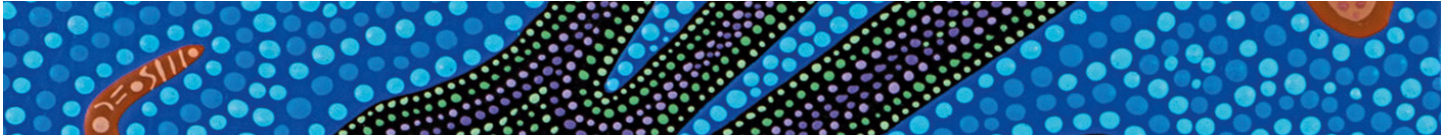


# THE NSW CIVIL AND ADMINISTRATIVE TRIBUNAL



## WHAT IS THE TRIBUNAL?

The **NSW Civil and Administrative Tribunal** (NCAT), is an independent body which deals with certain kinds of disputes between landlords and tenants.

It is not a formal court, but it makes legal decisions. The people who hear cases at the Tribunal are called **Tribunal Members**.

## WHEN WOULD YOU NEED THE TRIBUNAL?

You may have a problem with your landlord that you and your local **Tenants' Advice and Advocacy Service** can't fix. The Tribunal may be able to help by **ordering your landlord to do something**.

**Both a tenant and a landlord** are allowed to ask the Tribunal for help.

## HOW DO YOU APPLY FOR A HEARING?

If you are having trouble with your landlord or the real estate agent you may be able to ask the Tribunal for assistance.

Get some help preparing your case. Contact your local Tenants' Advice and Advocacy Service and talk to them about it – one of their staff may be able to go with you. The Tribunal has to give its permission for you to be represented.

### **Timing and costs**

You usually need to apply to the Tribunal within **3 months** if you have a problem. You will probably have to **pay a fee**.

## WHY SHOULD YOU GO TO A HEARING?

It is important to go to a hearing that relates to you. The Tribunal might make **orders** that affect you even if you are not there. You can bring a friend or family member along. If you do not go, you might find out that:

- you have been evicted
- you have been ordered to pay charges that you did not know about.

### ***Can you change the date of a hearing?***

The Tribunal will set a date for a hearing and let you know in writing. You need to write to the Tribunal if you cannot make that date or time, or ask someone at your local **Tenants' Advice and Advocacy Service** to write a letter for you. It is better to go to the Tribunal or to send a representative.

You can also try asking the landlord or agent personally to agree to a change.

You must give **good reasons** for a change. For example, if you are sick, or if you want someone to represent you.

You should still **attend the hearing** even if you do not hear back from the Tribunal. They may go ahead without you.

## WHAT TO TAKE TO THE HEARING

The Tribunal Member hearing your case will need evidence that supports your argument. This might include:

- the residential tenancy agreement
- a brief written statement of your case
- statutory declarations by other people who

have witnessed important events or who can support your case (signed by a Justice of the Peace or a solicitor)

- receipts or quotes (e.g. for rent, bond, cleaning, repairs)
- copies of all letters/emails between you and the landlord
- photographs that show the problem

## WHAT WILL HAPPEN AT THE HEARING?

At the first hearing, the Tribunal Member will ask you and the landlord or agent to try to negotiate an agreement (**conciliation**). **Do not agree to something that you think is unfair.**

If you and the landlord or agent cannot agree then you can ask the Tribunal to hear your case.

### During a hearing

The Tribunal Member will listen to everyone and ask questions. They will look at any documents, photos or other evidence. They will then make a decision about the case – known as **orders**. This is an ‘informal’ hearing.

If the case is complicated the Tribunal may hold a ‘formal’ hearing.

A formal hearing is more like a law court. The Tribunal Member will usually ask the **applicant** (the person who made the application) to present their case first. They will then ask the other side to answer.

### Notice of orders and reasons

The Tribunal will give you a **notice of orders** explaining what will happen. If you want the reasons for the orders you have to write to the **Registrar** of the Tribunal within **28 days** of receiving the notice of orders.

### Payment of money to you

If the Tribunal orders the landlord to pay you some money, and they do not pay, call your local **Tenants’ Advice and Advocacy Service** for advice.



Painting by Pauline Coxon  
Tenancy issues 2 of 4: Lending a Hand.

## NEED SOME HELP?

Call your local Aboriginal Tenants’ Advice and Advocacy Service for free advice. Phone numbers below.

**For free tenancy advice, call your local Tenants Advice and Advocacy Service:**

#### SYDNEY:

- Eastern 9386 9147
- Inner 9698 5975
- Inner West 9559 2899
- Northern 9559 2899
- Southern 9787 4679
- South West 4628 1678
- Western 8833 0933

#### REGIONAL:

- Blue Mountains 4704 0201
- Central Coast 4353 5515
- Hunter 4969 7666
- Illawarra Sth Coast 4274 3475
- Mid Coast 6583 9866
- Northern Rivers 6621 1022
- Northwest NSW 1800 836 268
- Southwest NSW 1300 483 786

#### ABORIGINAL:

- Sydney 9833 3314
- West NSW 6881 5700
- South NSW 1800 672 185
- North NSW 1800 248 913

**WEBSITE:** [tenants.org.au](http://tenants.org.au)

**NSW FAIR TRADING:** 13 32 20

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by, the law as it applies in New South Wales, Australia. ©Tenants’ Union of NSW

