the property.

18. Is the person who subjected (or is subjecting) you to personal or family violence named on the rental agreement?

Yes, provide their name:

No – you can apply to end a fixed term rental agreement. Go to Part 7.

19. Is the person who subjected (or is subjecting) you to violence a partner, former partner, family member or someone with whom you have had an intimate personal relationship?

Yes, this is called family violence

No, this is called personal violence. Go to Question 24.

Family violence

Complete this section if you were subjected to family violence.

We understand describing incidents of violence in detail is difficult. Do your best to answer these questions.

20. Do you have a family violence intervention order?

Yes, attach the order and your court application for the order. Go to Question 25.

No – go to Question 21.

21. Has the person who subjected (or is subjecting) you to family violence behaved in a manner that:

- | | |
|--|---|
| <input type="checkbox"/> Was physically or sexually abusive | <input type="checkbox"/> Was threatening |
| <input type="checkbox"/> Was emotionally or psychologically abusive (<i>eg. repeated name-calling or putdowns, threats to disclose your sexual orientation, threats to withhold medication, socially isolated you, threats of self-harm</i>) | <input type="checkbox"/> Was economically abusive (<i>eg. removed or disposed of property without permission, prevented you from seeking employment, coerced you to sign a financial contract or give up control of assets, income or finances</i>) |
| <input type="checkbox"/> Forced you to marry without your consent and/or used dowry or family finance issues to control you | <input type="checkbox"/> In any way controlled or dominated you and caused you to fear for your (or another person's) safety or wellbeing |

22. Has the person who subjected (or is subjecting) you to family violence:

- | | |
|--|--|
| <input type="checkbox"/> Assaulted or threatened to assault you | <input type="checkbox"/> Caused or threatened to cause the death, or injury to, an animal so as to control, dominate or coerce you |
| <input type="checkbox"/> Damaged your property or threatened to do so | <input type="checkbox"/> Caused a child to be exposed to any of these behaviours |
| <input type="checkbox"/> Deprived you of your liberty or threatened to do so | |

23. What was the most recent incident of family violence? What happened? Has there been a history of family violence?

Try to describe what occurred. Aim to provide approximate times and dates if you can't remember exactly.

If you need more space, include an attachment to your application.

Personal violence

24. Do you have a personal safety intervention order?

- Yes, attach the order and your court application for the order. Go to Question 25.
- No – you can apply to end a fixed-term rental agreement. Go to Part 7.

What you are applying for

Depending on the type of property, you are applying for these orders under section 91V, 142S, 206AG or 207M of the *Residential Tenancies Act 1997*.

25. What are you applying to do?

- End the rental agreement early because you no longer want to live at the property

State when you want the rental agreement to end (DD/MM/YYYY):

- End the current rental agreement and create a new agreement

If you want to add someone else to the new rental agreement with you, provide this person's details:

Given names

Family name

Email

Phone number

Street address

Suburb

State

VIC

Postcode

26. Do you want us to also consider:

You can ask for this under 91X, 142T, 206AH or 207N of the *Residential Tenancies Act 1997* depending on the type of property.

- Bond
- Outstanding utility charges owed to the rental provider (eg. electricity, gas, water)
- Outstanding rent
- Damage to the rental property

If so, provide full details so that the other parties know what you are asking VCAT for and why.

If you need more space, include an attachment to your application.

PART 7: END A FIXED-TERM AGREEMENT DUE TO HARDSHIP

Complete this section if you want to end or reduce a fixed term rental agreement because of unforeseen circumstances causing you severe hardship and:

- your rental agreement is for a house, unit, apartment or a residential park (Part 4A site)
- you are still in possession of the property (eg. you have not returned the keys).

This means you are applying under section 91U or 207L of the *Residential Tenancies Act 1997*.

27. Do you want an order to end the rental agreement because you are experiencing severe hardship?

No, go to Part 8

Yes, state when the current rental agreement ends (DD/MM/YYYY):

State when you want the rental agreement to end (DD/MM/YYYY):

Explain the hardship unexpected circumstances you are experiencing and why you cannot meet your responsibilities in the rental agreement (eg. unable to pay rent):

If you need more space, include an attachment to your application.

PART 8: CHALLENGE A NOTICE TO VACATE

Complete this section if you want to challenge certain notices to vacate where:

- the reason the notice was given was because of the actions of another person
- that other person has subjected (or is subjecting) you to personal or family violence.

To challenge a notice to vacate in this situation, you must apply within 30 days of receiving the notice.

28. I want to challenge a notice to vacate from my rental provider (landlord) who gave the following reason for wanting to evict me:

Damage

Threats and intimidation

Failure to follow a VCAT order

Successive breaches of my responsibility as a renter (tenant)

Danger

Using the rental property for illegal purposes

Drug-related conduct in public housing

Disruption

29. Are you applying within 30 days of receiving the notice to vacate?

You must attach a copy of the notice to vacate.

Yes

No – you will need to explain at the hearing why you should be given an extension of time

Family violence

Complete this section if you were (or are being) subjected to family violence.

We understand describing incidents of violence in detail is difficult. Do your best to answer these questions.

30. Do you have a family violence intervention order?

- Yes, attach the order and your court application for the order. Go to Question 34.
- No – go to Question 31.

31. Has the person who subjected (or is subjecting) you to family violence behaved in a manner that:

- | | |
|--|---|
| <input type="checkbox"/> Was physically or sexually abusive | <input type="checkbox"/> Was threatening |
| <input type="checkbox"/> Was emotionally or psychologically abusive (<i>eg. repeated name-calling or putdowns, threats to disclose your sexual orientation, threats to withhold medication, socially isolated you, threats of self-harm</i>) | <input type="checkbox"/> Was economically abusive (<i>eg. removed or disposed of property without permission, prevented you from seeking employment, coerced you to sign a financial contract or give up control of assets, income or finances</i>) |
| <input type="checkbox"/> Forced you to marry without your consent and/or used dowry or family finance issues to control you | <input type="checkbox"/> In any way controlled or dominated you and caused you to fear for your (or another person's) safety or wellbeing |

32. Has the person who subjected (or is subjecting) you to family violence:

- | | |
|--|--|
| <input type="checkbox"/> Assaulted or threatened to assault you | <input type="checkbox"/> Caused or threatened to cause the death, or injury to, an animal so as to control, dominate or coerce you |
| <input type="checkbox"/> Damaged your property or threatened to do so | <input type="checkbox"/> Made any other serious threat |
| <input type="checkbox"/> Deprived you of your liberty or threatened to do so | <input type="checkbox"/> Caused a child to be exposed to any of these behaviours |
| <input type="checkbox"/> Harassed you | |

33. What was the most recent incident of family violence? What happened? Has there been a history of family violence?

Try to describe what occurred. Aim to provide approximate times and dates if you can't remember exactly.

If you need more space, include an attachment to your application.

Personal violence

34. Do you have a personal safety intervention order?

- Yes, attach copies of the order and your court application for the order. Go to Part 9.
 No – Go to Question 35.

35. Has the person who subjected (or is subjecting) you to personal violence:

- Physically assaulted you Damaged or interfered with your property
 Sexually assaulted you Made a serious threat against you
 Harassed you

36. What was the most recent incident of personal violence? What happened? Has there been a history of personal violence?

Try to describe what occurred. Aim to provide approximate times and dates if you can't remember exactly.

If you need more space, include an attachment to your application.

PART 9: OTHER VCAT ORDERS

Complete this section if you are applying about anything else not already mentioned.

Important information about section numbers

You must provide the relevant section number in the *Residential Tenancies Act 1997* that tells us what orders you want VCAT to make.

You may also have to provide specific information or documents to support your application. If you do not provide information or documents that VCAT needs, your application may be delayed.

To see a list of section numbers, and what documents must be provided with your application, go to vcat.vic.gov.au/rentingnotice

37. What are you applying about:

- | | | |
|---------------------------------------|-----------------|----------------------|
| <input type="checkbox"/> Bond | Section number: | <input type="text"/> |
| <input type="checkbox"/> Compensation | Section number: | <input type="text"/> |
| <input type="checkbox"/> Repairs | Section number: | <input type="text"/> |

Restraining order

Section number:

Other

Section number:

Explain what you are asking for and why so that VCAT and the respondents understand your claim. Include calculations of any amounts you are asking for.

If you need more space, include an attachment to your application.

PART 10: BOND DETAILS

38. Do you have a bond?

- Yes – lodged with the Residential Tenancies Bond Authority (RTBA)
 Yes – not lodged with the RTBA
 No, go to Part 11

39. Did the Director of Housing or registered housing agency contribute towards the payment of this bond?

- Yes – complete the details below No

Details of contribution by Director of Housing or registered housing agency:

Bond number Amount paid \$

40. Details of bond paid by renters:

You only need to enter the bond number once if it is the same for all renters.

Renter name

Bond number Amount paid \$

Renter name

Bond number Amount paid \$

Renter name

Bond number Amount paid \$

Total amount paid \$

PART 11: OTHER VCAT CASES

41. Is there, or has there been, a related case at VCAT involving the same applicant/s and respondent/s?

No

Yes, provide the VCAT reference number/s

PART 12: HEARING ARRANGEMENTS

For safety reasons we organise for you to appear at the hearing by phone conference. If you wish to appear via video link, contact VCAT's Family Violence Support Worker.

42. Do you or anyone mentioned in this application need special assistance at the hearing?

We offer a range of support services for people with disability, those who need an interpreter and to help with accessibility.

Assisted communication (e.g. assistive listening device or hearing loop)

Help accessing the venue (e.g. wheelchair access)

Interpreter required

Language:

Other

No assistance required

Provide more detail about who needs the forms of assistance you have indicated and why.

If you need more space, include an attachment to your application.

PART 13: SENDING YOUR APPLICATION TO OTHER PARTIES

A copy of this application must be sent (served) to every person named in this application within **7 days** (or immediately if your application is urgent).

If you have safety concerns around sending your application to any of the parties, VCAT's Family Violence Support Worker can send a copy of your application for you. You will need to send a copy of the application to all other parties.

43. Do you need our Family Violence Support Worker to send a copy of your application to the person who used violence against you?

- Yes, I request VCAT to send (serve) a copy of the application
- No, I will send (serve) a copy of the application to the person who used violence against me

44. I confirm I will send (serve) a copy of this application to all these parties:

- Rental provider (landlord)
- Representatives of all parties (eg. real estate agent, lawyer)
- All other people on the rental agreement
- People I nominate to be added to the rental agreement



You will need to provide evidence you have sent (served) a copy of your application to these parties at the hearing.

PART 14: INTERSTATE PARTIES

45. To your knowledge, do any of the named parties (renter or rental provider) reside in an Australian state other than Victoria?

We may not be able to help in situations where one party lives in another state. For more information, see: www.vcat.vic.gov.au/interstatecases

- Yes No

If yes, provide the name and state of residence for each party residing interstate:

PART 15: ACKNOWLEDGEMENT

By completing this application, I understand and acknowledge that:

- To the best of my knowledge, all information provided in this application 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):

APPLICATION CHECKLIST

Attach the following documents (if applicable) when sending your application to us.

If you have an intervention order

Attach a copy of one of the following documents.

- Copy of any family violence safety notice, family violence intervention order or recognised non-local DVO
- Copy of your personal safety intervention order
- Copy of your application for an intervention order

If you are applying about the bond on the rental property

- Bond receipt or bond number

If you are applying to challenge a notice to vacate

- Copy of the notice to vacate being challenged

Documents you can also attach with this application

Attaching a copy of these documents will give us more information about your situation.

- Rental, residency or site agreement

Send a copy of your application to the following parties

- Rental provider (landlord)
- Representatives of all parties (eg. Real estate agent, lawyer)
- Others named on the rental agreement (if any)
- Person you want added to a new rental agreement (if any)
- Person who subjected (or is subjecting) you to personal or family violence (unless you asked us to send it on your behalf in Question 43)



Remember to remove Page 5 if you are sending a copy of this application to other parties. This will keep your contact details confidential.

SUBMITTING THIS APPLICATION

Submit your application and supporting documents to VCAT by email, by post or in person.

 **If it is urgent, you should try to email it to us so we can process your application quicker.**

Ensure you keep a copy of this application for your records.

By email

Email renting@vcat.vic.gov.au

By post

Send to:

The Registrar
Residential Tenancies List
Victorian Civil and
Administrative Tribunal
GPO Box 5408
Melbourne VIC 3000

In person

Go to:

Victorian Civil and
Administrative Tribunal
Ground Floor, 55 King Street,
Melbourne VIC 3000

WHAT HAPPENS NEXT

Your application will be case managed by VCAT's Family Violence Support Worker. We review your application and contact you if we need more information. We will send you and everyone else named in your application a Notice of Hearing. The notice will tell you how the hearing will take place, and the time and date you must attend the hearing.

For more information about what happens next and what you need to do to prepare for your hearing, go to: www.vcat.vic.gov.au/afterapplyrenting

We will communicate with all parties named in this application about your case. If this raises safety concerns for you, indicate this in your application or contact VCAT's Family Violence Support Worker.

For further assistance, contact the Family Violence Support Worker:

- call 03 9628 9856
- email renting@vcat.vic.gov.au and add 'To the Family Violence Support Worker' in the subject line.