

# APPLICATION ABOUT A RETAIL OR COMMERCIAL LEASE

Use this form if you want VCAT to hear your Retail and Commercial Leases dispute.

## CLAIM DETAILS

### 1. How much money are you claiming?

Enter the amount you are claiming. The amount you claim determines the application fee you must pay. If you are not claiming an amount, leave blank and you will be charged the fee for a non-monetary application. To check the current fee, go to the [www.vcat.vic.gov.au/fees](http://www.vcat.vic.gov.au/fees).

Claim amount

### 2. Are you applying for an injunction?

VCAT can make an order for a party to do or stop doing something that may cause damage to another party. This is called an injunction. Additional fees apply if you are seeking an injunction.

Yes  No – skip to Question 4

### 3. What is your injunction application for?

- |   |  |
|---|--|
| <input type="checkbox"/> To stop the landlord re-entering and taking possession of premises | <input type="checkbox"/> Relief against forfeiture                     |
| <input type="checkbox"/> To gain possession of the premises                                 | <input type="checkbox"/> To collect goods                              |
|   | <input type="checkbox"/> Other – specify what it is for in Question 26 |

## WHO IS MAKING THIS APPLICATION?

### 4. Are you the landlord, tenant, guarantor or other?

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| <input type="checkbox"/> Landlord | <input type="checkbox"/> Guarantor |
| <input type="checkbox"/> Tenant   | <input type="checkbox"/> Other     |

If other, please specify:

### 5. Are you an individual, business, company or trustee?

- |  |   |
|--|---|
| <input type="checkbox"/> Individual          | <input type="checkbox"/> Trustee (individual) |
| <input type="checkbox"/> Business or company | <input type="checkbox"/> Trustee (company)    |

### 6. Details of applicant:

**If the applicant is an individual or trustee (individual):**

Given names

Family name

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

Yes  No

**If the applicant is a business, company or trustee (company):**

Contact person's name

Business or company name

ABN or ACN

**7. Contact details:**

Email

Phone number

Street address

Suburb  State  Postcode

**IS SOMEONE REPRESENTING YOU?**

**8. If you are represented by a lawyer, professional advocate or other professional representative, provide details (as applicable):**

Organisation

Contact name

Email

Phone number

Street address

Suburb  State  Postcode

**9. Do you want VCAT to send all correspondences to your professional representative?**

Yes  No

**IS THERE ANOTHER APPLICANT?**

Is there another applicant making this application with you? If not applicable, skip to Question 14.

**10. Is the second applicant the landlord, tenant, guarantor or other?**

Landlord  Guarantor  
 Tenant  Other

If other, please specify:

**11. Is the second applicant an individual, business, company or trustee?**

Individual  Trustee (individual)  
 Business or company  Trustee (company)

**12. Details of second applicant:**

**If the second applicant is an individual or trustee (individual):**

Given names

Family name

**Does the second applicant wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent?**

Yes  No

**If the second applicant is a business, company or trustee (company):**

Contact person's name

Business or company name

ABN or ACN

**13. Second applicant's contact details:**

Email

Phone number

Street address

Suburb  State  Postcode

If there are more than two applicants, include an attachment with the details of all other applicants.

**WHO ARE YOU MAKING THE APPLICATION AGAINST?**

The person you are making an application against is the respondent.

**14. Is the respondent the landlord (not the agent or lawyer), tenant, guarantor or other?**

Landlord  Guarantor

Tenant  Other

If other, please specify:

**15. Is the respondent an individual, business, company or trustee?**

Individual  Trustee (individual)

Business or company  Trustee (company)

**16. Details of respondent:**

**If the respondent is an individual or trustee (individual):**

Given names

Family name

**If the respondent is a business, company or trustee (company):**

Contact person's name

Business or company name

ABN or ACN



If the respondent is a company, you must buy an ASIC Company Extract for that company. It confirms you are taking legal action against the right company and that the registered address is correct. You must provide a copy of the Company Extract with your application.

Search ASIC's register to buy the Company Extract by going to [www ASIC.gov.au](http://www ASIC.gov.au).

**17. Respondent's contact details:**

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"/>

**IS SOMEONE REPRESENTING THE RESPONDENT?**

**18. If the respondent is represented by a lawyer, professional advocate or other professional representative, 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"/>

**SECOND RESPONDENT'S DETAILS**

Is there another respondent you are making this application against? If not applicable, skip to Question 23.

**19. Is the second respondent the landlord, tenant, guarantor or other?**

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| <input type="checkbox"/> Landlord | <input type="checkbox"/> Guarantor |
| <input type="checkbox"/> Tenant   | <input type="checkbox"/> Other     |

If other, please specify:

**20. Is the second respondent an individual, business, company or trustee?**

- |  |   |
|--|---|
| <input type="checkbox"/> Individual          | <input type="checkbox"/> Trustee (individual) |
| <input type="checkbox"/> Business or company | <input type="checkbox"/> Trustee (company)    |

**21. Details of second respondent:**

**If the second respondent is an individual or trustee (individual):**

Given names	<input type="text"/>
Family name	<input type="text"/>

**If the second respondent is a business, company or trustee (company):**

Contact person's name	<input type="text"/>
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Business or company name

ABN or ACN

**22. Second respondent's contact details:**

Email

Phone number

Street address

Suburb  State  Postcode

If there are more than two respondents, include an attachment with the details of all other respondents.

**APPLICATION FOR ORDER**

**23. What is your application about?**

- Retail lease                       Commercial lease                       Other

If other, please specify:

**24. Address of the lease**

Street address

Suburb  State  Postcode

**25. Has a notice of breach been served under s146 of the Property Law Act? If yes, state the date it was served?**

- Yes

Date notice of breach was served (DD/MM/YYYY):

- No

**26. Describe the orders you want VCAT to make:**

**27. Provide the reasons you are making this application:**

## HEARING ARRANGEMENTS

We offer a range of support services for people with disability, language difficulties and to help with accessibility. Let us know of your needs so we can make arrangements for the hearing.

### 28. Does anyone mentioned in this application need special assistance at the hearing?

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

Interpreter required

Language:

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

Attend the hearing by phone or video link

Other

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

## SUPPORTING DOCUMENTS

You must attach copies of the following to this application:

- Certificate from the Small Business Commissioner – required for all applications about a retail lease **unless** you are applying for any of the following:
  - for an injunction
  - for outstanding rent only
  - about a dispute for a rental determination by a specialist valuer
  - to enforce terms of settlement at the Small Business Commission.
- Lease agreement – if you are applying about a retail lease.
- ASIC Company Extract – if the respondent is a company. It confirms you are taking legal action against the right company and that the registered address is correct. You must provide a copy of the Company Extract with your application. Search ASIC's register to buy the Company Extract by going to [www.asic.gov.au](http://www.asic.gov.au).
- Notice to vacate under s146 of the Property Law Act – if a Notice to Vacate has been served.
- Supporting affidavit or statutory declaration – if you are applying for an injunction.
- Additional copy of your application and all supporting documents – if you are submitting this by post. This will allow VCAT to serve the respondent/s on your behalf.

## ACKNOWLEDGMENT

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 (DD/MM/YYYY):

## ABOUT VCAT FEES

VCAT fees are charged according to three levels:

- **corporate fees** for businesses and companies with a turnover of more than \$200,000 in the previous financial year, corporate entities and government agencies
- **standard fees** for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than \$200,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession fees** for people who hold the Australian Government Health Care 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 [www.vcat.vic.gov.au/fees](http://www.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](http://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, no fee is payable or you wish to pay using another method. For other payment options, see [www.vcat.vic.gov.au/howtopay](http://www.vcat.vic.gov.au/howtopay).

Choose the fee level:  Standard  Corporate  Concession

Fee amount charged

### Card details

Cards accepted:  VISA  MasterCard

Cardholder name:

Card number:

Card expiry (mm/yy):

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

## APPLICATION CHECKLIST

- I have attached my ASIC Company Extract
- I have attached my copy of the lease
- I have attached my certificate from the Small Business Commissioner
- I have attached my affidavit or statutory declaration (if you are applying for an injunction)
- I have attached my copy of the notice served under s146 or Property Law Act
- I have attached **an extra copy** of this application and supporting documents for each respondent (if submitting application by post)
- I have paid the relevant application fee (or applied for a fee waiver)
- I have made a copy of this application for my own records

## PRIVACY INFORMATION

For a copy of VCAT's privacy statement, go to [www.vcat.vic.gov.au/privacy](http://www.vcat.vic.gov.au/privacy).

## SUBMITTING THIS FORM

If you have supplied your credit card details, send your completed form to us by post or deliver it to us in person.

If you have not provided your credit card details on this form, you can submit your application to us by email, post or in person.

To protect yourself, do not send credit card details over email.

### By email

Email [civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)

### In person

Go to:

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

### By post

Send to:

The Registrar  
Building and Property List  
Victorian Civil and  
Administrative Tribunal  
GPO Box 5408 Melbourne VIC  
3001

## NEED HELP WITH YOUR APPLICATION?

If you have any questions about completing this form, contact our Customer Service team:

- email [civil@vcat.vic.gov.au](mailto:civil@vcat.vic.gov.au)
- call 1300 01 8228 (1300 01 VCAT) between 9 am and 4.30 pm Monday to Friday
- go to the Victorian Civil and Administrative Tribunal, Ground Floor, 55 King Street, Melbourne VIC 3000. We are open Monday to Friday from 8.30 am to 4.30 pm. For other VCAT locations, go to [www.vcat.vic.gov.au/contactus](http://www.vcat.vic.gov.au/contactus).